

DECEMBER 6, 2022

RULES COMMITTEE PRINT 117-70
TEXT OF THE HOUSE AMENDMENT TO THE
SENATE AMENDMENT TO H.R. 7776

**[Showing the text of the James M. Inhofe National Defense
Authorization Act for Fiscal Year 2023]**

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

1 SECTION 1. SHORT TITLE.

2 (a) IN GENERAL.—This Act may be cited as the
3 “James M. Inhofe National Defense Authorization Act for
4 Fiscal Year 2023”.

5 (b) REFERENCES.—Any reference in this or any
6 other Act to the “National Defense Authorization Act for
7 Fiscal Year 2023” shall be deemed to be a reference to
8 the “James M. Inhofe National Defense Authorization Act
9 for Fiscal Year 2023”.

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

12 (a) DIVISIONS.—This Act is organized into 11 divi-
13 sions as follows:

14 (1) Division A—Department of Defense Au-
15 thorizations.

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

3 (3) Division C—Department of Energy Na-
4 tional Security Authorizations and Other Authoriza-
5 tions.

6 (4) Division D—Funding Tables.

7 (5) Division E—Non-Department of Defense
8 Matters.

9 (6) Division F—Intelligence Authorization Act
10 for Fiscal Year 2023.

11 (7) Division G—Homeland Security.

12 (8) Division H—Water Resources.

13 (9) Division I—Department of State Authoriza-
14 tions.

15 (10) Division J—Oceans and Atmosphere.

16 (11) Division K—Don Young Coast Guard Au-
17 thorization Act of 2022.

18 (b) TABLE OF CONTENTS.—The table of contents for
19 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.
- Sec. 5. Explanatory statement.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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

Subtitle C—Navy Programs

- Sec. 121. Requirements relating to EA-18G aircraft of the Navy.
 Sec. 122. Navy shipbuilding workforce development special incentive.
 Sec. 123. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
 Sec. 124. Limitation on authority to modify capabilities and fleet configuration of E-6B aircraft.
 Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers.
 Sec. 126. Procurement authority for Ship-to-Shore Connector program.
 Sec. 127. Procurement authority for CH-53K heavy lift helicopter program.
 Sec. 128. Procurement authorities for John Lewis-class fleet replenishment oiler ships.
 Sec. 129. Procurement authorities for certain amphibious shipbuilding programs.
 Sec. 130. Contracts for design and construction of the DDG(X) destroyer program.
 Sec. 131. Tomahawk and Standard Missile-6 capability on FFG-62 class vessels.
 Sec. 132. Report on advance procurement for CVN-82 and CVN-83.
 Sec. 133. Quarterly briefings on the CH-53K King Stallion helicopter program.

Subtitle D—Air Force Programs

- Sec. 141. Modification of inventory requirements for aircraft of the combat air forces.
 Sec. 142. Inventory and other requirements relating to air refueling tanker aircraft.
 Sec. 143. Requirements relating to F-22 aircraft.
 Sec. 144. Modification of exception to prohibition on certain reductions to B-1 bomber aircraft squadrons.
 Sec. 145. Repeal of Air Force E-8C force presentation requirement.
 Sec. 146. Minimum inventory of C-130 aircraft.
 Sec. 147. Prohibition on availability of funds for retirement of C-40 aircraft.
 Sec. 148. Prohibition on availability of funds for termination of production lines for HH-60W aircraft.
 Sec. 149. Prohibition on certain reductions to inventory of E-3 airborne warning and control system aircraft.
 Sec. 150. Limitation on divestment of F-15 aircraft.
 Sec. 151. Authority to procure upgraded ejection seats for certain T-38A aircraft.
 Sec. 152. Procurement authority for digital mission operations platform for the Space Force.
 Sec. 153. Digital transformation commercial software acquisition.
 Sec. 154. Requirements study and strategy for the combat search and rescue mission of the Air Force.
 Sec. 155. Plan for transfer of KC-135 aircraft to the Air National Guard.
 Sec. 156. Annual reports on T-7A Advanced Pilot Training System.

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

- Sec. 161. Increase in Air Force and Navy use of used commercial dual-use parts in certain aircraft and engines.

- Sec. 162. Assessment and strategy for fielding capabilities to counter threats posed by unmanned aerial system swarms.
- Sec. 163. Assessment and report on military rotary wing aircraft industrial base.
- Sec. 164. Comptroller General audit of efforts to modernize the propulsion, power, and thermal management systems of F-35 aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

- Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Modification of cooperative research and development project authority.
- Sec. 212. Clarification of role of senior official with principal responsibility for artificial intelligence and machine learning.
- Sec. 213. Inclusion of Office of Under Secretary of Defense for Research and Engineering in personnel management authority to attract experts in science and engineering.
- Sec. 214. Modification of limitation on cancellation of designation of Executive Agent for a certain Defense Production Act program.
- Sec. 215. Support for research and development of bioindustrial manufacturing processes.
- Sec. 216. Air-breathing and rocket booster testing capacity upgrades to support critical hypersonic weapons development.
- Sec. 217. Competitively awarded demonstrations and tests of electromagnetic warfare technology.
- Sec. 218. Administration of the Advanced Sensor Applications Program.
- Sec. 219. Quantifiable assurance capability for security of microelectronics.
- Sec. 220. Government-Industry-Academia Working Group on Microelectronics.
- Sec. 221. Target date for deployment of 5G wireless broadband infrastructure at all military installations.
- Sec. 222. Outreach to historically Black colleges and universities and other minority-serving institutions regarding National Security Innovation Network programs that promote entrepreneurship and innovation at institutions of higher education.
- Sec. 223. Report and pilot program based on recommendations regarding defense research capacity at historically Black colleges and universities and other minority-serving institutions.
- Sec. 224. Pilot program to support the development of patentable inventions in the Department of the Navy.
- Sec. 225. Pilot program to facilitate the development of battery technologies for warfighters.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 231. Modification to annual reports of the Director of Operational Test and Evaluation.
- Sec. 232. Extension of requirement for quarterly briefings on strategy for fifth generation information and communications technologies.
- Sec. 233. Plan for investments to support the development of novel processing approaches for defense applications.
- Sec. 234. Plans to accelerate the transition to 5G information and communications technology within the military departments.

- Sec. 235. Plan for Defense Advanced Research Projects Agency Innovation Fellowship Program.
- Sec. 236. Strategy and plan for fostering and strengthening the defense innovation ecosystem.
- Sec. 237. Assessment and strategy relating to hypersonic testing capacity of the Department of Defense.
- Sec. 238. Annual report on studies and reports of federally funded research and development centers.
- Sec. 239. Report on recommendations from Army Futures Command Research Program Realignment Study.
- Sec. 240. Report on potential for increased utilization of the Electronic Proving Grounds testing range.
- Sec. 241. Study on costs associated with underperforming software and information technology.
- Sec. 242. Study and report on sufficiency of operational test and evaluation resources supporting certain major defense acquisition programs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

- Sec. 311. Center for Excellence in Environmental Security.
- Sec. 312. Participation in pollutant banks and water quality trading.
- Sec. 313. Consideration under Defense Environmental Restoration Program for State-owned facilities of the National Guard with proven exposure of hazardous substances and waste.
- Sec. 314. Renewal of annual environmental and energy reports of Department of Defense.
- Sec. 315. Aggregation of energy conservation measures and funding.
- Sec. 316. Additional special considerations for energy performance goals and energy performance master plan.
- Sec. 317. Purchase or lease of electric, zero emission, advanced-biofuel-powered, or hydrogen-powered vehicles for the Department of Defense.
- Sec. 318. Clarification and requirement for Department of Defense relating to renewable biomass and biogas.
- Sec. 319. Programs of military departments on reduction of fuel reliance and promotion of energy-aware behaviors.
- Sec. 320. Establishment of joint working group to determine joint requirements for future operational energy needs of Department of Defense.
- Sec. 321. Amendment to budgeting of Department of Defense relating to extreme weather.
- Sec. 322. Prototype and demonstration projects for energy resilience at certain military installations.
- Sec. 323. Pilot program for development of electric vehicle charging solutions to mitigate grid stress.
- Sec. 324. Pilot program on use of sustainable aviation fuel.
- Sec. 325. Policy to increase disposition of spent advanced batteries through recycling.
- Sec. 326. Guidance and target goal relating to formerly used defense sites programs.
- Sec. 327. Analysis and plan for addressing heat island effect on military installations.

- Sec. 328. Limitation on replacement of non-tactical vehicle fleet of Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.

Subtitle C—Red Hill Bulk Fuel Storage Facility

- Sec. 331. Defueling of Red Hill Bulk Fuel Storage Facility.
Sec. 332. Authorization of closure of underground storage tank system at Red Hill Bulk Fuel Storage Facility.
Sec. 333. Report on bulk fuel requirements applicable to United States Indo-Pacific Command.
Sec. 334. Placement of sentinel or monitoring wells in proximity to Red Hill Bulk Fuel Storage Facility.
Sec. 335. Studies relating to water needs of the Armed Forces on Oahu.
Sec. 336. Study on alternative uses for Red Hill Bulk Fuel Storage Facility.
Sec. 337. Briefing on Department of Defense efforts to track health implications of fuel leaks at Red Hill Bulk Fuel Storage Facility.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 341. Department of Defense research relating to perfluoroalkyl or polyfluoroalkyl substances.
Sec. 342. Increase of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
Sec. 343. Prizes for development of non-PFAS-containing turnout gear.
Sec. 344. Modification of limitation on disclosure of results of testing for perfluoroalkyl or polyfluoroalkyl substances on private property.
Sec. 345. Restriction on procurement or purchasing by Department of Defense of turnout gear for firefighters containing perfluoroalkyl substances or polyfluoroalkyl substances.
Sec. 346. Annual report on PFAS contamination at certain military installations from sources other than aqueous film-forming foam.
Sec. 347. Report on critical PFAS uses; briefings on Department of Defense procurement of certain items containing PFOS or PFOA.

Subtitle E—Logistics and Sustainment

- Sec. 351. Resources required for achieving materiel readiness metrics and objectives for major defense acquisition programs.
Sec. 352. Annual plan for maintenance and modernization of naval vessels.
Sec. 353. Inclusion of information regarding joint medical estimates in readiness reports.
Sec. 354. Inapplicability of advance billing dollar limitation for relief efforts following major disasters or emergencies.
Sec. 355. Repeal of Comptroller General review on time limitations on duration of public-private competitions.
Sec. 356. Implementation of Comptroller General recommendations regarding Shipyard Infrastructure Optimization Plan of the Navy.
Sec. 357. Limitation on availability of funds for military information support operations.
Sec. 358. Notification of modification to policy regarding retention rates for Navy ship repair contracts.

- Sec. 359. Research and analysis on capacity of private shipyards in United States and effect of those shipyards on Naval fleet readiness.
- Sec. 360. Independent study relating to fuel distribution logistics across United States Indo-Pacific Command.
- Sec. 361. Quarterly briefings on expenditures for establishment of fuel distribution points in United States Indo-Pacific Command area of responsibility.

Subtitle F—Matters Relating to Depots and Ammunition Production
Facilities

- Sec. 371. Budgeting for depot and ammunition production facility maintenance and repair: annual report.
- Sec. 372. Extension of authorization of depot working capital funds for unspecified minor military construction.
- Sec. 373. Five-year plans for improvements to depot and ammunition production facility infrastructure.
- Sec. 374. Modification to minimum capital investment for certain depots.
- Sec. 375. Continuation of requirement for biennial report on core depot-level maintenance and repair.
- Sec. 376. Continuation of requirement for annual report on funds expended for performance of depot-level maintenance and repair workloads.
- Sec. 377. Clarification of calculation for certain workload carryover of Department of the Army.

Subtitle G—Other Matters

- Sec. 381. Annual reports by Deputy Secretary of Defense on activities of Joint Safety Council.
- Sec. 382. Accountability for Department of Defense contractors using military working dogs.
- Sec. 383. Membership of Coast Guard on Joint Safety Council.
- Sec. 384. Inclusion in report on unfunded priorities National Guard responsibilities in connection with natural and man-made disasters.
- Sec. 385. Support for training of National Guard personnel on wildfire prevention and response.
- Sec. 386. Interagency collaboration and extension of pilot program on military working dogs and explosives detection.
- Sec. 387. Amendment to the Sikes Act.
- Sec. 388. National standards for Federal fire protection at military installations.
- Sec. 389. Pilot programs for tactical vehicle safety data collection.
- Sec. 390. Requirements relating to reduction of out-of-pocket costs of members of the Armed Forces for uniform items.
- Sec. 391. Implementation of recommendations relating to animal facility sanitation and plan for housing and care of horses.
- Sec. 392. Continued designation of Secretary of the Navy as executive agent for Naval Small Craft Instruction and Technical Training School.
- Sec. 393. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.

TITLE IV—MILITARY PERSONNEL AUTHORIZATION

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. End strength level matters.

Sec. 403. Additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strengths for Space Force officers on active duty in grades of major, lieutenant colonel, and colonel.
- Sec. 502. Distribution of commissioned officers on active duty in general officer and flag officer grades.
- Sec. 503. Redistribution of Naval officers serving on active duty in the grades of O-8 and O-9.
- Sec. 504. Authorized strength after December 31, 2022: general officers and flag officers on active duty.
- Sec. 505. Extension of grade retention for certain officers awaiting retirement.
- Sec. 506. Exclusion of officers serving as lead special trial counsel from limitations on authorized strengths for general and flag officers.
- Sec. 507. Constructive service credit for certain officers of the Armed Forces.
- Sec. 508. Improvements to the selection of warrant officers in the military departments for promotion.
- Sec. 509. Advice and consent requirement for waivers of mandatory retirement for Superintendents of military service academies.
- Sec. 509A. Modification of reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).
- Sec. 509B. Assessments of staffing in the Office of the Secretary of Defense and other Department of Defense headquarters offices.
- Sec. 509C. GAO review of certain officer performance evaluations.
- Sec. 509D. Study of chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. Inclusion of additional information on the Senior Reserve Officers' Training Corps in reports accompanying the national defense strategy.
- Sec. 512. Expansion of eligibility to serve as an instructor in the Junior Reserve Officers' Training Corps.
- Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.
- Sec. 514. Inspections of the National Guard.
- Sec. 515. Authority to waive requirement that performance of Active Guard and Reserve duty at the request of a Governor may not interfere with certain duties.
- Sec. 516. Continued National Guard support for FireGuard program.
- Sec. 517. Enhancement of National Guard Youth Challenge Program.

- Sec. 518. Notice to Congress before certain actions regarding units of certain reserve components.
- Sec. 519. Independent study on Federal recognition of National Guard officers.
- Sec. 519A. Review and update of report on geographic dispersion of Junior Reserve Officers' Training Corps.
- Sec. 519B. Briefing on duties of the Army Interagency Training and Education Center.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Consideration of adverse information by special selection review boards.
- Sec. 522. Expansion of eligibility for direct acceptance of gifts by members of the Armed Forces and Department of Defense and Coast Guard employees and their families.
- Sec. 523. Limitation of extension of period of active duty for a member who accepts a fellowship, scholarship, or grant.
- Sec. 524. Expansion of mandatory characterizations of administrative discharges of certain members on the basis of failure to receive COVID-19 vaccine.
- Sec. 525. Rescission of COVID-19 vaccination mandate.
- Sec. 526. Temporary exemption from end strength grade restrictions for the Space Force.
- Sec. 527. Notification to next of kin upon the death of a member of the Armed Forces: study; update; training; report.
- Sec. 528. Gender-neutral fitness physical readiness standards for military occupational specialties of the Army.
- Sec. 529. Recurring report regarding COVID-19 mandate.
- Sec. 530. Sense of Congress regarding women involuntarily separated from the Armed Forces due to pregnancy or parenthood.

Subtitle D—Recruitment and Retention

- Sec. 531. Treatment of personally identifiable information regarding prospective recruits.
- Sec. 532. Revival and extension of temporary authority for targeted recruitment incentives.
- Sec. 533. Report on recruiting efforts of certain Armed Forces.
- Sec. 534. Review of marketing and recruiting of the Department of Defense.
- Sec. 535. Report on Department of Defense recruitment advertising to racial and ethnic minority communities.
- Sec. 536. Improving oversight of military recruitment practices in public secondary schools.
- Sec. 537. Best practices for the retention of certain female members of the Armed Forces.
- Sec. 538. Review of certain personnel policies of special operations forces.
- Sec. 539. Support for members who perform duties regarding remotely piloted aircraft: study; report.
- Sec. 539A. Retention and recruitment of members of the Army who specialize in air and missile defense systems.

Subtitle E—Military Justice and Other Legal Matters

- Sec. 541. Matters in connection with special trial counsel.
- Sec. 542. Technical corrections relating to special trial counsel.
- Sec. 543. Randomization of court-martial panels.

- Sec. 544. Jurisdiction of Courts of Criminal Appeals.
- Sec. 545. Special trial counsel of the Department of the Air Force.
- Sec. 546. Independent investigation of sexual harassment.
- Sec. 547. Primary prevention research agenda and workforce.
- Sec. 548. Limitation on availability of funds for relocation of Army CID special agent training course.
- Sec. 549. Review of titling and indexing practices of the Army and certain other organizations.
- Sec. 549A. Briefing and report on resourcing required for implementation of military justice reform.
- Sec. 549B. Report on sharing information with counsel for victims of offenses under the Uniform Code of Military Justice.
- Sec. 549C. Dissemination of civilian legal services information.

Subtitle F—Member Education

- Sec. 551. Authorization of certain support for military service academy foundations.
- Sec. 552. Individuals from the District of Columbia who may be considered for appointment to military service academies.
- Sec. 553. Agreement by a cadet or midshipman to play professional sport constitutes a breach of agreement to serve as an officer.
- Sec. 554. Naval Postgraduate School and United States Air Force Institute of Technology: terms of Provosts and Chief Academic Officers.
- Sec. 555. Naval Postgraduate School: attendance by enlisted members.
- Sec. 556. Modification of annual report on demographics of military service academy applicants.
- Sec. 557. Study and report on professional military education.
- Sec. 558. Report on treatment of China in curricula of professional military education.

Subtitle G—Member Training and Transition

- Sec. 561. Codification of Skillbridge program.
- Sec. 562. Pilot program on remote personnel processing in the Army.
- Sec. 563. Annual report on members separating from active duty who file claims for disability benefits.
- Sec. 564. Female members of certain Armed Forces and civilian employees of the Department of Defense in STEM.

Subtitle H—Military Family Readiness and Dependents' Education

- Sec. 571. Clarification and expansion of authorization of support for chaplain-led programs for members of the Armed Forces.
- Sec. 572. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools: extension; report.
- Sec. 573. Commercial air waiver for next of kin regarding transportation of remains of casualties.
- Sec. 574. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 575. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.
- Sec. 576. Pilot program on hiring of special needs inclusion coordinators for Department of Defense child development centers.
- Sec. 577. Promotion of certain child care assistance.

- Sec. 578. Industry roundtable on military spouse hiring.
- Sec. 579. Recommendations for the improvement of the Military Interstate Children's Compact.
- Sec. 579A. Feasibility of inclusion of au pairs in pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 579B. Briefing on policies regarding single parents serving as members of the Armed Forces.
- Sec. 579C. Public reporting on certain military child care programs.
- Sec. 579D. Briefing on verification of eligible federally connected children for purposes of Federal impact aid programs.
- Sec. 579E. Sense of Congress on rights of parents of children attending schools operated by the Department of Defense Education Activity.

Subtitle I—Decorations, Awards, and Other Honors

- Sec. 581. Clarification of procedure for boards for the correction of military records to review determinations regarding certain decorations.
- Sec. 582. Authorizations for certain awards.
- Sec. 583. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.
- Sec. 584. Enhanced information related to awarding of the Purple Heart.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Report on non-citizen members of the Armed Forces.
- Sec. 592. Notification on manning of afloat naval forces: modifications; codification.
- Sec. 593. Clarification of authority of NCMAF to update Chaplains Hill at Arlington National Cemetery.
- Sec. 594. Disinterment of remains of Andrew Chabrol from Arlington National Cemetery.
- Sec. 595. Pilot program on safe storage of personally owned firearms.
- Sec. 596. Pilot program on car sharing on remote or isolated military installations.
- Sec. 597. Briefing on the effects of economic inflation on members of the Armed Forces.
- Sec. 598. Study on improvement of access to voting for members of the Armed Forces overseas.
- Sec. 599. Report on incidence of military suicides by military job code.
- Sec. 599A. Report on efforts to prevent and respond to deaths by suicide in the Navy.
- Sec. 599B. Report on officer personnel management and the development of the professional military ethic of the Space Force.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Bonus and Incentive Pays

- Sec. 601. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 602. Increase to maximum amounts of certain bonus and special pay authorities.
- Sec. 603. Cold weather duty: authorization of assignment or special duty pay; travel allowance for members of the Armed Forces assigned to Alaska.
- Sec. 604. Air Force rated officer retention demonstration program.

Subtitle B—Allowances Other Than Travel and Transportation Allowances

- Sec. 611. Increases in maximum allowable income for purposes of eligibility for basic needs allowance.
- Sec. 612. Extension of authority to temporarily adjust basic allowance for housing in certain areas.
- Sec. 613. Temporary continuation of rate of basic allowance for housing for members of the Armed Forces whose sole dependent dies while residing with the member.
- Sec. 614. Basic allowance for housing for members without dependents when home port change would financially disadvantage member.
- Sec. 615. Revival and redesignation of provision establishing benefits for certain members assigned to the Defense Intelligence Agency.
- Sec. 616. Extension of one-time uniform allowance for officers who transfer to the Space Force.
- Sec. 617. OCONUS cost of living allowance: adjustments; notice to certain congressional committees.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Allowable travel and transportation allowances: complex overhaul.
- Sec. 622. Expansion of authority to reimburse a member of the uniformed services for spousal business costs arising from a permanent change of station.
- Sec. 623. Extension of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
- Sec. 624. Reimbursement of a member of the uniformed services for costs to relocate a pet that arise from a permanent change of station.
- Sec. 625. Travel and transportation allowances for certain members of the Armed Forces who attend a professional military education institution or training classes.
- Sec. 626. Conforming amendments to update references to travel and transportation authorities.
- Sec. 627. Pilot program to reimburse members of the Armed Forces for certain child care costs incident to a permanent change of station or assignment.

Subtitle D—Leave

- Sec. 631. Technical amendments to leave entitlement and accumulation.
- Sec. 632. Modification of authority to allow members of the Armed Forces to accumulate leave in excess of 60 days.
- Sec. 633. Convalescent leave for a member of the Armed Forces.

Subtitle E—Family and Survivor Benefits

- Sec. 641. Claims relating to the return of personal effects of a deceased member of the Armed Forces.
- Sec. 642. Extension of parent fee discount to child care employees.
- Sec. 643. Survivor Benefit Plan open season.
- Sec. 644. Military installations with limited child care: briefing.
- Sec. 645. Food insecurity among military families: data collection; training; report.

Subtitle F—Defense Resale Matters

Sec. 651. Prohibition of the sale of certain goods from the Xinjiang Uyghur Autonomous Region in commissaries and exchanges.

Subtitle G—Miscellaneous Studies, Briefings and Reports

Sec. 661. Study on basic pay.

Sec. 662. Report on accuracy of basic allowance for housing.

Sec. 663. Review of dislocation and relocation allowances.

Sec. 664. Complex overhaul pay: briefing.

Sec. 665. Studies on compensation for DOD child care providers.

Sec. 666. Barriers to home ownership for members of the Armed Forces: study; report.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Improvements to TRICARE dental program.

Sec. 702. Health benefits for members of the National Guard following required training or other duty to respond to a national emergency.

Sec. 703. Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.

Sec. 704. Confidentiality requirements for mental health care services for members of the Armed Forces.

Sec. 705. Audit of behavioral health care network providers listed in TRICARE directory.

Sec. 706. Independent analysis of quality and patient safety review process under direct care component of TRICARE program.

Sec. 707. Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and dependents thereof.

Sec. 708. GAO study on certain contracts relating to TRICARE program and oversight of such contracts.

Sec. 709. GAO study on coverage of mental health services under TRICARE program and relationship to certain mental health parity laws.

Subtitle B—Health Care Administration

Sec. 711. Accountability for wounded warriors undergoing disability evaluation.

Sec. 712. Inclusion of level three trauma care capabilities in requirements for medical centers.

Sec. 713. Centers of excellence for specialty care in military health system.

Sec. 714. Maintenance of Core Casualty Receiving Facilities to improve medical force readiness.

Sec. 715. Congressional notification requirement to modify scope of services provided at military medical treatment facilities.

Sec. 716. Improvements to processes to reduce financial harm caused to civilians for care provided at military medical treatment facilities.

Sec. 717. Authority to carry out studies and demonstration projects relating to delivery of health and medical care through use of other transaction authority.

Sec. 718. Licensure requirement for certain health-care professionals providing services as part of mission relating to emergency, humanitarian, or refugee assistance.

Sec. 719. Authorization of permanent program to improve opioid management in the military health system.

- Sec. 720. Modification of requirement to transfer research and development and public health functions to Defense Health Agency.
- Sec. 721. Access to certain dependent medical records by remarried former spouses.
- Sec. 722. Authority for Department of Defense program to promote early literacy among certain young children.
- Sec. 723. Plan for Accountable Care Organization demonstration.
- Sec. 724. Feasibility study and plan on establishing a Military Health System Medical Logistics Directorate and Military Health System Education and Training Directorate.

Subtitle C—Reports and Other Matters

- Sec. 731. Briefing and report on reduction or realignment of military medical manning and medical billets.
- Sec. 732. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.
- Sec. 733. Clarification of membership requirements and compensation authority for independent suicide prevention and response review committee.
- Sec. 734. Termination of veterans' advisory board on radiation dose reconstruction.
- Sec. 735. Brain health initiative of Department of Defense.
- Sec. 736. Establishment of partnership program between United States and Ukraine for military trauma care and research.
- Sec. 737. Improvements relating to behavioral health care available under military health system.
- Sec. 738. Certification program in provision of mental health services to members of the Armed Forces and military families.
- Sec. 739. Standardization of policies relating to service in Armed Forces by individuals diagnosed with HBV.
- Sec. 740. Suicide cluster: standardized definition for use by Department of Defense; congressional notification.
- Sec. 741. Limitation on reduction of military medical manning end strength: certification requirement and other reforms.
- Sec. 742. Feasibility study on establishment of Department of Defense internship programs relating to civilian behavioral health providers.
- Sec. 743. Updates to prior feasibility studies on establishment of new command on defense health.
- Sec. 744. Capability assessment and action plan with respect to effects of exposure to open burn pits and other environmental hazards.
- Sec. 745. Kyle Mullen Navy SEAL medical training review.
- Sec. 746. Reports on composition of medical personnel of each military department and related matters.
- Sec. 747. Report on effects of low recruitment and retention on operational tempo and physical and mental health of members of the Armed Forces.
- Sec. 748. Guidance for addressing healthy relationships and intimate partner violence through TRICARE Program.
- Sec. 749. Briefing on suicide prevention reforms for members of the Armed Forces.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Writing award to encourage curiosity and persistence in overcoming obstacles in acquisition.
- Sec. 802. Task and delivery order contracting for architectural and engineering services.
- Sec. 803. Data requirements for commercial products for major weapon systems.
- Sec. 804. Revision of authority for procedures to allow rapid acquisition and deployment of capabilities needed under specified high-priority circumstances.
- Sec. 805. Treatment of certain clauses implementing Executive orders.
- Sec. 806. Life cycle management and product support.
- Sec. 807. Amendments to contractor employee protections from reprisal for disclosure of certain information.
- Sec. 808. Use of fixed-price type contracts for certain major defense acquisition programs.
- Sec. 809. Acquisition reporting system.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Inclusion in budget justification materials of enhanced reporting on proposed cancellations and modifications to multiyear contracts.
- Sec. 812. Comptroller General assessment of acquisition programs and related efforts.
- Sec. 813. Extension of Defense Modernization Account authority.
- Sec. 814. Clarification to fixed-price incentive contract references.
- Sec. 815. Modification of reporting requirement in connection with requests for multiyear procurement authority for large defense acquisitions.
- Sec. 816. Modification of provision relating to determination of certain activities with unusually hazardous risks.
- Sec. 817. Modification to prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 818. Extension of pilot program to accelerate contracting and pricing processes.
- Sec. 819. Extension of pilot program for distribution support and services for weapons systems contractors.
- Sec. 820. Extension and modification of Never Contract with the Enemy.
- Sec. 821. Repeal of requirement for Inspector General of the Department of Defense to conduct certain reviews.
- Sec. 822. Modification of contracts to provide extraordinary relief due to inflation impacts.

Subtitle C—Provisions Relating to Acquisition Workforce

- Sec. 831. Key experiences and enhanced pay authority for acquisition workforce excellence.
- Sec. 832. Defense Acquisition University reforms.
- Sec. 833. Modifications to Defense Civilian Training Corps.
- Sec. 834. Acquisition workforce incentives relating to training on, and agreements with, certain start-up businesses.
- Sec. 835. Curricula on software acquisitions and cybersecurity software or hardware acquisitions for covered individuals.
- Sec. 836. Department of Defense national imperative for industrial skills program.

Subtitle D—Provisions Relating to Software and Technology

- Sec. 841. Guidelines and resources on the acquisition or licensing of intellectual property.
- Sec. 842. Modification of authority of the Department of Defense to carry out certain prototype projects.
- Sec. 843. Other transaction authority clarification.
- Sec. 844. Prizes for advanced technology achievements.
- Sec. 845. Congressional notification for pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 846. Report on software delivery times.

Subtitle E—Industrial Base Matters

- Sec. 851. Modification to the national technology and industrial base.
- Sec. 852. Modification to miscellaneous limitations on the procurement of goods other than United States goods.
- Sec. 853. Requirements for the procurement of certain components for certain naval vessels and auxiliary ships.
- Sec. 854. Modifications to the procurement technical assistance program.
- Sec. 855. Codification of prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.
- Sec. 856. Codification of the Department of Defense Mentor–Protege Program.
- Sec. 857. Procurement requirements relating to rare earth elements and strategic and critical materials.
- Sec. 858. Analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 859. Demonstration exercise of enhanced planning for industrial mobilization and supply chain management.
- Sec. 860. Risk management for Department of Defense pharmaceutical supply chains.
- Sec. 861. Strategy for increasing competitive opportunities for certain critical technologies.
- Sec. 862. Key advanced system development industry days.

Subtitle F—Small Business Matters

- Sec. 871. Codification of Small Business Administration scorecard.
- Sec. 872. Modifications to the SBIR and STTR programs.
- Sec. 873. Access to data on bundled or consolidated contracts.
- Sec. 874. Small business integration working group.
- Sec. 875. Demonstration of commercial due diligence for small business programs.
- Sec. 876. Development and assessment of mission effectiveness metrics.

Subtitle G—Other Matters

- Sec. 881. Technical correction to effective date of the transfer of certain title 10 acquisition provisions.
- Sec. 882. Security clearance bridge pilot program.
- Sec. 883. Existing agreement limits for Operation Warp Speed.
- Sec. 884. Incorporation of controlled unclassified information guidance into program classification guides and program protection plans.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND
MANAGEMENT

Subtitle A—Office of the Secretary of Defense and Related Matters

- Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.
- Sec. 902. Conforming amendments relating to repeal of position of Chief Management Officer.
- Sec. 903. Limitation on use of funds pending demonstration of product to identify, task, and manage congressional reporting requirements.
- Sec. 904. Limitation on use of funds pending compliance with requirements relating to alignment of Close Combat Lethality Task Force.

Subtitle B—Other Department of Defense Organization and Management Matters

- Sec. 911. Updates to management reform framework.
- Sec. 912. Briefing on changes to Unified Command Plan.
- Sec. 913. Clarification of peacetime functions of the Navy.
- Sec. 914. Responsibilities and functions relating to electromagnetic spectrum operations.
- Sec. 915. Joint all domain command and control.
- Sec. 916. Strategic management dashboard demonstration.
- Sec. 917. Demonstration program for component content management systems.
- Sec. 918. Report on potential transition of all members of the Space Force into a single component.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. General transfer authority.
- Sec. 1002. Sense of Congress relating to the corrective action plans review process.
- Sec. 1003. Annual reports on budgetary effects of inflation.

Subtitle B—Counterdrug Activities

- Sec. 1011. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Modification to annual naval vessel construction plan.
- Sec. 1022. Navy consultation with Marine Corps on major decisions directly concerning Marine Corps amphibious force structure and capability.
- Sec. 1023. Amphibious warship force structure.
- Sec. 1024. Modification to limitation on decommissioning or inactivating battle force ships before end of expected service life.
- Sec. 1025. Amphibious warfare ship assessment and requirements.
- Sec. 1026. Battle force ship employment, maintenance, and manning baseline plans.
- Sec. 1027. Withholding of certain information about sunken military crafts.
- Sec. 1028. Business case analyses on disposition of certain Government-owned dry-docks.
- Sec. 1029. Prohibition on retirement of certain naval vessels.

Subtitle D—Counterterrorism

- Sec. 1031. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1032. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1033. Modification and extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1034. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Submission of national defense strategy in classified and unclassified form.
- Sec. 1042. Department of Defense support for funerals and memorial events for Members and former Members of Congress.
- Sec. 1043. Modification of authority for humanitarian demining assistance and stockpiled conventional munitions assistance.
- Sec. 1044. Modification of provisions relating to anomalous health incidents.
- Sec. 1045. Security clearances for recently separated members of the Armed Forces and civilian employees of the Department of Defense.
- Sec. 1046. Integrated and authenticated access to Department of Defense systems for certain congressional staff for oversight purposes.
- Sec. 1047. Introduction of entities in transactions critical to national security.
- Sec. 1048. Joint training pipeline between United States Navy and Royal Australian Navy.
- Sec. 1049. Standardization of sectional barge construction for Department of Defense use on rivers and interoceanic waterways.
- Sec. 1050. Department of Defense support for recently enacted commissions.

Subtitle F—Studies and Reports

- Sec. 1051. Modification of annual report on unfunded priorities.
- Sec. 1052. Congressional notification of military information support operations in the information environment.
- Sec. 1053. Modification and continuation of reporting requirement relating to humanitarian assistance.
- Sec. 1054. Briefing on Global Force Management Allocation Plan.
- Sec. 1055. Report and budget details regarding Operation Spartan Shield.
- Sec. 1056. Annual report on civilian casualties in connection with United States military operations.
- Sec. 1057. Extension of certain reporting deadlines.
- Sec. 1058. Extension and modification of reporting requirement regarding enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.
- Sec. 1059. Continuation of requirement for annual report on National Guard and reserve component equipment.
- Sec. 1060. Modification of authority of Secretary of Defense to transfer excess aircraft to other departments of the Federal Government and authority to transfer excess aircraft to States.
- Sec. 1061. Combatant command risk assessment for airborne intelligence, surveillance, and reconnaissance.

- Sec. 1062. Study on military training routes and special use air space near wind turbines.
- Sec. 1063. Annual reports on safety upgrades to the high mobility multipurpose wheeled vehicle fleets.
- Sec. 1064. Department of Defense delays in providing comments on Government Accountability Office reports.
- Sec. 1065. Justification for transfer or elimination of certain flying missions.
- Sec. 1066. Reports on United States military force presence in Europe.
- Sec. 1067. Report on Department of Defense practices regarding distinction between combatants and civilians in United States military operations.
- Sec. 1068. Report on strategy and improvement of community engagement efforts of Armed Forces in Hawaii.
- Sec. 1069. Report on Department of Defense military capabilities in the Caribbean.
- Sec. 1070. Quarterly briefings on Department of Defense support for civil authorities to address immigration at the southwest border.
- Sec. 1071. Annual report on procurement of equipment by State and local governments through the Department of Defense.
- Sec. 1072. Briefing on financial oversight of certain educational institutions receiving Department of Defense funds.
- Sec. 1073. Report on effects of certain ethics requirements on Department of Defense hiring, retention, and operations.
- Sec. 1074. Joint Concept for Competing.
- Sec. 1075. Analysis of feasibility and advisability of relocating major units of the United States Armed Forces to certain European countries.
- Sec. 1076. Report on effects of strategic competitor naval facilities in Africa.

Subtitle G—Other Matters

- Sec. 1081. Technical and conforming amendments.
- Sec. 1082. Department of Defense Civilian Protection Center of Excellence.
- Sec. 1083. Ronald V. Dellums Memorial Fellowship in STEM.
- Sec. 1084. Amendment to memorial for members of the Armed Forces killed in attack on Hamid Karzai International Airport.
- Sec. 1085. Public availability of cost of certain military operations.
- Sec. 1086. Combating military reliance on Russian energy.
- Sec. 1087. Establishment of joint force headquarters in area of operations of United States Indo-Pacific Command.
- Sec. 1088. National tabletop exercise.
- Sec. 1089. Personnel supporting the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
- Sec. 1090. Sense of Congress on redesignation of the Africa Center for Strategic Studies as the James M. Inhofe Center for Africa Strategic Studies.
- Sec. 1091. Integration of electronic warfare into Tier 1 and Tier 2 joint training exercises.
- Sec. 1092. National Commission on the Future of the Navy.
- Sec. 1093. Dynamic airspace pilot program.

TITLE XI—CIVILIAN PERSONNEL MATTERS

- Sec. 1101. Restricted reporting option for Department of Defense civilian employees choosing to report experiencing adult sexual assault.

- Sec. 1102. Modification and extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1103. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1104. Standardized credentials for law enforcement officers of the Department of Defense.
- Sec. 1105. Temporary extension of authority to provide security for former Department of Defense officials.
- Sec. 1106. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.
- Sec. 1107. Flexible workplace programs.
- Sec. 1108. Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.
- Sec. 1109. Modification to personnel management authority to attract experts in science and engineering.
- Sec. 1110. Modification and extension of pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain department of defense laboratories.
- Sec. 1111. Modification of temporary expansion of authority for noncompetitive appointments of military spouses by federal agencies.
- Sec. 1112. Modification to pilot program for the temporary assignment of cyber and information technology personnel to private sector organizations.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

- Sec. 1201. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.
- Sec. 1202. Modifications to Reports on Security Cooperation.
- Sec. 1203. Modification of authority for participation in multinational centers of excellence.
- Sec. 1204. Modification of existing authorities to provide for an Irregular Warfare Center and a Regional Defense Fellowship Program.
- Sec. 1205. Modification to authority to provide support for conduct of operations.
- Sec. 1206. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1207. Modification and extension of authority to support border security operations of certain foreign countries.
- Sec. 1208. Security cooperation programs with foreign partners to advance women, peace, and security.
- Sec. 1209. 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.
- Sec. 1210. Independent assessment of United States efforts to train, advise, assist, and equip the military forces of Somalia.
- Sec. 1211. Security cooperation activities at Counter-UAS University.
- Sec. 1212. Defense Operational Resilience International Cooperation Pilot Program.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1221. Extension of authority for certain payments to redress injury and loss.
- Sec. 1222. Additional matters for inclusion in reports on oversight in Afghanistan.
- Sec. 1223. Prohibition on transporting currency to the Taliban and the Islamic Emirate of Afghanistan.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1231. Modification of annual report on the military capabilities of Iran and related activities.
- Sec. 1232. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1233. Extension of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1234. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1235. Prohibition on transfers to Iran.
- Sec. 1236. Report on Islamic Revolutionary Guard Corps-affiliated operatives abroad.
- Sec. 1237. Assessment of support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.
- Sec. 1238. Interagency strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.
- Sec. 1239. Prohibition on transfers to Badr Organization.
- Sec. 1240. Report on United Nations arms embargo on Iran.

Subtitle D—Matters Relating to Russia

- Sec. 1241. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1242. Extension of limitation on military cooperation between the United States and Russia.
- Sec. 1243. Modification to annual report on military and security developments involving the Russian Federation.
- Sec. 1244. Temporary authorizations related to Ukraine and other matters.
- Sec. 1245. Prohibition on availability of funds relating to sovereignty of the Russian Federation over internationally recognized territory of Ukraine.
- Sec. 1246. Report on Department of Defense plan for the provision of short and medium-term security assistance to Ukraine.
- Sec. 1247. Oversight of United States assistance to Ukraine.

Subtitle E—Matters Relating to the Indo-Pacific Region

- Sec. 1251. Modification to annual report on military and security developments involving the People's Republic of China.
- Sec. 1252. Modification of Indo-Pacific Maritime Security Initiative to authorize use of funds for the Coast Guard.
- Sec. 1253. Modification of prohibition on participation of the People's Republic of China in rim of the Pacific (RIMPAC) naval exercises to include cessation of genocide by China.
- Sec. 1254. Extension and modification of Pacific Deterrence Initiative.

- Sec. 1255. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
- Sec. 1256. Enhanced indications and warning for deterrence and dissuasion.
- Sec. 1257. Prohibition on use of funds to support entertainment projects with ties to the Government of the People's Republic of China.
- Sec. 1258. Reporting on institutions of higher education domiciled in the People's Republic of China that provide support to the People's Liberation Army.
- Sec. 1259. Review of port and port-related infrastructure purchases and investments made by the Government of the People's Republic of China and entities directed or backed by the Government of the People's Republic of China.
- Sec. 1260. Enhancing major defense partnership with India.
- Sec. 1261. Pilot program to develop young civilian defense leaders in the Indo-Pacific region.
- Sec. 1262. Report on bilateral agreements supporting United States military posture in the Indo-Pacific region.
- Sec. 1263. Statement of policy on Taiwan.
- Sec. 1264. Sense of congress on joint exercises with Taiwan.
- Sec. 1265. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

Subtitle F—Other Matters

- Sec. 1271. North Atlantic Treaty Organization Special Operations Headquarters.
- Sec. 1272. Sense of Congress on NATO and United States defense posture in Europe.
- Sec. 1273. Report on Fifth Fleet capabilities upgrades.
- Sec. 1274. Report on use of social media by foreign terrorist organizations.
- Sec. 1275. Report and feasibility study on collaboration to meet shared national security interests in East Africa.
- Sec. 1276. Assessment of challenges to implementation of the partnership among Australia, the United Kingdom, and the United States.
- Sec. 1277. Modification and extension of United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1278. Sense of Congress and briefing on multinational force and observers.
- Sec. 1279. Briefing on Department of Defense program to protect United States students against foreign agents.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical agents and munitions destruction, defense.
- Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense health program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Reform of the Strategic and Critical Materials Stock Piling Act.
- Sec. 1412. Modification of acquisition authority under Strategic and Critical Materials Stock Piling Act.
- Sec. 1413. Briefings on shortfalls in National Defense Stockpile.

- Sec. 1414. Authority to acquire materials for the National Defense Stockpile.
Sec. 1415. Department of Defense readiness to support prolonged conflict.

Subtitle C—Other Matters

- Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1422. Authorization of appropriations for Armed Forces Retirement Home.

TITLE XV—CYBER AND INFORMATION OPERATIONS MATTERS

Subtitle A—Cyber Matters

- Sec. 1501. Improvements to Principal Cyber Advisors.
Sec. 1502. Annual reports on support by military departments for United States Cyber Command.
Sec. 1503. Modification of office of primary responsibility for strategic cybersecurity program.
Sec. 1504. Tailored cyberspace operations organizations.
Sec. 1505. Establishment of support center for consortium of universities that advise Secretary of Defense on cybersecurity matters.
Sec. 1506. Alignment of Department of Defense cyber international strategy with National Defense Strategy and Department of Defense Cyber Strategy.
Sec. 1507. Enhancement of cyberspace training and security cooperation.
Sec. 1508. Military Cybersecurity Cooperation with Hashemite Kingdom of Jordan.
Sec. 1509. Management and oversight of Joint Cyber Warfighting Architecture.
Sec. 1510. Integrated non-kinetic force development.
Sec. 1511. Protection of critical infrastructure.
Sec. 1512. Budget display for cryptographic modernization activities for certain systems of the Department of Defense.
Sec. 1513. Establishing projects for data management, artificial intelligence, and digital solutions.
Sec. 1514. Operational testing for commercial cybersecurity capabilities.

Subtitle B—Information Operations

- Sec. 1521. Requirement to notify Chief of Mission of military operation in the information environment.
Sec. 1522. Assessment and optimization of Department of Defense information and influence operations conducted through cyberspace.
Sec. 1523. Joint information operations course.
Sec. 1524. Limitation on availability of certain funds until submission of joint lexicon for terms related to information operations.
Sec. 1525. Limitation on availability of funds pending submittal of information operations strategy and posture review.
Sec. 1526. Limitation on availability of certain funds until submission of assessments relating to cybersecurity of the defense industrial base.

Subtitle C—Personnel

- Sec. 1531. Cyber operations-peculiar awards.

- Sec. 1532. Establishment of Cyber Operations Designator and rating for the Navy.
- Sec. 1533. Total force generation for the Cyberspace Operations Forces.
- Sec. 1534. Correcting cyber mission force readiness shortfalls.
- Sec. 1535. Department of Defense Cyber and Digital Service Academy.
- Sec. 1536. Report on recommendations from Navy Civilian Career Path study.
- Sec. 1537. Study to determine optimal strategy for structuring and manning elements of Joint Force Headquarters–Cyber Organizations, Joint Mission Operations Centers, and Cyber Operations-Integrated Planning Elements.
- Sec. 1538. Manning review of Space Force cyber squadrons.
- Sec. 1539. Independent review of posture and staffing levels of Office of the Chief Information Officer.
- Sec. 1540. Independent assessment of Civilian Cybersecurity Reserve for Department of Defense.
- Sec. 1541. Comprehensive review of Cyber Excepted Service.

Subtitle D—Reports and Other Matters

- Sec. 1551. Pilot program for sharing cyber capabilities and related information with foreign operational partners.
- Sec. 1552. Demonstration program for cyber and information technology budget data analytics.
- Sec. 1553. Plan for commercial cloud test and evaluation.
- Sec. 1554. Roadmap and implementation plan for cyber adoption of artificial intelligence.
- Sec. 1555. Review of Department of Defense implementation of recommendations from Defense Science Board cyber report.
- Sec. 1556. Annual briefing on relationship between National Security Agency and United States Cyber Command.
- Sec. 1557. Review of definitions associated with Cyberspace Operations Forces.
- Sec. 1558. Annual assessments and reports on assignment of certain budget control responsibility to Commander of United States Cyber Command.
- Sec. 1559. Assessments of weapons systems vulnerabilities to radio-frequency enabled cyber attacks.
- Sec. 1560. Briefing on Department of Defense plan to deter and counter adversaries in the information environment.

TITLE XVI—SPACE ACTIVITIES, STRATEGIC PROGRAMS, AND INTELLIGENCE MATTERS

Subtitle A—Space Activities

- Sec. 1601. Requirements for protection of satellites.
- Sec. 1602. Strategy on protection of satellites.
- Sec. 1603. Modification of reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisitions programs and funding for such programs.
- Sec. 1604. Tactically responsive space capability.
- Sec. 1605. Extension of annual report on Space Command and Control.
- Sec. 1606. Allied responsive space capabilities.
- Sec. 1607. Applied research and educational activities to support space technology development.
- Sec. 1608. Review of Space Development Agency exemption from Joint Capabilities Integration and Development System.

- Sec. 1609. Update to plan to manage Integrated Tactical Warning and Attack Assessment System and multi-domain sensors.
- Sec. 1610. Report on space debris.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Congressional oversight of clandestine activities that support operational preparation of the environment.

Subtitle C—Nuclear Forces

- Sec. 1631. Biannual briefing on nuclear weapons and related activities.
- Sec. 1632. Industrial base monitoring for B-21 and Sentinel programs.
- Sec. 1633. Improvements to Nuclear Weapons Council.
- Sec. 1634. Portfolio management framework for nuclear forces.
- Sec. 1635. Extension of requirement to report on nuclear weapons stockpile.
- Sec. 1636. Modification and extension of annual assessment of cyber resilience of nuclear command and control system.
- Sec. 1637. Modification of reports on Nuclear Posture Review implementation.
- Sec. 1638. Establishment of intercontinental ballistic missile site activation task force for Sentinel program.
- Sec. 1639. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1640. Plan for development of reentry vehicles.
- Sec. 1641. Treatment of nuclear modernization and hypersonic missile programs within Defense Priorities and Allocations System.
- Sec. 1642. Matters relating to nuclear-capable sea-launched cruise missile.

Subtitle D—Missile Defense Programs

- Sec. 1651. Biannual briefing on missile defense and related activities.
- Sec. 1652. Improvements to acquisition accountability reports on the ballistic missile defense system.
- Sec. 1653. Making permanent prohibitions relating to missile defense information and systems.
- Sec. 1654. Next generation interceptors for missile defense of United States homeland.
- Sec. 1655. Termination of requirement to transition ballistic missile defense programs to the military departments.
- Sec. 1656. Persistent cybersecurity operations for ballistic missile defense systems and networks.
- Sec. 1657. Fire control architectures.
- Sec. 1658. Middle East integrated air and missile defense.
- Sec. 1659. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1660. Integrated air and missile defense architecture for defense of Guam.
- Sec. 1661. Limitation on availability of certain funds until submission of report on implementation of the cruise missile defense architecture for the homeland.
- Sec. 1662. Strategy to use asymmetric capabilities to defeat hypersonic missile threats.
- Sec. 1663. Plan on delivering Shared Early Warning System data to certain allies and partners of the United States.
- Sec. 1664. Reports on ground-based interceptors.
- Sec. 1665. Report on missile defense interceptor site in contiguous United States.

Subtitle E—Other Matters

- Sec. 1671. Cooperative threat reduction funds.
- Sec. 1672. Department of Defense support for requirements of the White House Military Office.
- Sec. 1673. Unidentified anomalous phenomena reporting procedures.
- Sec. 1674. Study of weapons programs that allow Armed Forces to address hard and deeply buried targets.

TITLE XVII—MUNITIONS REPLENISHMENT AND FUTURE
PROCUREMENT

- Sec. 1701. Annual report on industrial base constraints for munitions.
- Sec. 1702. Modification to Special Defense Acquisition Fund.
- Sec. 1703. Quarterly briefings on replenishment and revitalization of weapons provided to Ukraine.
- Sec. 1704. Assessment of requirements and acquisition objectives for Patriot air and missile defense battalions.
- Sec. 1705. Independent assessment of department of defense capability and capacity needs for munitions production and stockpiling.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2803. Effective date and automatic execution of conforming changes to tables of sections, tables of contents, and similar tabular entries.

TITLE XXI—ARMY MILITARY CONSTRUCTION

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Authorization of appropriations, Army.
- Sec. 2104. Demolition of District of Columbia Fort McNair Quarters 4, 13, and 15.
- Sec. 2105. Modification of authority to carry out fiscal year 2019 project at Camp Tango, Korea.
- Sec. 2106. Extension and modification of authority to carry out certain fiscal year 2018 projects.

TITLE XXII—NAVY MILITARY CONSTRUCTION

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Authorization of appropriations, Navy.
- Sec. 2204. Extension of authority to carry out certain fiscal year 2018 project.
- Sec. 2205. Transfer of customers from Navy electrical utility system at former Naval Air Station Barber's Point, Hawaii, to new electrical system in Kalaeloa, Hawaii.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Authorization of appropriations, Air Force.
- Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.

Sec. 2305. Modification of authority to carry out certain fiscal year 2021 project.

Sec. 2306. Modification of authority to carry out certain military construction projects at Tyndall Air Force Base, Florida.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy resilience and conservation investment program projects.

Sec. 2403. Authorization of appropriations, defense agencies.

Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

TITLE XXV—INTERNATIONAL PROGRAMS

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. Repeal of authorized approach to certain construction project.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Corrections to authority to carry out certain fiscal year 2022 projects.

Sec. 2608. Extension of authority to carry out certain fiscal year 2018 projects.

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.

Sec. 2702. Authorization to fund certain demolition and removal activities through Department of Defense Base Closure Account.

Sec. 2703. Prohibition on conducting additional base realignment and closure (BRAC) round.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

Sec. 2801. Temporary increase of amounts in connection with authority to carry out unspecified minor military construction.

- Sec. 2802. Modification of annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2803. Permanent authority for defense laboratory modernization program.
- Sec. 2804. Elimination of sunset of authority to conduct unspecified minor military construction for lab revitalization.
- Sec. 2805. Military construction projects for innovation, research, development, test, and evaluation.
- Sec. 2806. Supervision of large military construction projects.
- Sec. 2807. Specification of Assistant Secretary of Defense for Energy, Installations, and Environment as Chief Housing Officer.
- Sec. 2808. Clarification of exceptions to limitations on cost variations for military construction projects and military family housing projects.
- Sec. 2809. Use of operation and maintenance funds for certain construction projects outside the United States.
- Sec. 2810. Consideration of installation of integrated solar roofing to improve energy resiliency of military installations.
- Sec. 2811. Revision of Unified Facilities Guide Specifications and Unified Facilities Criteria to include specifications on use of gas insulated switchgear and criteria and specifications on microgrids and microgrid converters.
- Sec. 2812. Determination and notification relating to Executive orders that impact cost and scope of work of military construction projects.
- Sec. 2813. Requirement for inclusion of Department of Defense Forms 1391 with annual budget submission by President.
- Sec. 2814. Use of integrated project delivery contracts.

Subtitle B—Military Housing Reforms

- Sec. 2821. Standardization of military installation Housing Requirements and Market Analyses.
- Sec. 2822. Notice requirement for MHPI ground lease extensions.
- Sec. 2823. Annual briefings on military housing privatization projects.
- Sec. 2824. Mold inspection of vacant housing units.
- Sec. 2825. Implementation of recommendations from audit of medical conditions of residents in privatized military housing.

Subtitle C—Real Property and Facilities Administration

- Sec. 2831. Authorized land and facilities transfer to support contracts with federally funded research and development centers.
- Sec. 2832. Limitation on use of funds pending completion of military installation resilience component of master plans for at-risk major military installations.
- Sec. 2833. Physical entrances to certain military installations.

Subtitle D—Land Conveyances

- Sec. 2841. Extension of time frame for land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 2842. Land conveyance, Joint Base Charleston, South Carolina.
- Sec. 2843. Land conveyance, Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia.
- Sec. 2844. Land exchange, Marine Reserve Training Center, Omaha, Nebraska.
- Sec. 2845. Land Conveyance, Starkville, Mississippi.

Subtitle E—Miscellaneous Studies and Reports

- Sec. 2851. Study on practices with respect to development of military construction projects.
- Sec. 2852. Report on capacity of Department of Defense to provide survivors of natural disasters with emergency short-term housing.
- Sec. 2853. Reporting on lead service lines and lead plumbing.
- Sec. 2854. Briefing on attempts to acquire land near United States military installations by the People's Republic of China.

Subtitle F—Other Matters

- Sec. 2861. Required consultation with State and local entities for notifications related to the basing decision-making process.
- Sec. 2862. Inclusion in Defense Community Infrastructure Pilot Program of certain projects for ROTC training.
- Sec. 2863. Inclusion of infrastructure improvements identified in the report on strategic seaports in Defense Community Infrastructure Pilot Program.
- Sec. 2864. Inclusion of certain property for purposes of defense community infrastructure pilot program.
- Sec. 2865. Expansion of pilot program on increased use of sustainable building materials in military construction to include locations throughout the United States.
- Sec. 2866. Basing decision scorecard consistency and transparency.
- Sec. 2867. Temporary authority for acceptance and use of funds for certain construction projects in the Republic of Korea.
- Sec. 2868. Repeal of requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2869. Lease or use agreement for category 3 subterranean training facility.
- Sec. 2870. Limitation on use of funds for closure of combat readiness training centers.
- Sec. 2871. Required investments in improving child development centers.
- Sec. 2872. Interagency Regional Coordinator for Resilience Pilot Project.
- Sec. 2873. Access to military installations for Homeland Security Investigations personnel in Guam.
- Sec. 2874. Prohibition on joint use of Homestead Air Reserve Base with civil aviation.
- Sec. 2875. Electrical charging capability construction requirements relating to parking for Federal Government motor vehicles.

TITLE XXIX—FALLON RANGE TRAINING COMPLEX

Subtitle A—Fallon Range Training Complex

- Sec. 2901. Military land withdrawal for Fallon Range Training Complex.
- Sec. 2902. Numu Newe Special Management Area.
- Sec. 2903. National conservation areas.
- Sec. 2904. Collaboration with State and county.
- Sec. 2905. Wilderness areas in Churchill County, Nevada.
- Sec. 2906. Release of wilderness study areas.
- Sec. 2907. Land conveyances and exchanges.
- Sec. 2908. Checkerboard resolution.

Subtitle B—Lander County Economic Development and Conservation

- Sec. 2911. Definitions.

PART I—LANDER COUNTY PUBLIC PURPOSE LAND CONVEYANCES

- Sec. 2921. Definitions.
- Sec. 2922. Conveyances to Lander County, Nevada.

PART II—LANDER COUNTY WILDERNESS AREAS

- Sec. 2931. Definitions.
- Sec. 2932. Designation of wilderness areas.
- Sec. 2933. Release of wilderness study areas.

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.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Requirements for specific request for new or modified nuclear weapons.
- Sec. 3112. Modifications to long-term plan for meeting national security requirements for unencumbered uranium.
- Sec. 3113. Modification of minor construction threshold for plant projects.
- Sec. 3114. Update to plan for deactivation and decommissioning of non-operational defense nuclear facilities.
- Sec. 3115. Use of alternative technologies to eliminate proliferation threats at vulnerable sites.
- Sec. 3116. Unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3117. Workforce enhancement for National Nuclear Security Administration.
- Sec. 3118. Modification of cost baselines for certain projects.
- Sec. 3119. Purchase of real property options.
- Sec. 3120. Prohibition on availability of funds to reconvert or retire W76-2 warheads.
- Sec. 3121. Acceleration of depleted uranium manufacturing processes.
- Sec. 3122. Assistance by the National Nuclear Security Administration to the Air Force for the development of the Mark 21A fuse.
- Sec. 3123. Determination of standardized indirect cost elements.
- Sec. 3124. Certification of completion of milestones with respect to plutonium pit aging.
- Sec. 3125. National Nuclear Security Administration facility advanced manufacturing development.
- Sec. 3126. Authorization of workforce development and training partnership programs within National Nuclear Security Administration.

Subtitle C—Reports and Other Matters

- Sec. 3131. Modification to certain reporting requirements.

Sec. 3132. Repeal of obsolete provisions of the Atomic Energy Defense Act and other provisions.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

Sec. 3202. Continuation of functions and powers during loss of quorum.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—MARITIME ADMINISTRATION

Subtitle A—Maritime Administration

Sec. 3501. Authorization of appropriations for the Maritime Administration.

Sec. 3502. Secretary of Transportation responsibility with respect to cargoes procured, furnished, or financed by other Federal departments and agencies.

Subtitle B—Merchant Marine Academy

Sec. 3511. Exemption of certain students from requirement to obtain merchant mariner license.

Sec. 3512. Board of Visitors.

Sec. 3513. Protection of cadets from sexual assault onboard vessels.

Sec. 3514. Service academy faculty parity of use of United States Government works.

Sec. 3515. Reports on matters relating to the United States Merchant Marine Academy.

Sec. 3516. Study on Capital Improvement Program at the USMMA.

Sec. 3517. Requirements relating to training of Merchant Marine Academy cadets on certain vessels.

Subtitle C—Maritime Infrastructure

Sec. 3521. United States marine highway program.

Sec. 3522. Port infrastructure development grants.

Sec. 3523. Project selection criteria for port infrastructure development program.

Sec. 3524. Infrastructure improvements identified in the report on strategic seaports.

Sec. 3525. GAO review of Government efforts to promote growth and modernization of United States Merchant Fleet.

Sec. 3526. GAO review of Federal efforts to enhance port infrastructure resiliency and disaster preparedness.

Sec. 3527. Study on foreign investment in shipping.

Sec. 3528. Report on alternate marine fuel bunkering facilities at ports.

Sec. 3529. Study of cybersecurity and national security threats posed by foreign manufactured cranes at United States ports.

Subtitle D—Maritime Workforce

Sec. 3531. Improving Protections for Midshipmen.

Sec. 3532. Maritime Technical Advancement Act.

Sec. 3533. Ensuring diverse mariner recruitment.

Sec. 3534. Low emissions vessels training.

Subtitle E—Other Matters

- Sec. 3541. Waiver of navigation and vessel inspection laws.
- Sec. 3542. National maritime strategy.
- Sec. 3543. Maritime Environmental and Technical Assistance Program.
- Sec. 3544. Definition of qualified vessel.
- Sec. 3545. Establishing a capital construction fund.
- Sec. 3546. Recapitalization of National Defense Reserve Fleet.
- Sec. 3547. Sense of Congress on Merchant Marine.
- Sec. 3548. Analysis of effects of chemicals in stormwater runoff on Pacific salmon and steelhead.
- Sec. 3549. Report on effective vessel quieting measures.

DIVISION D—FUNDING TABLES

- Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

- Sec. 4101. Procurement.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

- Sec. 4201. Research, development, test, and evaluation.

TITLE XLIII—OPERATION AND MAINTENANCE

- Sec. 4301. Operation and maintenance.

TITLE XLIV—MILITARY PERSONNEL

- Sec. 4401. Military personnel.

TITLE XLV—OTHER AUTHORIZATIONS

- Sec. 4501. Other authorizations.

TITLE XLVI—MILITARY CONSTRUCTION

- Sec. 4601. Military construction.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

- Sec. 4701. Department of Energy National Security Programs.

DIVISION E—NON-DEPARTMENT OF DEFENSE MATTERS

TITLE LI—VETERANS AFFAIRS MATTERS

Subtitle A—Advisory Committees

- Sec. 5101. Annual report from Advisory Committee on Women Veterans.
- Sec. 5102. Department of Veterans Affairs Advisory Committee on United States Outlying Areas and Freely Associated States.

Subtitle B—Studies and Reports

- Sec. 5111. Secretary of Veterans Affairs study on dissemination of information on Department of Veterans Affairs home loan benefits.

- Sec. 5112. GAO study on post-market surveillance of medical devices by Department of Veterans Affairs.
- Sec. 5113. Department of Veterans Affairs report on supportive services and housing insecurity.
- Sec. 5114. Report on handling of certain records of the Department of Veterans Affairs.

Subtitle C—Other Matters

- Sec. 5121. Improved application of employment and reemployment rights of all members of uniformed services.
- Sec. 5122. Competitive pay for health care providers of Department of Veterans Affairs.
- Sec. 5123. Definition of land use revenue under West Los Angeles Leasing Act of 2016.
- Sec. 5124. Technical corrections to Honoring our PACT Act of 2022.
- Sec. 5125. Improving pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements.
- Sec. 5126. Improvement of Vet Centers at Department of Veterans Affairs.
- Sec. 5127. Information on certain veterans with prior medical occupations; program on intermediate care technicians of Department of Veterans Affairs.

TITLE LII—INSPECTOR GENERAL INDEPENDENCE AND EMPOWERMENT MATTERS

Subtitle A—Inspector General Independence

- Sec. 5201. Short title.
- Sec. 5202. Removal or transfer of Inspectors General; placement on non-duty status.
- Sec. 5203. Vacancy in position of Inspector General.
- Sec. 5204. Office of Inspector General whistleblower complaints.

Subtitle B—Presidential Explanation of Failure to Nominate an Inspector General

- Sec. 5221. Presidential explanation of failure to nominate an Inspector General.

Subtitle C—Integrity Committee of the Council of Inspectors General on Integrity and Efficiency Transparency

- Sec. 5231. Short title.
- Sec. 5232. Additional information to be included in requests and reports to Congress.
- Sec. 5233. Availability of information to Congress on certain allegations of wrongdoing closed without referral.
- Sec. 5234. Semiannual report.
- Sec. 5235. Additional reports.
- Sec. 5236. Requirement to report final disposition to Congress.
- Sec. 5237. Investigations of Offices of Inspector General of establishments by the Integrity Committee.

Subtitle D—Notice of Ongoing Investigations When There Is a Change in Status of Inspector General

- Sec. 5241. Notice of ongoing investigations when there is a change in status of Inspector General.

Subtitle E—Council of the Inspectors General on Integrity and Efficiency
Report on Expenditures

Sec. 5251. CIGIE report on expenditures.

Subtitle F—Notice of Refusal to Provide Inspectors General Access

Sec. 5261. Notice of refusal to provide information or assistance to Inspectors General.

Subtitle G—Training Resources for Inspectors General and Other Matters

Sec. 5271. Training resources for Inspectors General.

Sec. 5272. Definition of appropriate congressional committees.

Sec. 5273. Semiannual reports.

Sec. 5274. Submission of reports that specifically identify non-governmental organizations or business entities.

Sec. 5275. Review relating to vetting, processing, and resettlement of evacuees from Afghanistan and the Afghanistan special immigrant visa program.

TITLE LIII—OVERSIGHT AND REFORM MATTERS

Subtitle A—General Provisions

Sec. 5301. Access for Veterans to Records.

Sec. 5302. ONDCP supplemental strategies.

Sec. 5303. Performance Enhancement.

Sec. 5304. Appeals to merit systems protection board relating to FBI reprisal allegations; salary of Special Counsel.

Sec. 5305. Fairness for Federal firefighters.

Subtitle B—PLUM Act of 2022

Sec. 5321. Short title.

Sec. 5322. Establishment of public website on government policy and supporting positions.

TITLE LIV—21ST CENTURY ASSISTIVE TECHNOLOGY ACT

Sec. 5401. Short title.

Sec. 5402. Reauthorization.

Sec. 5403. Effective date.

TITLE LV—FOREIGN AFFAIRS MATTERS

Subtitle A—Taiwan Enhanced Resilience Act

Sec. 5501. Short title.

PART 1—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP
BETWEEN THE UNITED STATES AND TAIWAN

Sec. 5502. Modernizing Taiwan's security capabilities to deter and, if necessary, defeat aggression by the People's Republic of China.

Sec. 5503. Increase in annual regional contingency stockpile additions and support for Taiwan.

Sec. 5504. International military education and training cooperation with Taiwan.

- Sec. 5505. Additional authorities to support Taiwan.
- Sec. 5506. Multi-year plan to fulfill defensive requirements of military forces of Taiwan.
- Sec. 5507. Fast-tracking sales to Taiwan under Foreign Military Sales program.
- Sec. 5508. Arms exports delivery solutions for Taiwan and United States allies in the Indo-Pacific.
- Sec. 5509. Assessment of Taiwan's needs for civilian defense and resilience.
- Sec. 5510. Annual report on Taiwan defensive military capabilities and intelligence support.
- Sec. 5511. Findings and statement of policy.
- Sec. 5512. Sense of Congress on Taiwan defense relations.

PART 2—COUNTERING PEOPLE'S REPUBLIC OF CHINA'S COERCION AND
INFLUENCE CAMPAIGNS

- Sec. 5513. Strategy to respond to influence and information operations targeting Taiwan.
- Sec. 5514. Task force to counter economic coercion by the People's Republic of China.
- Sec. 5515. China censorship monitor and action group.

PART 3—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

- Sec. 5516. Findings.
- Sec. 5517. Sense of Congress on Taiwan's meaningful participation in the international community.
- Sec. 5518. Strategy to support Taiwan's meaningful participation in international organizations.
- Sec. 5519. Meaningful participation of Taiwan in the International Civil Aviation Organization.

PART 4—MISCELLANEOUS PROVISIONS

- Sec. 5520. Report on Taiwan Travel Act.
- Sec. 5521. Amendments to the Taiwan Allies International Protection and Enhancement Initiative (Taipei) Act of 2019.
- Sec. 5522. Report on role of People's Republic of China's nuclear threat in escalation dynamics.
- Sec. 5523. Report analyzing the impact of Russia's war against Ukraine on the objectives of the People's Republic of China with respect to Taiwan.
- Sec. 5524. Expanding United States-Taiwan development cooperation.
- Sec. 5525. Sense of congress on expanding United States economic relations with Taiwan.

PART 5—SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE
PROGRAMS WITH TAIWAN

- Sec. 5526. Short title.
- Sec. 5527. Findings.
- Sec. 5528. Purposes.
- Sec. 5529. Definitions.
- Sec. 5530. Taiwan Fellowship Program.
- Sec. 5531. Reports and audits.
- Sec. 5532. Taiwan fellows on detail from government service.
- Sec. 5533. Funding.

- Sec. 5534. Study and report.
- Sec. 5535. Supporting United States educational and exchange programs with Taiwan.

PART 6—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

- Sec. 5536. Short title.
- Sec. 5537. Definitions.
- Sec. 5538. Study on an infectious disease monitoring center.

PART 7—RULES OF CONSTRUCTION

- Sec. 5539. Rule of construction.
- Sec. 5540. Rule of construction regarding the use of military force.

Subtitle B—United States-Ecuador Partnership Act of 2022

- Sec. 5541. Short title.
- Sec. 5542. Sense of Congress.
- Sec. 5543. Facilitating economic and commercial ties.
- Sec. 5544. Promoting inclusive economic development.
- Sec. 5545. Combating illicit economies, corruption, and negative foreign influence.
- Sec. 5546. Strengthening democratic governance.
- Sec. 5547. Fostering conservation and stewardship.
- Sec. 5548. Authorization to transfer excess Coast Guard vessels.
- Sec. 5549. Reporting requirements.
- Sec. 5550. Sunset.

Subtitle C—FENTANYL Results Act

- Sec. 5551. Short title.
- Sec. 5552. Prioritization of efforts of the Department of State to combat international trafficking in covered synthetic drugs.
- Sec. 5553. Program to provide assistance to build the capacity of foreign law enforcement agencies with respect to covered synthetic drugs.
- Sec. 5554. Exchange program on demand reduction matters relating to illicit use of covered synthetic drugs.
- Sec. 5555. Amendments to international narcotics control program.
- Sec. 5556. Sense of Congress.
- Sec. 5557. Rule of construction.
- Sec. 5558. Definitions.

Subtitle D—International Pandemic Preparedness

- Sec. 5559. Short title.
- Sec. 5560. Definitions.
- Sec. 5561. Enhancing the United States' international response to pandemics.
- Sec. 5562. International pandemic prevention and preparedness.
- Sec. 5563. Financial Intermediary Fund for Pandemic Prevention, Preparedness, and Response.
- Sec. 5564. General provisions.
- Sec. 5565. Sunset.
- Sec. 5566. Rule of construction.

Subtitle E—Burma Act of 2022

- Sec. 5567. Short title.

Sec. 5568. Definitions.

PART 1—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 5569. Statement of policy.

PART 2—SANCTIONS AND POLICY COORDINATION WITH RESPECT TO BURMA

Sec. 5570. Definitions.

Sec. 5571. Imposition of sanctions with respect to human rights abuses and
perpetration of a coup in Burma.

Sec. 5572. Sanctions and policy coordination for Burma.

Sec. 5573. Support for greater United Nations action with respect to Burma.

Sec. 5574. Sunset.

PART 3—AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR
BURMA

Sec. 5575. General authorization of appropriations.

Sec. 5576. Limitations.

Sec. 5577. Appropriate congressional committees defined.

PART 4—EFFORTS AGAINST HUMAN RIGHTS ABUSES

Sec. 5578. Authorization to provide technical assistance for efforts against
human rights abuses.

PART 5—SANCTIONS EXCEPTION RELATING TO IMPORTATION OF GOODS

Sec. 5579. Sanctions exception relating to importation of goods.

Subtitle F—Promotion of Freedom of Information and Countering of
Censorship and Surveillance in North Korea

Sec. 5580. Short title.

Sec. 5581. Findings; sense of Congress.

Sec. 5582. Statement of policy.

Sec. 5583. United States strategy to combat North Korea's repressive informa-
tion environment.

Sec. 5584. Promoting freedom of information and countering censorship and
surveillance in North Korea.

Subtitle G—Other Matters

Sec. 5585. Congressional notification for rewards paid using cryptocurrencies.

Sec. 5586. Secure access to sanitation facilities for women and girls.

Sec. 5587. Reauthorization of the Tropical Forest and Coral Reef Conservation
Act of 1998.

Sec. 5588. Global Food Security Reauthorization Act of 2022.

Sec. 5589. Extension and modification of certain export controls.

Sec. 5590. Imposition of sanctions with respect to the sale, supply, or transfer
of gold to or from Russia.

Sec. 5591. Renegotiation of Compacts of Free Association.

Sec. 5592. Secretary of State assistance for prisoners in Islamic Republic of
Iran.

Sec. 5593. Iran Nuclear Weapons Capability and Terrorism Monitoring Act of
2022.

Subtitle H—Reports

- Sec. 5594. Modification to peacekeeping operations report.
- Sec. 5595. Report on Indo-Pacific region.
- Sec. 5596. Report on humanitarian situation and food security in Lebanon.
- Sec. 5597. Statement of policy and report on engaging with Niger.
- Sec. 5598. Report on bilateral security and law enforcement cooperation with Mexico.
- Sec. 5599. Report on Chinese support to Russia with respect to its unprovoked invasion of and full-scale war against Ukraine.
- Sec. 5599A. Feasibility study on United States support for and participation in the international counterterrorism academy in Côte d'Ivoire.
- Sec. 5599B. Consultations on reuniting Korean Americans with family members in North Korea.

Subtitle I—Sense of Congress Provisions

- Sec. 5599C. Sense of Congress regarding the status of China.
- Sec. 5599D. Sense of Congress regarding Israel.
- Sec. 5599E. Sense of Congress relating to the NATO Parliamentary Assembly.
- Sec. 5599F. Condemning detention and indictment of Russian opposition leader Vladimir Vladimirovich Kara-Murza.
- Sec. 5599G. Sense of Congress regarding development of nuclear weapons by Iran.

TITLE LVI—TRANSPORTATION AND INFRASTRUCTURE

- Sec. 5601. Designation of small State and rural advocate.
- Sec. 5602. Flexibility.
- Sec. 5603. Preliminary damage assessment.
- Sec. 5604. Letter of deviation authority.
- Sec. 5605. Recognizing FEMA support.

TITLE LVII—FINANCIAL SERVICES MATTERS

- Sec. 5701. United States policy on World Bank Group and Asian Development Bank assistance to the People's Republic of China.
- Sec. 5702. Support for international initiatives to provide debt restructuring or relief to developing countries with unsustainable levels of debt.
- Sec. 5703. Ukraine debt payment relief.
- Sec. 5704. Isolate Russian Government Officials Act of 2022.
- Sec. 5705. Fair hiring in banking.
- Sec. 5706. Banking Transparency for Sanctioned Persons Act of 2022.
- Sec. 5707. Flexibility in addressing rural homelessness.
- Sec. 5708. Master account and services database.

TITLE LVIII—FINANCIAL DATA TRANSPARENCY

- Sec. 5801. Short title.

Subtitle A—Data Standards for Covered Agencies; Department of the Treasury Rulemaking

- Sec. 5811. Data standards.
- Sec. 5812. Open data publication by the Department of the Treasury.
- Sec. 5813. No new disclosure requirements.

Subtitle B—Securities and Exchange Commission

- Sec. 5821. Data standards requirements for the Securities and Exchange Commission.
- Sec. 5822. Open data publication by the Securities and Exchange Commission.
- Sec. 5823. Data transparency relating to municipal securities.
- Sec. 5824. Data transparency at national securities associations.
- Sec. 5825. Shorter-term burden reduction and disclosure simplification at the Securities and Exchange Commission; sunset.
- Sec. 5826. No new disclosure requirements.

Subtitle C—Federal Deposit Insurance Corporation

- Sec. 5831. Data standards requirements for the Federal Deposit Insurance Corporation.
- Sec. 5832. Open data publication by the Federal Deposit Insurance Corporation.
- Sec. 5833. Rulemaking.
- Sec. 5834. No new disclosure requirements.

Subtitle D—Office of the Comptroller of the Currency

- Sec. 5841. Data standards and open data publication requirements for the Office of the Comptroller of the Currency.
- Sec. 5842. Rulemaking.
- Sec. 5843. No new disclosure requirements.

Subtitle E—Bureau of Consumer Financial Protection

- Sec. 5851. Data standards and open data publication requirements for the Bureau of Consumer Financial Protection.
- Sec. 5852. Rulemaking.
- Sec. 5853. No new disclosure requirements.

Subtitle F—Federal Reserve System

- Sec. 5861. Data standards requirements for the Board of Governors of the Federal Reserve System.
- Sec. 5862. Open data publication by the Board of Governors of the Federal Reserve System.
- Sec. 5863. Rulemaking.
- Sec. 5864. No new disclosure requirements.

Subtitle G—National Credit Union Administration

- Sec. 5871. Data standards.
- Sec. 5872. Open data publication by the National Credit Union Administration.
- Sec. 5873. Rulemaking.
- Sec. 5874. No new disclosure requirements.

Subtitle H—Federal Housing Finance Agency

- Sec. 5881. Data standards requirements for the Federal Housing Finance Agency.
- Sec. 5882. Open data publication by the Federal Housing Finance Agency.
- Sec. 5883. Rulemaking.
- Sec. 5884. No new disclosure requirements.

Subtitle I—Miscellaneous

- Sec. 5891. Rules of construction.
- Sec. 5892. Classified and protected information.
- Sec. 5893. Report.

TITLE LIX—OTHER MATTERS

Subtitle A—Judiciary Matters

- Sec. 5901. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H–2B workers.
- Sec. 5902. Eligibility of Portuguese traders and investors for E–1 and E–2 nonimmigrant visas.
- Sec. 5903. Incentives for States to create sexual assault survivors’ bill of rights.
- Sec. 5904. Extending the statute of limitations for certain money laundering offenses.

Subtitle B—Science, Space, and Technology Matters

- Sec. 5911. Financial assistance for construction of test beds and specialized facilities.
- Sec. 5912. Reports on arctic research, budget, and spending.
- Sec. 5913. National research and development strategy for distributed ledger technology.
- Sec. 5914. Technical corrections.

Subtitle C—FedRamp Authorization Act

- Sec. 5921. FedRAMP Authorization Act.

Subtitle D—Judicial Security and Privacy

- Sec. 5931. Short title.
- Sec. 5932. Findings and purpose.
- Sec. 5933. Definitions.
- Sec. 5934. Protecting covered information in public records.
- Sec. 5935. Training and education.
- Sec. 5936. Vulnerability management capability.
- Sec. 5937. Rules of construction.
- Sec. 5938. Severability.
- Sec. 5939. Effective date.

Subtitle E—Other Matters

- Sec. 5941. Secretary of Agriculture report on improving supply chain shortfalls and infrastructure needs at wholesale produce markets.
- Sec. 5942. Extension of deadline for transfer of parcels of land in New Mexico.
- Sec. 5943. Ending global wildlife poaching and trafficking.
- Sec. 5944. Cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes.
- Sec. 5945. Transfer of National Oceanic and Atmospheric Administration property in Norfolk, Virginia.
- Sec. 5946. Other matters.
- Sec. 5947. Enhancing transparency on international agreements and non-binding instruments.
- Sec. 5948. Ukraine Invasion War Crimes Deterrence and Accountability Act.
- Sec. 5949. Prohibition on certain semiconductor products and services.

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
YEAR 2023

- Sec. 6001. Short title; table of contents.
- Sec. 6002. Definitions.
- Sec. 6003. Explanatory statement.

TITLE LXI—INTELLIGENCE ACTIVITIES

- Sec. 6101. Authorization of appropriations.
- Sec. 6102. Classified Schedule of Authorizations.
- Sec. 6103. Intelligence Community Management Account.
- Sec. 6104. Restriction on conduct of intelligence activities.
- Sec. 6105. Increase in employee compensation and benefits authorized by law.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM

- Sec. 6201. Authorization of appropriations.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 6301. Modification of requirements for certain employment activities by former intelligence officers and employees.
- Sec. 6302. Counterintelligence and national security protections for intelligence community grant funding.
- Sec. 6303. Extension of Central Intelligence Agency law enforcement jurisdiction to facilities of Office of Director of National Intelligence.
- Sec. 6304. Annual reports on status of recommendations of Comptroller General of the United States for the Director of National Intelligence.
- Sec. 6305. Timely submission of classified intelligence budget justification materials.
- Sec. 6306. Copyright protection for civilian faculty of the National Intelligence University.
- Sec. 6307. Modifications to Foreign Malign Influence Response Center.
- Sec. 6308. Requirement to offer cyber protection support for personnel of intelligence community in positions highly vulnerable to cyber attack.
- Sec. 6309. Enforcement of cybersecurity requirements for national security systems.
- Sec. 6310. Review and briefing on intelligence community activities under Executive Order 12333.
- Sec. 6311. Assessing intelligence community open-source support for export controls and foreign investment screening.
- Sec. 6312. Annual training requirement and report regarding analytic standards.
- Sec. 6313. Review of Joint Intelligence Community Council.
- Sec. 6314. Required policy for minimum insider threat standards.
- Sec. 6315. Unfunded priorities of the intelligence community.
- Sec. 6316. Submission of covered documents and classified annexes.
- Sec. 6317. Improvements to program on recruitment and training.
- Sec. 6318. Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware.
- Sec. 6319. Personnel vetting performance measures.
- Sec. 6320. Proactive cybersecurity.

TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 6401. Modifications to responsibilities and authorities of Director of National Intelligence.
- Sec. 6402. Annual submission to Congress of National Intelligence Priorities Framework.
- Sec. 6403. Disposition of records of Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

- Sec. 6411. Clarification regarding protection of Central Intelligence Agency functions.
- Sec. 6412. Expansion of reporting requirements relating to authority to pay personnel of Central Intelligence Agency for certain injuries to the brain.
- Sec. 6413. Historical Advisory Panel of Central Intelligence Agency.
- Sec. 6414. Authority of Central Intelligence Agency to provide protection for certain personnel.
- Sec. 6415. Notification of use of certain expenditure authorities.
- Sec. 6416. Office supporting Central Intelligence Agency workforce wellbeing.

Subtitle C—Elements of the Defense Intelligence Enterprise

- Sec. 6421. Inclusion of Space Force as element of intelligence community.
- Sec. 6422. Oversight of Defense Intelligence Agency culture.

Subtitle D—Other Elements

- Sec. 6431. Modification of advisory board in National Reconnaissance Office.
- Sec. 6432. Establishment of advisory board for National Geospatial-Intelligence Agency.
- Sec. 6433. Elevation of the commercial and business operations office of the National Geospatial-Intelligence Agency.
- Sec. 6435. Study on personnel under Strategic Intelligence Partnership Program.
- Sec. 6436. Briefing on coordination between intelligence community and Bureau of Industry and Security.

TITLE LXV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Intelligence Matters Relating to the People's Republic of China

- Sec. 6501. Report on wealth and corrupt activities of the leadership of the Chinese Communist Party.
- Sec. 6502. Identification and threat assessment of companies with investments by the People's Republic of China.
- Sec. 6503. Intelligence community working group for monitoring the economic and technological capabilities of the People's Republic of China.
- Sec. 6504. Annual report on concentrated reeducation camps in the Xinjiang Uyghur Autonomous Region of the People's Republic of China.
- Sec. 6505. Assessments of production of semiconductors by the People's Republic of China.

Subtitle B—Miscellaneous Authorities, Requirements, and Limitations

- Sec. 6511. Notice of deployment or transfer of containerized missile systems by Russia, China, or Iran.
- Sec. 6512. Intelligence community coordinator for Russian atrocities accountability.
- Sec. 6513. Lead intelligence community coordinator for countering and neutralizing proliferation of Iran-origin unmanned aircraft systems.
- Sec. 6514. Collaboration between intelligence community and Department of Commerce to counter foreign commercial threats.
- Sec. 6515. Intelligence assessment on foreign weaponization of advertisement technology data.
- Sec. 6516. Intelligence community assessment regarding Russian gray zone assets.

Subtitle C—Reports and Other Matters

- Sec. 6521. Report on assessing will to fight.
- Sec. 6522. Report on threat from hypersonic weapons.
- Sec. 6523. Report on ordnance of Russia and China.
- Sec. 6524. Report on activities of China and Russia targeting Latin America and the Caribbean.
- Sec. 6525. Report on support provided by China to Russia.
- Sec. 6526. Report on global CCP financing of port infrastructure.
- Sec. 6527. Sense of Congress on provision of support by intelligence community for atrocity prevention and accountability.

TITLE LXVI—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

- Sec. 6601. Improving onboarding of personnel in intelligence community.
- Sec. 6602. Report on legislative action required to implement Trusted Workforce 2.0 initiative.
- Sec. 6603. Inspector General of the Intelligence Community assessment of administration of polygraphs in intelligence community.
- Sec. 6604. Timeliness in the administration of polygraphs.
- Sec. 6605. Policy on submittal of applications for access to classified information for certain personnel.
- Sec. 6606. Technical correction regarding Federal policy on sharing of covered insider threat information.
- Sec. 6607. Inspector General of the Intelligence Community report on use of space certified as sensitive compartmented information facilities.
- Sec. 6608. Improving prohibition of certain personnel practices in intelligence community with respect to contractor employees.
- Sec. 6609. Definitions regarding whistleblower complaints and information of urgent concern received by inspectors general of the intelligence community.

TITLE LXVII—MATTERS RELATING TO EMERGING TECHNOLOGIES

Subtitle A—General Matters

- Sec. 6701. Definitions.
- Sec. 6702. Additional responsibilities of Director of National Intelligence for artificial intelligence policies, standards, and guidance for the intelligence community.

- Sec. 6703. Director of Science and Technology.
- Sec. 6704. Intelligence Community Chief Data Officer.

Subtitle B—Improvements Relating to Procurement

- Sec. 6711. Additional transaction authority.
- Sec. 6712. Implementation plan and advisability study for offices of commercial integration.
- Sec. 6713. Pilot program on designated emerging technology transition projects.
- Sec. 6714. Harmonization of authorizations to operate.
- Sec. 6715. Plan to expand sensitive compartmented information facility access by certain contractors; reports on expansion of security clearances for certain contractors.
- Sec. 6716. Compliance by intelligence community with requirements of Federal Acquisition Regulation relating to commercially available off-the-shelf items and commercial services.
- Sec. 6717. Policy on required user adoption metrics in certain contracts for artificial intelligence and emerging technology software products.
- Sec. 6718. Certification relating to information technology and software systems.

Subtitle C—Reports

- Sec. 6721. Reports on integration of artificial intelligence within intelligence community.
- Sec. 6722. Report on potential benefits of establishment of ICWERX.
- Sec. 6723. Requirements and report on workforce needs of intelligence community relating to science, technology, engineering, and math, and related areas.

Subtitle D—Talent, Education, and Training

- Sec. 6731. Report on establishment of technology acquisition cadre.
- Sec. 6732. Emerging technology education and training.

Subtitle E—Other Matters

- Sec. 6741. Improvements to use of commercial software products.
- Sec. 6742. Code-free artificial intelligence enablement tools policy.

TITLE LXVIII—OTHER MATTERS

- Sec. 6801. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
- Sec. 6802. Modification of requirement for office to address unidentified anomalous phenomena.
- Sec. 6803. Comptroller General of the United States audits and briefings on unidentified anomalous phenomena historical record report.
- Sec. 6804. Report on precursor chemicals used in the production of synthetic opioids.
- Sec. 6805. Assessment and report on mass migration in the Western Hemisphere.
- Sec. 6806. Report on international norms, rules, and principles applicable in space.
- Sec. 6807. Assessments of the effects of sanctions imposed with respect to the Russian Federation's invasion of Ukraine.

- Sec. 6808. Assessment of impact of Russia's invasion of Ukraine on food security.
- Sec. 6809. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers.
- Sec. 6810. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.
- Sec. 6811. Repeal and modification of certain reporting and briefing requirements.
- Sec. 6812. Increased intelligence-related engineering, research, and development capabilities of minority institutions.
- Sec. 6813. Reports on personnel vetting processes and progress under Trusted Workforce 2.0 initiative.
- Sec. 6814. Reports relating to programs of record of National Geospatial-Intelligence Agency.
- Sec. 6815. Plan regarding Social Media Data and Threat Analysis Center.
- Sec. 6816. Report on use of publicly available social media information in personnel vetting determinations.
- Sec. 6817. Report on strengthening workforce diversity planning and oversight.
- Sec. 6818. Report on transition of National Reconnaissance Office to digital engineering environment.
- Sec. 6819. Briefing on Department of Homeland Security intelligence activities.
- Sec. 6820. Report on declassification efforts of Central Intelligence Agency.
- Sec. 6821. Report on National Space Intelligence Center.
- Sec. 6822. Report on implementation of Executive Order 13556, regarding controlled unclassified information.
- Sec. 6823. National Museum of Intelligence and Special Operations.
- Sec. 6824. Technical corrections.

DIVISION G—HOMELAND SECURITY

TITLE LXXI—HOMELAND SECURITY MATTERS

Subtitle A—Strengthening Security in Our Communities

- Sec. 7101. Enhancements to funding and administration of Nonprofit Security Grant Program of the Department of Homeland Security.
- Sec. 7102. Preservation of homeland security capabilities.
- Sec. 7103. School and daycare protection.
- Sec. 7104. Cybersecurity grants for schools.
- Sec. 7105. Transnational Criminal Investigative Unit Stipend.
- Sec. 7106. Chemical Security Analysis Center.

Subtitle B—Strengthening DHS Management, Policymaking, and Operations

- Sec. 7111. Joint Task Forces of the Department of Homeland Security.
- Sec. 7112. Homeland Procurement Reform Act.
- Sec. 7113. Daily public report of covered contract awards.
- Sec. 7114. Preference for United States industry.
- Sec. 7115. Department of Homeland Security mentor-protégé program.
- Sec. 7116. DHS economic security council.

Subtitle C—Enhancing Cybersecurity Training and Operations

- Sec. 7121. President's Cup Cybersecurity Competition.
- Sec. 7122. Industrial control systems cybersecurity training.
- Sec. 7123. National Computer Forensics Institute reauthorization.

Sec. 7124. Report on cybersecurity roles and responsibilities of the Department of Homeland Security.

Subtitle D—Enhancing Transportation and Border Security Operations

Sec. 7131. TSA reaching across nationalities, societies, and languages to advance traveler education.

Sec. 7132. One-stop pilot program.

Sec. 7133. Report on efforts of the Department of Homeland Security to deter vehicular terrorist attacks (Darren Drake).

Sec. 7134. DHS illicit cross-border tunnel defense.

Sec. 7135. Providing training for U.S. Customs and Border Protection personnel on the use of containment devices to prevent secondary exposure to fentanyl and other potentially lethal substances.

Sec. 7136. Reports, evaluations, and research regarding drug interdiction at and between ports of entry.

Subtitle E—Technical Corrections, Conforming Changes, and Improvements

Sec. 7141. Quadrennial homeland security review technical corrections.

Sec. 7142. Technical, conforming, and clerical amendments.

Sec. 7143. CISA technical corrections and improvements.

TITLE LXXII—GOVERNMENTAL AFFAIRS

Subtitle A—Intragovernmental Cybersecurity Information Sharing Act

Sec. 7201. Requirement for information sharing agreements.

Subtitle A—Improving Government for America’s Taxpayers

Sec. 7211. Government Accountability Office unimplemented priority recommendations.

Subtitle B—Advancing American AI Act

Sec. 7221. Short title.

Sec. 7222. Purposes.

Sec. 7223. Definitions.

Sec. 7224. Principles and policies for use of artificial intelligence in Government.

Sec. 7225. Agency inventories and artificial intelligence use cases.

Sec. 7226. Rapid pilot, deployment and scale of applied artificial intelligence capabilities to demonstrate modernization activities related to use cases.

Sec. 7227. Enabling entrepreneurs and agency missions.

Sec. 7228. Intelligence community exception.

Subtitle C—Strategic EV Management

Sec. 7231. Short Title.

Sec. 7232. Definitions.

Sec. 7233. Strategic guidance.

Sec. 7234. Study of Federal fleet vehicles.

Subtitle D—Congressionally Mandated Reports

Sec. 7241. Short title.

Sec. 7242. Definitions.

- Sec. 7243. Establishment of online portal for congressionally mandated reports.
- Sec. 7244. Federal agency responsibilities.
- Sec. 7245. Changing or removing reports.
- Sec. 7246. Withholding of information.
- Sec. 7247. Implementation.
- Sec. 7248. Determination of budgetary effects.

TITLE LXXIII—TRANSPORTATION AND INFRASTRUCTURE
MATTERS

Subtitle A—Global Catastrophic Risk Management Act of 2022

- Sec. 7301. Short title.
- Sec. 7302. Definitions.
- Sec. 7303. Assessment of global catastrophic risk.
- Sec. 7304. Report required.
- Sec. 7305. Enhanced catastrophic incident annex.
- Sec. 7306. Validation of the strategy through an exercise.
- Sec. 7307. Recommendations.
- Sec. 7308. Reporting requirements.
- Sec. 7309. Rules of construction.

Subtitle B—Technological Hazards Preparedness and Training

- Sec. 7311. Short title.
- Sec. 7312. Definitions.
- Sec. 7313. Assistance and training for communities with technological hazards
and related emerging threats.
- Sec. 7314. Authorization of appropriations.
- Sec. 7315. Savings provision.

Subtitle C—Other Matters

- Sec. 7321. Crisis counseling assistance and training.

DIVISION H—WATER RESOURCES

TITLE LXXXI—WATER RESOURCES DEVELOPMENT ACT OF 2022

- Sec. 8001. Short title; table of contents.
- Sec. 8002. Secretary defined.

Subtitle A—General Provisions

- Sec. 8101. Federal breakwaters and jetties.
- Sec. 8102. Emergency response to natural disasters.
- Sec. 8103. Shoreline and riverbank protection and restoration mission.
- Sec. 8104. Floodplain management services.
- Sec. 8105. Public recreational amenities in ecosystem restoration projects.
- Sec. 8106. Scope of feasibility studies.
- Sec. 8107. Water supply conservation.
- Sec. 8108. Managed aquifer recharge study and working group.
- Sec. 8109. Updates to certain water control manuals.
- Sec. 8110. National coastal mapping study.
- Sec. 8111. Tribal partnership program.
- Sec. 8112. Tribal Liaison.
- Sec. 8113. Tribal assistance.
- Sec. 8114. Cost sharing provisions for the territories and Indian Tribes.

- Sec. 8115. Tribal and Economically Disadvantaged Communities Advisory Committee.
- Sec. 8116. Workforce planning.
- Sec. 8117. Corps of Engineers support for underserved communities; outreach.
- Sec. 8118. Pilot programs for certain communities.
- Sec. 8119. Technical assistance.
- Sec. 8120. Technical assistance for levee inspections.
- Sec. 8121. Assessment of Corps of Engineers levees.
- Sec. 8122. National low-head dam inventory.
- Sec. 8123. Expediting hydropower at Corps of Engineers facilities.
- Sec. 8124. Reserve component training at water resources development projects.
- Sec. 8125. Payment of pay and allowances of certain officers from appropriation for improvements.
- Sec. 8126. Maintenance dredging permits.
- Sec. 8127. Environmental dredging.
- Sec. 8128. Assessment of regional confined aquatic disposal facilities.
- Sec. 8129. Studies for periodic nourishment.
- Sec. 8130. Beneficial use of dredged material; management plans.
- Sec. 8131. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
- Sec. 8132. Additional projects for underserved community harbors.
- Sec. 8133. Inland waterways regional dredge pilot program.
- Sec. 8134. NEPA reporting.
- Sec. 8135. Funding to process permits.
- Sec. 8136. Lease durations.
- Sec. 8137. Reforestation.
- Sec. 8138. Emergency streambank and shoreline protection.
- Sec. 8139. Lease deviations.
- Sec. 8140. Policy and technical standards.
- Sec. 8141. Corps records relating to harmful algal blooms in Lake Okeechobee, Florida.
- Sec. 8142. Forecasting models for the Great Lakes.
- Sec. 8143. Monitoring and assessment program for saline lakes in the Great Basin.
- Sec. 8144. Chattahoochee River program.
- Sec. 8145. Lower Mississippi River Basin demonstration program.
- Sec. 8146. Washington Aqueduct.
- Sec. 8147. Water infrastructure public-private partnership pilot program.
- Sec. 8148. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 8149. Use of other Federal funds.
- Sec. 8150. Non-Federal Interest Advisory Committee.
- Sec. 8151. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
- Sec. 8152. Rehabilitation of pump stations.
- Sec. 8153. Report to Congress on Corps of Engineers reservoirs.
- Sec. 8154. Temporary relocation assistance pilot program.
- Sec. 8155. Continuation of construction.
- Sec. 8156. Federal interest determination.
- Sec. 8157. Inland waterway projects.
- Sec. 8158. Corps of Engineers Western Water Cooperative Committee.
- Sec. 8159. Support of Army civil works missions.
- Sec. 8160. Civil works research and development.
- Sec. 8161. Sense of Congress on operations and maintenance of recreation sites.

Sec. 8162. Sense of Congress relating to post-disaster repairs.

Subtitle B—Studies and Reports

- Sec. 8201. Authorization of proposed feasibility studies.
- Sec. 8202. Expedited completion.
- Sec. 8203. Expedited modifications of existing feasibility studies.
- Sec. 8204. Corps of Engineers reservoir sedimentation assessment.
- Sec. 8205. Report and recommendations on dredge capacity.
- Sec. 8206. Assessment of impacts from changing operation and maintenance responsibilities.
- Sec. 8207. Maintenance dredging data.
- Sec. 8208. Western infrastructure study.
- Sec. 8209. Recreation and economic development at Corps facilities in Appalachia.
- Sec. 8210. Ouachita River watershed, Arkansas and Louisiana.
- Sec. 8211. Report on Santa Barbara streams, Lower Mission Creek, California.
- Sec. 8212. Disposition study on Salinas Dam and Reservoir, California.
- Sec. 8213. Excess lands report for Whittier Narrows Dam, California.
- Sec. 8214. Comprehensive central and southern Florida study.
- Sec. 8215. Northern estuaries ecosystem restoration, Florida.
- Sec. 8216. Study on shellfish habitat and seagrass, Florida Central Gulf Coast.
- Sec. 8217. Report on South Florida ecosystem restoration plan implementation.
- Sec. 8218. Great Lakes recreational boating.
- Sec. 8219. Hydraulic evaluation of Upper Mississippi River and Illinois River.
- Sec. 8220. Disposition study on hydropower in the Willamette Valley, Oregon.
- Sec. 8221. Houston Ship Channel Expansion Channel Improvement Project, Texas.
- Sec. 8222. Sabine–Neches waterway navigation improvement project, Texas.
- Sec. 8223. Norfolk Harbor and Channels, Virginia.
- Sec. 8224. Coastal Virginia, Virginia.
- Sec. 8225. West Virginia hydropower.
- Sec. 8226. Electronic preparation and submission of applications.
- Sec. 8227. Investments for recreation areas.
- Sec. 8228. Automated fee machines.
- Sec. 8229. Review of recreational hazards.
- Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity.
- Sec. 8231. Report on socially and economically disadvantaged small business concerns.
- Sec. 8232. Report on solar energy opportunities.
- Sec. 8233. Report to Congress on economic valuation of preservation of open space, recreational areas, and habitat associated with project lands.
- Sec. 8234. Report on corrosion prevention activities.
- Sec. 8235. Report to Congress on easements related to water resources development projects.
- Sec. 8236. GAO studies.
- Sec. 8237. Assessment of forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers.

Subtitle C—Deauthorizations and Modifications

- Sec. 8301. Deauthorization of inactive projects.
- Sec. 8302. Watershed and river basin assessments.
- Sec. 8303. Forecast-informed reservoir operations.

- Sec. 8304. Lakes program.
- Sec. 8305. Invasive species.
- Sec. 8306. Maintenance of navigation channels.
- Sec. 8307. Project reauthorizations.
- Sec. 8308. Special rule for certain beach nourishment projects.
- Sec. 8309. Columbia River Basin.
- Sec. 8310. Evaluation of hydrologic changes in Souris River Basin.
- Sec. 8311. Acequias irrigation systems.
- Sec. 8312. Port of Nome, Alaska.
- Sec. 8313. St. George, Alaska.
- Sec. 8314. Unalaska (Dutch Harbor) Channels, Alaska.
- Sec. 8315. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 8316. St. Francis Lake Control Structure.
- Sec. 8317. South Platte River and Tributaries, Adams and Denver Counties, Colorado.
- Sec. 8318. Fruitvale Avenue Railroad Bridge, Alameda, California.
- Sec. 8319. Los Angeles County, California.
- Sec. 8320. Deauthorization of designated portions of the Los Angeles County Drainage Area, California.
- Sec. 8321. Murrieta Creek, California.
- Sec. 8322. Sacramento River Basin, California.
- Sec. 8323. San Diego River and Mission Bay, San Diego County, California.
- Sec. 8324. Additional assistance for Eastern Santa Clara Basin, California.
- Sec. 8325. San Francisco Bay, California.
- Sec. 8326. South San Francisco Bay Shoreline, California.
- Sec. 8327. Delaware shore protection and restoration.
- Sec. 8328. St. Johns River Basin, Central and Southern Florida.
- Sec. 8329. Little Pass, Clearwater Bay, Florida.
- Sec. 8330. Comprehensive Everglades Restoration Plan, Florida.
- Sec. 8331. Palm Beach Harbor, Florida.
- Sec. 8332. Port Everglades, Florida.
- Sec. 8333. South Florida Ecosystem Restoration Task Force.
- Sec. 8334. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 8335. Little Wood River, Gooding, Idaho.
- Sec. 8336. Chicago shoreline protection.
- Sec. 8337. Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois.
- Sec. 8338. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
- Sec. 8339. City of El Dorado, Kansas.
- Sec. 8340. Algiers Canal Levees, Louisiana.
- Sec. 8341. Mississippi River Gulf Outlet, Louisiana.
- Sec. 8342. Camp Ellis, Saco, Maine.
- Sec. 8343. Lower Mississippi River comprehensive management study.
- Sec. 8344. Upper Mississippi River protection.
- Sec. 8345. Upper Mississippi River restoration program.
- Sec. 8346. Water level management on the Upper Mississippi River and Illinois Waterway.
- Sec. 8347. Mississippi Delta Headwaters, Mississippi.
- Sec. 8348. Sense of Congress relating to Okatibbee Lake, Mississippi.
- Sec. 8349. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
- Sec. 8350. Lower Missouri River streambank erosion control evaluation and demonstration projects.

- Sec. 8351. Missouri River interception-rearing complexes.
- Sec. 8352. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 8353. Northern Missouri.
- Sec. 8354. Israel River, Lancaster, New Hampshire.
- Sec. 8355. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 8356. Ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey.
- Sec. 8357. Arkansas River corridor, Oklahoma.
- Sec. 8358. Copan Lake, Oklahoma.
- Sec. 8359. Southwestern Oregon.
- Sec. 8360. Yaquina River, Oregon.
- Sec. 8361. Lower Blackstone River, Rhode Island.
- Sec. 8362. Charleston Harbor, South Carolina.
- Sec. 8363. Colleton County, South Carolina.
- Sec. 8364. Ensley levee, Tennessee.
- Sec. 8365. Wolf River Harbor, Tennessee.
- Sec. 8366. Addicks and Barker Reservoirs, Texas.
- Sec. 8367. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 8368. Nueces County, Texas.
- Sec. 8369. Lake Champlain Canal, Vermont and New York.
- Sec. 8370. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 8371. Puget Sound nearshore ecosystem restoration, Washington.
- Sec. 8372. Lower Mud River, Milton, West Virginia.
- Sec. 8373. Northern West Virginia.
- Sec. 8374. Southern West Virginia.
- Sec. 8375. Environmental infrastructure.
- Sec. 8376. Additional assistance for critical projects.
- Sec. 8377. Conveyances.
- Sec. 8378. Land transfer and trust land for Choctaw Nation of Oklahoma.
- Sec. 8379. John P. Murtha Locks and Dam.
- Sec. 8380. Treatment of certain benefits and costs.
- Sec. 8381. Debris removal.
- Sec. 8382. General reauthorizations.
- Sec. 8383. Transfer of excess credit.
- Sec. 8384. Treatment of credit between projects.
- Sec. 8385. Non-Federal payment flexibility.
- Sec. 8386. Coastal community flood control and other purposes.
- Sec. 8387. National levee safety program.
- Sec. 8388. Surplus water contracts and water storage agreements.
- Sec. 8389. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 8390. Abandoned and inactive noncoal mine restoration.
- Sec. 8391. Asian carp prevention and control pilot program.
- Sec. 8392. Enhanced development program.
- Sec. 8393. Recreational opportunities at certain projects.
- Sec. 8394. Federal assistance.
- Sec. 8395. Mississippi River mat sinking unit.
- Sec. 8396. Sense of Congress on lease agreement.
- Sec. 8397. Expedited completion of projects and studies.

Subtitle D—Water Resources Infrastructure

- Sec. 8401. Project authorizations.
- Sec. 8402. Special rules.

Sec. 8403. Facility investment.

TITLE LXXXV—CLEAN WATER

- Sec. 8501. Regional water programs.
- Sec. 8502. Nonpoint source management programs.
- Sec. 8503. Wastewater assistance to colonias.

DIVISION I—DEPARTMENT OF STATE AUTHORIZATIONS

- Sec. 9001. Short title.
- Sec. 9002. Definitions.

TITLE XCI—ORGANIZATION AND OPERATIONS OF THE DEPARTMENT OF STATE

- Sec. 9101. Modernizing the Bureau of Arms Control, Verification, and Compliance and the Bureau of International Security and Non-proliferation.
- Sec. 9102. Notification to Congress for United States nationals unlawfully or wrongfully detained abroad.
- Sec. 9103. Family Engagement Coordinator.
- Sec. 9104. Rewards for Justice.
- Sec. 9105. Ensuring geographic diversity and accessibility of passport agencies.
- Sec. 9106. Cultural Antiquities Task Force.
- Sec. 9107. Office of Sanctions Coordination.
- Sec. 9108. Sense of Congress and strategic plan regarding the Department of State's Unit for Subnational Diplomacy.

TITLE XCII—PERSONNEL ISSUES

- Sec. 9201. Department of State paid Student Internship Program.
- Sec. 9202. Improvements to the prevention of, and the response to, harassment, discrimination, sexual assault, and related retaliation.
- Sec. 9203. Increasing the maximum amount authorized for science and technology fellowship grants and cooperative agreements.
- Sec. 9204. Additional personnel to address backlogs in hiring and investigations.
- Sec. 9205. Foreign affairs training.
- Sec. 9206. Facilitation and encouragement of training and professional development for Foreign Service and Civil Service personnel.
- Sec. 9207. Security clearance approval process.
- Sec. 9208. Addendum for study on foreign service allowances.
- Sec. 9209. Curtailments, removals from post, and waivers of privileges and immunities.
- Sec. 9210. Report on worldwide availability.
- Sec. 9211. Professional development.
- Sec. 9212. Management assessments at diplomatic and consular posts.
- Sec. 9213. Independent review of promotion policies.
- Sec. 9214. Third party verification of permanent change of station (PCS) orders.
- Sec. 9215. Post-employment restrictions on Senate-confirmed officials at the Department of State.
- Sec. 9216. Expansion of authorities regarding special rules for certain monthly workers' compensation payments and other payments.
- Sec. 9217. Report on pilot program for lateral entry into the Foreign Service.
- Sec. 9218. Report on changes to the Foreign Service Officer test.

- Sec. 9219. Dignity for people with disabilities serving in the Foreign Service.
Sec. 9220. Expanding scope of fellowship programs to include civil servants.

TITLE XCIII—EMBASSY SECURITY AND CONSTRUCTION

- Sec. 9301. Amendments to Secure Embassy Construction and Counterterrorism Act of 1999.
Sec. 9302. Diplomatic support and security.
Sec. 9303. Establishment of United States embassies in Solomon Islands, Kiribati, and Tonga and a diplomatic presence in Vanuatu.

TITLE XCIV—A DIVERSE WORKFORCE: RECRUITMENT, RETENTION, AND PROMOTION

- Sec. 9401. Report on barriers to applying for employment with the Department of State.
Sec. 9402. Collection, analysis, and dissemination of workforce data.
Sec. 9403. Centers of Excellence in Foreign Affairs and Assistance.
Sec. 9404. Promoting transparency and accountability in the Department of State workforce.
Sec. 9405. Rule of construction.

TITLE XCV—INFORMATION SECURITY AND CYBER DIPLOMACY

- Sec. 9501. United States international cyberspace policy.
Sec. 9502. Bureau of Cyberspace and Digital Policy.
Sec. 9503. International cyberspace and digital policy strategy.
Sec. 9504. Government Accountability Office report on cyber diplomacy.
Sec. 9505. Report on diplomatic programs to detect and respond to cyber threats against allies and partners.
Sec. 9506. Cybersecurity recruitment and retention.
Sec. 9507. Short course on emerging technologies for senior officials.
Sec. 9508. Establishment and expansion of Regional Technology Officer Program.
Sec. 9509. Vulnerability disclosure policy and bug bounty program report.

TITLE XCVI—PUBLIC DIPLOMACY

- Sec. 9601. United States participation in international fairs and expositions.
Sec. 9602. Under Secretary for Public Diplomacy and Public Affairs.
Sec. 9603. Report on public diplomacy.
Sec. 9604. Promoting peace, education, and cultural exchange through music diplomacy.

TITLE XCVII—OTHER MATTERS

- Sec. 9701. Supporting the employment of United States citizens by international organizations.
Sec. 9702. Increasing housing availability for certain employees assigned to the United States Mission to the United Nations.
Sec. 9703. Limitation on United States contributions to peacekeeping operations not authorized by the United Nations Security Council.
Sec. 9704. Boards of Radio Free Europe/Radio Liberty, Radio Free Asia, the Middle East Broadcasting Networks, and the Open Technology Fund.
Sec. 9705. Broadcasting entities no longer required to consolidate into a single private, nonprofit corporation.

- Sec. 9706. International broadcasting activities.
- Sec. 9707. Global internet freedom.
- Sec. 9708. Arms Export Control Act alignment with the Export Control Reform Act.
- Sec. 9709. Increasing the maximum annual lease payment available without approval by the Secretary.
- Sec. 9710. Report on United States access to critical mineral resources abroad.
- Sec. 9711. Overseas United States strategic infrastructure development projects.
- Sec. 9712. Provision of parking services and retention of parking fees.
- Sec. 9713. Diplomatic reception areas.
- Sec. 9714. Return of supporting documents for passport applications through United States Postal Service certified mail.
- Sec. 9715. Report on distribution of personnel and resources related to ordered departures and post closures.
- Sec. 9716. Elimination of obsolete reports.
- Sec. 9717. Locality pay for Federal employees working overseas under Domestic Employee Teleworking Overseas agreements.
- Sec. 9718. Report on countering the activities of malign actors.

TITLE XCVIII—EXTENSION OF AUTHORITIES

- Sec. 9801. Diplomatic facilities.
- Sec. 9802. Extension of existing authorities.
- Sec. 9803. Commission on Reform and Modernization of the Department of State.

DIVISION J—OCEANS AND ATMOSPHERE

- Sec. 10000. Table of contents.

TITLE C—CORAL REEF CONSERVATION

Subtitle A—Reauthorization of Coral Reef Conservation Act of 2000

- Sec. 10001. Reauthorization of Coral Reef Conservation Act of 2000.

Subtitle B—United States Coral Reef Task Force

- Sec. 10011. Establishment.
- Sec. 10012. Duties.
- Sec. 10013. Membership.
- Sec. 10014. Responsibilities of Federal agency members.
- Sec. 10015. Working groups.
- Sec. 10016. Definitions.

Subtitle C—Department of the Interior Coral Reef Authorities

- Sec. 10021. Coral reef conservation and restoration assistance.

Subtitle D—Susan L. Williams National Coral Reef Management Fellowship

- Sec. 10031. Susan L. Williams National Coral Reef Management Fellowship.

TITLE CI—BOLSTERING LONG-TERM UNDERSTANDING AND EXPLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTUARIES

- Sec. 10101. Purpose.

- Sec. 10102. Definitions.
- Sec. 10103. Workforce study.
- Sec. 10104. Accelerating innovation at Cooperative Institutes.
- Sec. 10105. Blue Economy valuation.
- Sec. 10106. No additional funds authorized.

TITLE CII—REGIONAL OCEAN PARTNERSHIPS

- Sec. 10201. Findings; purposes.
- Sec. 10202. Regional Ocean Partnerships.

TITLE CIII—NATIONAL OCEAN EXPLORATION

- Sec. 10301. Findings.
- Sec. 10302. Definitions.
- Sec. 10303. Ocean Policy Committee.
- Sec. 10304. National Ocean Mapping, Exploration, and Characterization Council.
- Sec. 10305. Modifications to the ocean exploration program of the National Oceanic and Atmospheric Administration.
- Sec. 10306. Repeal.
- Sec. 10307. Modifications to ocean and coastal mapping program of the National Oceanic and Atmospheric Administration.
- Sec. 10308. Modifications to Hydrographic Services Improvement Act of 1998.

TITLE CIV—MARINE MAMMAL RESEARCH AND RESPONSE

- Sec. 10401. Data collection and dissemination.
- Sec. 10402. Stranding or entanglement response agreements.
- Sec. 10403. Unusual mortality event activity funding.
- Sec. 10404. Liability.
- Sec. 10405. National Marine Mammal Tissue Bank and tissue analysis.
- Sec. 10406. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.
- Sec. 10407. Health MAP.
- Sec. 10408. Reports to Congress.
- Sec. 10409. Authorization of appropriations.
- Sec. 10410. Definitions.
- Sec. 10411. Study on marine mammal mortality.

TITLE CV—VOLCANIC ASH AND FUMES

- Sec. 10501. Modifications to National Volcano Early Warning and Monitoring System.

TITLE CVI—LEARNING EXCELLENCE AND GOOD EXAMPLES
FROM NEW DEVELOPERS

- Sec. 10601. Learning excellence and good examples from new developers.

DIVISION K—DON YOUNG COAST GUARD AUTHORIZATION ACT OF
2022

- Sec. 11001. Short title; table of contents.
- Sec. 11002. Definitions.
- Sec. 11003. Rule of construction.

TITLE CXI—AUTHORIZATIONS

- Sec. 11101. Authorization of appropriations.
- Sec. 11102. Authorized levels of military strength and training.
- Sec. 11103. Authorization for certain programs and services.
- Sec. 11104. Availability of amounts for acquisition of additional vessels.
- Sec. 11105. Shoreside infrastructure and facilities.
- Sec. 11106. Coast Guard yard resilient infrastructure and construction improvement.

TITLE CXII—COAST GUARD

Subtitle A—Infrastructure and Assets

- Sec. 11201. Report on shoreside infrastructure and facilities projects.
- Sec. 11202. Report and briefing on resourcing strategy for Western Pacific region.
- Sec. 11203. Study and report on national security and drug trafficking threats in Florida Straits, Cuba, and Caribbean region.
- Sec. 11204. Coast Guard Yard.
- Sec. 11205. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.
- Sec. 11206. Improvements to infrastructure and operations planning.
- Sec. 11207. Aqua alert notification system pilot program.
- Sec. 11208. Pilot project for enhancing Coast Guard cutter readiness through condition-based maintenance.
- Sec. 11209. Study on laydown of Coast Guard Cutters.
- Sec. 11210. Acquisition life-cycle cost estimates.
- Sec. 11211. Disposition of infrastructure related to E-LORAN.

Subtitle B—Great Lakes

- Sec. 11212. Great Lakes winter commerce.
- Sec. 11213. Database on icebreaking operations in Great Lakes.
- Sec. 11214. Center of expertise for Great Lakes oil spill search and response.
- Sec. 11215. Great Lakes snowmobile acquisition plan.
- Sec. 11216. Great Lakes barge inspection exemption.
- Sec. 11217. Study on sufficiency of Coast Guard aviation assets to meet mission demands.

Subtitle C—Arctic

- Sec. 11218. Establishment of medium icebreaker program office.
- Sec. 11219. Arctic activities.
- Sec. 11220. Study on Arctic operations and infrastructure.
- Sec. 11221. Pribilof Island transition completion actions.
- Sec. 11222. Report on shipyards of Finland and Sweden.
- Sec. 11223. Acquisition of icebreaker.

Subtitle D—Maritime Cyber and Artificial Intelligence

- Sec. 11224. Enhancing maritime cybersecurity.
- Sec. 11225. Establishment of unmanned system program and autonomous control and computer vision technology project.
- Sec. 11226. Artificial intelligence strategy.
- Sec. 11227. Review of artificial intelligence applications and establishment of performance metrics.
- Sec. 11228. Cyber data management.
- Sec. 11229. Data management.

Sec. 11230. Study on cyber threats to United States marine transportation system.

Subtitle E—Aviation

Sec. 11231. Space-available travel on Coast Guard aircraft: program authorization and eligible recipients.

Sec. 11232. Report on Coast Guard Air Station Barbers Point hangar.

Sec. 11233. Study on operational availability of Coast Guard aircraft and strategy for Coast Guard Aviation.

Subtitle F—Workforce Readiness

Sec. 11234. Authorized strength.

Sec. 11235. Continuation of officers with certain critical skills on active duty.

Sec. 11236. Number and distribution of officers on active duty promotion list.

Sec. 11237. Career incentive pay for marine inspectors.

Sec. 11238. Expansion of ability for selection board to recommend officers of particular merit for promotion.

Sec. 11239. Modification to education loan repayment program.

Sec. 11240. Retirement of Vice Commandant.

Sec. 11241. Report on resignation and retirement processing times and denial.

Sec. 11242. Calculation of active service.

Sec. 11243. Physical Disability Evaluation System procedure review.

Sec. 11244. Expansion of authority for multirater assessments of certain personnel.

Sec. 11245. Promotion parity.

Sec. 11246. Partnership program to diversify Coast Guard.

Sec. 11247. Expansion of Coast Guard Junior Reserve Officers' Training Corps.

Sec. 11248. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.

Sec. 11249. Strategy to enhance diversity through recruitment and accession.

Sec. 11250. Support for Coast Guard Academy.

Sec. 11251. Training for congressional affairs personnel.

Sec. 11252. Strategy for retention of cuttermen.

Sec. 11253. Study on performance of Coast Guard Force Readiness Command.

Sec. 11254. Study on frequency of weapons training for Coast Guard personnel.

Subtitle G—Miscellaneous Provisions

Sec. 11255. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.

Sec. 11256. Budgeting of Coast Guard relating to certain operations.

Sec. 11257. Report on San Diego maritime domain awareness.

Sec. 11258. Conveyance of Coast Guard vessels for public purposes.

Sec. 11259. National Coast Guard Museum funding plan.

Sec. 11260. Report on Coast Guard explosive ordnance disposal.

Sec. 11261. Transfer and conveyance.

Sec. 11262. Transparency and oversight.

Sec. 11263. Study on safety inspection program for containers and facilities.

Sec. 11264. Operational data sharing capability.

Sec. 11265. Feasibility study on construction of Coast Guard station at Port Mansfield.

- Sec. 11266. Procurement of tethered aerostat radar system for Coast Guard Station South Padre Island.
- Sec. 11267. Prohibition on major acquisition contracts with entities associated with Chinese Communist Party.
- Sec. 11268. Review of drug interdiction equipment and standards; testing for fentanyl during interdiction operations.
- Sec. 11269. Public availability of information on monthly migrant interdictions.
- Sec. 11270. Cargo waiting time reduction.
- Sec. 11271. Study on Coast Guard oversight and investigations.

Subtitle H—Sexual Assault and Sexual Harassment Response and Prevention

- Sec. 11272. Administration of sexual assault forensic examination kits.
- Sec. 11273. Policy on requests for permanent changes of station or unit transfers by persons who report being the victim of sexual assault.
- Sec. 11274. Sex offenses and personnel records.
- Sec. 11275. Study on Special Victims' Counsel program.

TITLE CXIII—ENVIRONMENT

Subtitle A—Marine Mammals

- Sec. 11301. Definitions.
- Sec. 11302. Assistance to ports to reduce impacts of vessel traffic and port operations on marine mammals.
- Sec. 11303. Near real-time monitoring and mitigation program for large cetaceans.
- Sec. 11304. Pilot program to establish a Cetacean Desk for Puget Sound region.
- Sec. 11305. Monitoring ocean soundscapes.

Subtitle B—Oil Spills

- Sec. 11306. Report on changing salvors.
- Sec. 11307. Limited indemnity provisions in standby oil spill response contracts.
- Sec. 11308. Improving oil spill preparedness.
- Sec. 11309. Western Alaska oil spill planning criteria.
- Sec. 11310. Coast Guard claims processing costs.
- Sec. 11311. Calculation of interest on debt owed to national pollution fund.
- Sec. 11312. Per-incident limitation.
- Sec. 11313. Access to Oil Spill Liability Trust Fund.
- Sec. 11314. Cost-reimbursable agreements.
- Sec. 11315. Oil spill response review.
- Sec. 11316. Additional exceptions to regulations for towing vessels.
- Sec. 11317. Port Coordination Council for Point Spencer.

Subtitle C—Environmental Compliance

- Sec. 11318. Providing requirements for vessels anchored in established anchorage grounds.
- Sec. 11319. Study on impacts on shipping and commercial, Tribal, and recreational fisheries from development of renewable energy on West Coast.
- Sec. 11320. Use of devices broadcasting on AIS for purposes of marking fishing gear.

Subtitle D—Environmental Issues

- Sec. 11321. Notification of communication outages.
- Sec. 11322. Improvements to communication with fishing industry and related stakeholders.
- Sec. 11323. Advance notification of military or other exercises.
- Sec. 11324. Modifications to Sport Fish Restoration and Boating Trust Fund administration.
- Sec. 11325. Load lines.
- Sec. 11326. Actions by National Marine Fisheries Service to increase energy production.
- Sec. 11327. Aquatic Nuisance Species Task Force.
- Sec. 11328. Safety standards.

Subtitle E—Illegal Fishing and Forced Labor Prevention

- Sec. 11329. Definitions.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

- Sec. 11330. Enhancement of Seafood Import Monitoring Program Message Set in Automated Commercial Environment system.
- Sec. 11331. Data sharing and aggregation.
- Sec. 11332. Import audits.
- Sec. 11333. Availability of fisheries information.
- Sec. 11334. Report on Seafood Import Monitoring Program.
- Sec. 11335. Authorization of appropriations.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

- Sec. 11336. Denial of port privileges.
- Sec. 11337. Identification and certification criteria.
- Sec. 11338. Equivalent conservation measures.
- Sec. 11339. Capacity building in foreign fisheries.
- Sec. 11340. Training of United States observers.
- Sec. 11341. Regulations.

TITLE CXIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

- Sec. 11401. Coast Guard child care improvements.
- Sec. 11402. Armed Forces access to Coast Guard child development services.
- Sec. 11403. Cadet pregnancy policy improvements.
- Sec. 11404. Combat-related special compensation.
- Sec. 11405. Study on food security.

Subtitle B—Healthcare

- Sec. 11406. Development of medical staffing standards for Coast Guard.
- Sec. 11407. Healthcare system review and strategic plan.
- Sec. 11408. Data collection and access to care.
- Sec. 11409. Behavioral health policy.
- Sec. 11410. Members asserting post-traumatic stress disorder or traumatic brain injury.

- Sec. 11411. Improvements to Physical Disability Evaluation System and transition program.
- Sec. 11412. Expansion of access to counseling.
- Sec. 11413. Expansion of postgraduate opportunities for members of Coast Guard in medical and related fields.
- Sec. 11414. Study on Coast Guard medical facilities needs.
- Sec. 11415. Study on Coast Guard telemedicine program.

Subtitle C—Housing

- Sec. 11416. Study on Coast Guard housing access, cost, and challenges.
- Sec. 11417. Audit of certain military housing conditions of enlisted members of Coast Guard in Key West, Florida.
- Sec. 11418. Study on Coast Guard housing authorities and privatized housing.
- Sec. 11419. Strategy to improve quality of life at remote units.

Subtitle D—Other Matters

- Sec. 11420. Report on availability of emergency supplies for Coast Guard personnel.
- Sec. 11421. Fleet mix analysis and shore infrastructure investment plan.

TITLE CXV—MARITIME

Subtitle A—Vessel Safety

- Sec. 11501. Responses to safety recommendations.
- Sec. 11502. Requirements for DUKW amphibious passenger vessels.
- Sec. 11503. Exoneration and limitation of liability for small passenger vessels.
- Sec. 11504. At-sea recovery operations pilot program.
- Sec. 11505. Historic wood sailing vessels.
- Sec. 11506. Certificates of numbers for undocumented vessels.
- Sec. 11507. Comptroller General review and report on Coast Guard oversight of third-party organizations.
- Sec. 11508. Articulated tug-barge manning.
- Sec. 11509. Fishing vessel safety.
- Sec. 11510. Exemptions for certain passenger vessels.

Subtitle B—Merchant Mariner Credentialing

- Sec. 11511. Modernizing merchant mariner credentialing system.
- Sec. 11512. Assessment regarding application process for merchant mariner credentials.
- Sec. 11513. GAO report.
- Sec. 11514. Military to Mariners Act of 2022.
- Sec. 11515. Definitions.

Subtitle C—Other Matters

- Sec. 11516. Nonoperating individual.
- Sec. 11517. Oceanographic research vessels.
- Sec. 11518. Port access routes briefing.
- Sec. 11519. Definition of stateless vessel.
- Sec. 11520. Limitation on recovery for certain injuries incurred in aquaculture activities.
- Sec. 11521. Report on securing vessels and cargo.
- Sec. 11522. Report on enforcement of coastwise laws.
- Sec. 11523. Land conveyance, Sharpe Army Depot, Lathrop, California.

- Sec. 11524. Prohibition on entry and operation.
- Sec. 11525. Floating dry docks.
- Sec. 11526. Updated requirements for fishing crew agreements.

TITLE CXVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT
PREVENTION AND RESPONSE

- Sec. 11601. Definitions.
- Sec. 11602. Convicted sex offender as grounds for denial.
- Sec. 11603. Sexual harassment or sexual assault as grounds for suspension or revocation.
- Sec. 11604. Accommodation; notices.
- Sec. 11605. Protection against discrimination.
- Sec. 11606. Alcohol at sea.
- Sec. 11607. Surveillance requirements.
- Sec. 11608. Master key control.
- Sec. 11609. Requirement to report sexual assault and harassment.
- Sec. 11610. Safety management system.
- Sec. 11611. Reports to Congress.

TITLE CXVII—NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned
Officer Corps

- Sec. 11701. Definitions.
- Sec. 11702. Requirement for appointments.
- Sec. 11703. Repeal of requirement to promote ensigns after 3 years of service.
- Sec. 11704. Authority to provide awards and decorations.
- Sec. 11705. Retirement and separation.
- Sec. 11706. Improving professional mariner staffing.
- Sec. 11707. Legal assistance.
- Sec. 11708. Acquisition of aircraft for agency air, atmosphere, and weather reconnaissance and research mission.
- Sec. 11709. Report on professional mariner staffing models.

Subtitle B—Other Matters

- Sec. 11710. Conveyance of certain property of National Oceanic and Atmospheric Administration in Juneau, Alaska.

TITLE CXVIII—TECHNICAL, CONFORMING, AND CLARIFYING
AMENDMENTS

- Sec. 11801. Terms and vacancies.
- Sec. 11802. Passenger vessel security and safety requirements.
- Sec. 11803. Technical corrections.
- Sec. 11804. Transportation worker identification credential technical amendments.
- Sec. 11805. Reinstatement.
- Sec. 11806. Determination of budgetary effects.
- Sec. 11807. Technical amendment.
- Sec. 11808. Lighthouse service amendments.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

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

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

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

16 **SEC. 5. EXPLANATORY STATEMENT.**

17 The explanatory statement regarding this Act, print-
18 ed in the House section of the Congressional Record on
19 or about December 7, 2022, by the Chairman of the Com-
20 mittee on Armed Services of the House of Representatives
21 and the Chairman of the Committee on Armed Services
22 of the Senate, shall have the same effect with respect to
23 the implementation of this Act as if it were a joint explan-
24 atory statement of a committee of conference.

1 **DIVISION A—DEPARTMENT OF**
2 **DEFENSE AUTHORIZATIONS**
3 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

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

Subtitle C—Navy Programs

- Sec. 121. Requirements relating to EA-18G aircraft of the Navy.
Sec. 122. Navy shipbuilding workforce development special incentive.
Sec. 123. Extension of prohibition on availability of funds for Navy port waterborne security barriers.
Sec. 124. Limitation on authority to modify capabilities and fleet configuration of E-6B aircraft.
Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers.
Sec. 126. Procurement authority for Ship-to-Shore Connector program.
Sec. 127. Procurement authority for CH-53K heavy lift helicopter program.
Sec. 128. Procurement authorities for John Lewis-class fleet replenishment oiler ships.
Sec. 129. Procurement authorities for certain amphibious shipbuilding programs.
Sec. 130. Contracts for design and construction of the DDG(X) destroyer program.
Sec. 131. Tomahawk and Standard Missile-6 capability on FFG-62 class vessels.
Sec. 132. Report on advance procurement for CVN-82 and CVN-83.
Sec. 133. Quarterly briefings on the CH-53K King Stallion helicopter program.

Subtitle D—Air Force Programs

- Sec. 141. Modification of inventory requirements for aircraft of the combat air forces.
Sec. 142. Inventory and other requirements relating to air refueling tanker aircraft.
Sec. 143. Requirements relating to F-22 aircraft.
Sec. 144. Modification of exception to prohibition on certain reductions to B-1 bomber aircraft squadrons.
Sec. 145. Repeal of Air Force E-8C force presentation requirement.
Sec. 146. Minimum inventory of C-130 aircraft.
Sec. 147. Prohibition on availability of funds for retirement of C-40 aircraft.
Sec. 148. Prohibition on availability of funds for termination of production lines for HH-60W aircraft.
Sec. 149. Prohibition on certain reductions to inventory of E-3 airborne warning and control system aircraft.
Sec. 150. Limitation on divestment of F-15 aircraft.
Sec. 151. Authority to procure upgraded ejection seats for certain T-38A aircraft.

- Sec. 152. Procurement authority for digital mission operations platform for the Space Force.
- Sec. 153. Digital transformation commercial software acquisition.
- Sec. 154. Requirements study and strategy for the combat search and rescue mission of the Air Force.
- Sec. 155. Plan for transfer of KC-135 aircraft to the Air National Guard.
- Sec. 156. Annual reports on T-7A Advanced Pilot Training System.

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

- Sec. 161. Increase in Air Force and Navy use of used commercial dual-use parts in certain aircraft and engines.
- Sec. 162. Assessment and strategy for fielding capabilities to counter threats posed by unmanned aerial system swarms.
- Sec. 163. Assessment and report on military rotary wing aircraft industrial base.
- Sec. 164. Comptroller General audit of efforts to modernize the propulsion, power, and thermal management systems of F-35 aircraft.

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

3 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2023 for procurement for the Army, the Navy
6 and the Marine Corps, the Air Force and the Space Force,
7 and Defense-wide activities, as specified in the funding
8 table in section 4101.

9 **Subtitle B—Army Programs**

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

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

15 (1) limit production of prototype Extended
16 Range Cannon Artillery howitzers to not more than
17 20;

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

5 (3) include in any cost analysis or compari-
6 son—

7 (A) the monetary value of a Paladin how-
8 itzer that may be modified to produce an Ex-
9 tended Range Cannon Artillery howitzer; and

10 (B) the monetary value of leveraging gov-
11 ernment-owned infrastructure to facilitate the
12 modification;

13 (4) use a full and open competitive approach
14 using best value criteria for post-prototype produc-
15 tion source selection; and

16 (5) base any production strategy and source se-
17 lection decisions on a full understanding of the cost
18 of production, including—

19 (A) the comparison of production ap-
20 proaches described in paragraph (2); and

21 (B) any cost analysis or comparison de-
22 scribed in paragraph (3).

23 (b) CERTIFICATION.—Before issuing a request for
24 proposal for the post-prototype production of an Extended

1 Range Cannon Artillery howitzer, the Secretary of the
2 Army shall—

3 (1) certify to the congressional defense commit-
4 tees that the acquisition strategy upon which the re-
5 quest for proposal is based complies with the re-
6 quirements of subsection (a); and

7 (2) provide to the congressional defense com-
8 mittees a briefing on that acquisition strategy and
9 the relevant cost and value comparison described in
10 subsection (a)(2).

11 (c) INCLUSION OF CERTAIN INFORMATION IN BUDG-
12 ET MATERIALS.—The Secretary of the Army shall ensure
13 that the cost of procuring Paladin howitzers to be modified
14 for post-prototype production of Extended Range Cannon
15 Artillery howitzers is included—

16 (1) in the materials relating to the Extended
17 Range Cannon Artillery program submitted in sup-
18 port of the budget of the President (as submitted to
19 Congress under section 1105(a) of title 31, United
20 States Code) for each fiscal year in which such pro-
21 gram is carried out; and

22 (2) in any budget briefings concerning such
23 program.

1 **Subtitle C—Navy Programs**

2 **SEC. 121. REQUIREMENTS RELATING TO EA-18G AIRCRAFT** 3 **OF THE NAVY.**

4 (a) LIMITATIONS AND MINIMUM INVENTORY RE-
5 QUIREMENTS.—Section 8062 of title 10, United States
6 Code, is amended—

7 (1) by redesignating subsection (f) as sub-
8 section (g); and

9 (2) by inserting after subsection (e) the fol-
10 lowing new subsection:

11 “(f)(1)(A) During the period beginning on the date
12 of the enactment of the National Defense Authorization
13 Act for Fiscal Year 2023 and ending on September 30,
14 2027, the Secretary of the Navy may not—

15 “(i) retire an EA-18G aircraft;

16 “(ii) reduce funding for unit personnel
17 or weapon system sustainment activities
18 for EA-18G aircraft in a manner that pre-
19 sumes future congressional authority to di-
20 vest such aircraft;

21 “(iii) place an EA-18G aircraft in ac-
22 tive storage status or inactive storage sta-
23 tus; or

24 “(iv) keep an EA-18G aircraft in a
25 status considered excess to the require-

1 ments of the possessing command and
2 awaiting disposition instructions.

3 “(B) The prohibition under subparagraph (A)
4 shall not apply to individual EA–18G aircraft that
5 the Secretary of the Navy determines, on a case-by-
6 case basis, to be no longer mission capable and un-
7 economical to repair because of aircraft accidents or
8 mishaps.

9 “(2)(A) The Secretary of the Navy shall maintain a
10 total aircraft inventory of EA–18G aircraft of not less
11 than 158 aircraft, of which not less than 126 aircraft shall
12 be coded as primary mission aircraft inventory.

13 “(B) The Secretary of the Navy may reduce the num-
14 ber of EA–18G aircraft in the inventory of the Navy below
15 the minimum number specified in subparagraph (A) if the
16 Secretary determines, on a case-by-case basis, that an air-
17 craft is no longer mission capable and uneconomical to re-
18 pair because of aircraft accidents or mishaps.

19 “(C) In this paragraph, the term ‘primary mission
20 aircraft inventory’ means aircraft assigned to meet the
21 primary aircraft authorization—

22 “(i) to a unit for the performance of its war-
23 time mission;

1 “(ii) to a training unit for technical and special-
2 ized training for crew personnel or leading to air-
3 crew qualification;

4 “(iii) to a test unit for testing of the aircraft
5 or its components for purposes of research, develop-
6 ment, test, and evaluation, operational test and eval-
7 uation, or to support testing programs; or

8 “(iv) to meet requirements for missions not oth-
9 erwise specified in clauses (i) through (iii).”.

10 (b) **REPORT REQUIRED.**—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of the Navy and the Secretary of the Air Force shall joint-
13 ly submit to the congressional defense committees a report
14 that includes a strategy and execution plan for continu-
15 ously and effectively meeting the airborne electronic attack
16 training and combat requirements of the joint force. At
17 a minimum, the strategy and execution plan shall provide
18 for—

19 (1) the integration and utilization of both re-
20 serve and active duty component forces and re-
21 sources within the Department of the Navy and the
22 Department of the Air Force; and

23 (2) the establishment or continuation of one or
24 more joint service expeditionary, land-based elec-
25 tronic attack squadrons that equal or exceed the ca-

1 pacity and capability of such squadrons in effect as
2 of the date of the enactment of this Act.

3 **SEC. 122. NAVY SHIPBUILDING WORKFORCE DEVELOP-**
4 **MENT SPECIAL INCENTIVE.**

5 (a) IN GENERAL.—Chapter 863 of title 10, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“SEC. 8696. NAVY SHIPBUILDING WORKFORCE DEVELOP-**
9 **MENT SPECIAL INCENTIVE.**

10 “(a) REQUIREMENT.—

11 “(1) IN GENERAL.—The Secretary of the Navy
12 shall include in any solicitation for a covered con-
13 tract a special incentive for workforce development
14 that funds one or more workforce development ac-
15 tivities described in subsection (c).

16 “(2) AMOUNT OF SPECIAL INCENTIVE.—The
17 amount of a special incentive required under sub-
18 section (a)(1) shall be equal to not less than one
19 quarter of one percent and not more than one per-
20 cent of the estimated cost of the covered contract.

21 “(3) WAIVER.—

22 “(A) IN GENERAL.—The Secretary of the
23 Navy may waive one or more of the require-
24 ments of this section if the Secretary deter-
25 mines—

1 “(i) unreasonable cost or delay would
2 be incurred by complying with such re-
3 quirements;

4 “(ii) existing workforce development
5 initiatives are sufficient to meet workforce
6 needs;

7 “(iii) there are minimal workforce de-
8 velopment issues to be addressed; or

9 “(iv) it is not in the national security
10 interests of the United States to comply
11 with such requirements.

12 “(B) NOTICE TO CONGRESS.—Not less
13 than 30 days prior to issuing a waiver under
14 subparagraph (A), the Secretary of the Navy
15 shall submit to the congressional defense com-
16 mittees written notice of the intent of the Sec-
17 retary to issue such a waiver. Such notice shall
18 specify the basis for such waiver and include a
19 detailed explanation of the reasons for issuing
20 the waiver.

21 “(b) MATCHING CONTRIBUTION REQUIREMENT.—

22 “(1) IN GENERAL.—Funds for a special incen-
23 tive for workforce development required under sub-
24 section (a)(1) may be expended only—

1 “(A) on or after the date on which the
2 service acquisition executive of the Navy re-
3 ceives a written commitment from one or more
4 entities described in paragraph (2) of separate
5 and distinct cumulative monetary contributions
6 to be made on or after the date of such commit-
7 ment for workforce development; and

8 “(B) in an amount that is equal to the ag-
9 gregate amount of all monetary contributions
10 from entities that made commitments under
11 subparagraph (A) not to exceed the amount of
12 funding made available for the special incentive
13 under subsection (a)(2).

14 “(2) ENTITIES DESCRIBED.—The entities de-
15 scribed in this paragraph are the following:

16 “(A) The prime contractor that was
17 awarded a covered contract.

18 “(B) A qualified subcontractor.

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

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

23 “(E) A local government or other local en-
24 tity.

1 “(F) An industry association, organization,
2 or consortium that directly supports workforce
3 development.

4 “(3) SPECIAL RULE.—In a case in which the
5 aggregate amount of all monetary contributions
6 from entities that made commitments under para-
7 graph (1)(A) is less than the minimum amount spec-
8 ified for the special incentive under subsection
9 (a)(2), funds for the special incentive may be ex-
10 pended in an amount equal to such lesser amount.

11 “(c) AUTHORIZED ACTIVITIES.—

12 “(1) IN GENERAL.—Funds for a special incen-
13 tive for workforce development required under sub-
14 section (a)(1) may be obligated or expended only to
15 provide for the activities described in paragraph (2)
16 in support of the production and production support
17 workforce of the prime contractor concerned or a
18 qualified subcontractor concerned.

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

21 “(A) The creation of short- and long-term
22 workforce housing, transportation, and other
23 support services to facilitate attraction, reloca-
24 tion, and retention of workers.

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

3 “(C) Investments in long-term outreach in
4 middle school and high school programs, specifi-
5 cally career and technical education programs,
6 to promote and develop manufacturing skills.

7 “(D) The development or modification of
8 facilities for the primary purpose of workforce
9 development.

10 “(E) Payment of direct costs attributable
11 to workforce development.

12 “(F) Attraction and retention bonus pro-
13 grams.

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

16 “(d) APPROVAL REQUIREMENT.—The service acqui-
17 sition executive of the Navy shall—

18 “(1) provide the final approval of the use of
19 funds for a special incentive for workforce develop-
20 ment required under subsection (a)(1); and

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

1 “(A) a detailed explanation of such compli-
2 ance; and

3 “(B) the associated benefits to—
4 “(i) the Federal Government; and
5 “(ii) the shipbuilding industrial base
6 of the Navy.

7 “(e) DEFINITIONS.—In this section:

8 “(1) The term ‘covered contract’ means a prime
9 contract for the construction of a naval vessel fund-
10 ed using amounts appropriated or otherwise made
11 available for Shipbuilding and Conversion, Navy.

12 “(2) The term ‘qualified subcontractor’ means
13 a subcontractor that will deliver the vessel or vessels
14 awarded under a covered contract to the Navy.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 863 of such title is amended
17 by adding at the end the following new item:

 “8696. Navy shipbuilding workforce development special incentive.”.

18 (c) APPLICABILITY.—Section 8696 of title 10, United
19 States Code, as added by subsection (a), shall apply with
20 respect to—

21 (1) a solicitation for a covered contract (as de-
22 fined in subsection (e) of that section) made on or
23 after June 1, 2023; and

1 (2) a solicitation or award of a covered con-
2 tract, if otherwise determined appropriate by the
3 Secretary of the Navy.

4 **SEC. 123. EXTENSION OF PROHIBITION ON AVAILABILITY**
5 **OF FUNDS FOR NAVY PORT WATERBORNE SE-**
6 **CURITY BARRIERS.**

7 (a) IN GENERAL.—Subsection (a) of section 130 of
8 the John S. McCain National Defense Authorization Act
9 for Fiscal Year 2019 (Public Law 115–232; 132 Stat.
10 1665), as most recently amended by section 122 of the
11 National Defense Authorization Act for Fiscal Year 2022
12 (Public Law 117–81; 135 Stat. 1570), is further amended
13 by striking “for fiscal years 2019, 2020, 2021, or 2022”
14 and inserting “for any of fiscal years 2019 through 2023”.

15 (b) TECHNICAL AMENDMENT.—Subsection (b)(4) of
16 such section is amended by striking “section 2304” and
17 inserting “sections 3201 through 3205”.

18 **SEC. 124. LIMITATION ON AUTHORITY TO MODIFY CAPA-**
19 **BILITIES AND FLEET CONFIGURATION OF E-**
20 **6B AIRCRAFT.**

21 (a) LIMITATION.—Until the date on which the certifi-
22 cation described in subsection (b) is submitted to the con-
23 gressional defense committees, the Secretary of the
24 Navy—

1 (1) may not retire, or prepare to retire, any E–
2 6B aircraft;

3 (2) shall maintain the fleet of E–6B aircraft in
4 the configuration in effect as of the date of the en-
5 actment of this Act; and

6 (3) shall ensure that E–6B aircraft continue to
7 meet the operational requirements of the combatant
8 commands that are met by such aircraft as of the
9 date of the enactment of this Act.

10 (b) CERTIFICATION DESCRIBED.—The certification
11 described in this subsection is a written certification from
12 the Chair of the Joint Requirements Oversight Council in-
13 dicating that the replacement capability for the E–6B air-
14 craft—

15 (1) will be fielded at the same time or before
16 the retirement of the first E–6B aircraft; and

17 (2) at the time such replacement capability
18 achieves initial operational capability, will have the
19 ability to meet the operational requirements of the
20 combatant commands that have been, or that are ex-
21 pected to be, assigned to such replacement capa-
22 bility.

23 (c) EXCEPTION.—The requirements of subsection (a)
24 shall not apply to an individual E–6B aircraft otherwise
25 required to be maintained by that subsection if the Sec-

1 retary of the Navy determines, on a case-by-case basis,
2 that such aircraft is no longer mission capable due to a
3 mishap or other damage.

4 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
5 **ARLEIGH BURKE CLASS DESTROYERS.**

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

11 (b) AUTHORITY FOR ADVANCE PROCUREMENT.—The
12 Secretary of the Navy may enter into one or more con-
13 tracts, beginning in fiscal year 2023, for advance procure-
14 ment associated with the destroyers for which authoriza-
15 tion to enter into a multiyear procurement contract is pro-
16 vided under subsection (a), and for systems and sub-
17 systems associated with such destroyers in economic order
18 quantities when cost savings are achievable.

19 (c) CONDITION FOR OUT-YEAR CONTRACT PAY-
20 MENTS.—A contract entered into under subsection (a)
21 shall provide that any obligation of the United States to
22 make a payment under the contract for a fiscal year after
23 fiscal year 2023 is subject to the availability of appropria-
24 tions or funds for that purpose for such later fiscal year.

1 (d) MANDATORY INCLUSION OF PRE-PRICED OPTION
2 IN CERTAIN CIRCUMSTANCES.—

3 (1) IN GENERAL.—In the event the total base
4 quantity of destroyers to be procured through all
5 contracts entered into under subsection (a) is less
6 than 15, the Secretary of the Navy shall ensure that
7 one or more of the contracts includes a pre-priced
8 option for the procurement of additional destroyers
9 such that the sum of such base quantity and the
10 number of destroyers that may be procured through
11 the exercise of such options is equal to 15 destroy-
12 ers.

13 (2) DEFINITIONS.—In this subsection:

14 (A) The term “base quantity” means the
15 quantity of destroyers to be procured under a
16 contract entered into under subsection (a) ex-
17 cluding any quantity of destroyers that may be
18 procured through the exercise of an option that
19 may be part of such contract.

20 (B) The term “pre-priced option” means a
21 contract option for a contract entered into
22 under subsection (a) that, if exercised, would
23 allow the Secretary of the Navy to procure a
24 destroyer at a predetermined price specified in
25 such contract.

1 (e) LIMITATION.—The Secretary of the Navy may
2 not modify a contract entered into under subsection (a)
3 if the modification would increase the target price of the
4 destroyer by more than 10 percent above the target price
5 specified in the original contract for the destroyer under
6 subsection (a).

7 **SEC. 126. PROCUREMENT AUTHORITY FOR SHIP-TO-SHORE**
8 **CONNECTOR PROGRAM.**

9 (a) CONTRACT AUTHORITY.—Beginning in fiscal
10 year 2023, the Secretary of the Navy may enter into one
11 or more contracts for the procurement of up to 25 Ship-
12 to-Shore Connector class craft and associated material.

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

15 (1) any obligation of the United States to make
16 a payment under the contract is subject to the avail-
17 ability of appropriations for that purpose; and

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

22 (c) CERTIFICATION REQUIRED.—A contract may not
23 be entered into under subsection (a) unless the Secretary
24 of the Navy certifies to the congressional defense commit-
25 tees, in writing, not later than 30 days before entry into

1 the contract, each of the following, which shall be prepared
2 by the milestone decision authority for the Ship-to-Shore
3 Connector program:

4 (1) The use of such a contract is consistent
5 with the Chief of Naval Operations' projected force
6 structure requirements for Ship-to-Shore Connector
7 class craft.

8 (2) The use of such a contract will result in sig-
9 nificant savings compared to the total anticipated
10 costs of carrying out the program through annual
11 contracts. In certifying cost savings under the pre-
12 ceding sentence, the Secretary shall include a writ-
13 ten explanation of—

14 (A) the estimated end cost and appro-
15 priated funds by fiscal year, by craft, without
16 the authority provided in subsection (a);

17 (B) the estimated end cost and appro-
18 priated funds by fiscal year, by craft, with the
19 authority provided in subsection (a);

20 (C) the estimated cost savings or increase
21 by fiscal year, by craft, with the authority pro-
22 vided in subsection (a);

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

1 (E) the contractual actions that will ensure
2 the estimated cost savings are realized.

3 (3) There is a reasonable expectation that
4 throughout the contemplated contract period the
5 Secretary of the Navy will request funding for the
6 contract at the level required to avoid contract can-
7 cellation.

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

11 (5) The estimates of both the cost of the con-
12 tract and the anticipated cost avoidance through the
13 use of a contract authorized under subsection (a)
14 are realistic, including a description of the basis for
15 such estimates.

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

18 (7) During the fiscal year in which such con-
19 tract is to be awarded, sufficient funds will be avail-
20 able to perform the contract in such fiscal year.

21 (d) MILESTONE DECISION AUTHORITY DEFINED.—
22 In this section, the term “milestone decision authority”
23 has the meaning given that term in section 4251(d) of
24 title 10, United States Code.

1 **SEC. 127. PROCUREMENT AUTHORITY FOR CH-53K HEAVY**
2 **LIFT HELICOPTER PROGRAM.**

3 (a) **CONTRACT AUTHORITY.**—During fiscal years
4 2023 and 2024, the Secretary of the Navy may enter into
5 one or more fixed-price contracts for the procurement of
6 airframes and engines in support of the CH-53K heavy
7 lift helicopter program (in this section referred to as the
8 “program”).

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

11 (1) any obligation of the United States to make
12 a payment under the contract is subject to the avail-
13 ability of appropriations for that purpose; and

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

18 (c) **CERTIFICATION REQUIRED.**—A contract may not
19 be entered into under subsection (a) unless the Secretary
20 of Defense certifies to the congressional defense commit-
21 tees, in writing, not later than 30 days before entry into
22 the contract, each of the following, which shall be prepared
23 by the milestone decision authority (as defined in section
24 4251(d) of title 10, United States Code) for the program:

25 (1) The use of such a contract will result in sig-
26 nificant savings compared to the total anticipated

1 costs of carrying out the program through annual
2 contracts. In certifying cost savings under the pre-
3 ceding sentence, the Secretary shall include a writ-
4 ten explanation of—

5 (A) the estimated obligations and expendi-
6 tures by fiscal year for the program without the
7 authority provided in subsection (a);

8 (B) the estimated obligations and expendi-
9 tures by fiscal year for the program with the
10 authority provided in subsection (a);

11 (C) the estimated cost savings or increase
12 by fiscal year for the program with the author-
13 ity provided in subsection (a);

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

16 (E) the contractual actions that will ensure
17 the estimated cost savings are realized.

18 (2) There is a reasonable expectation that
19 throughout the contemplated contract period the
20 Secretary of Defense will request funding for the
21 contract at the level required to avoid contract can-
22 cellation.

23 (3) There is a stable design for the property to
24 be acquired and the technical risks associated with
25 such property are not excessive.

1 (4) The estimates of both the cost of the con-
2 tract and the anticipated cost avoidance through the
3 use of a contract authorized under subsection (a)
4 are realistic.

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

7 (6) During the fiscal year in which such con-
8 tract is to be awarded, sufficient funds will be avail-
9 able to perform the contract in such fiscal year, and
10 the future-years defense program submitted to Con-
11 gress under section 221 of title 10, United States
12 Code, for such fiscal year will include the funding
13 required to execute the program without cancella-
14 tion.

15 **SEC. 128. PROCUREMENT AUTHORITIES FOR JOHN LEWIS-**
16 **CLASS FLEET REPLENISHMENT OILER SHIPS.**

17 (a) CONTRACT AUTHORITY.—

18 (1) PROCUREMENT AUTHORIZED.—During fis-
19 cal years 2023 and 2024, the Secretary of the Navy
20 may enter into one or more contracts for the pro-
21 curement of not more than eight John Lewis-class
22 fleet replenishment oiler ships.

23 (2) PROCUREMENT IN CONJUNCTION WITH EX-
24 ISTING CONTRACTS.—The ships authorized to be
25 procured under paragraph (1) may be procured as

1 additions to existing contracts covering the John
2 Lewis-class fleet replenishment oiler ship program.

3 (b) CERTIFICATION REQUIRED.—A contract may not
4 be entered into under subsection (a) unless the Secretary
5 of the Navy certifies to the congressional defense commit-
6 tees, in writing, not later than 30 days before entry into
7 the contract, each of the following, which shall be prepared
8 by the milestone decision authority for the John Lewis-
9 class fleet replenishment oiler ship program:

10 (1) The use of such a contract is consistent
11 with the Department of the Navy's projected force
12 structure requirements for such ships.

13 (2) The use of such a contract will result in sig-
14 nificant savings compared to the total anticipated
15 costs of carrying out the program through annual
16 contracts. In certifying cost savings under the pre-
17 ceding sentence, the Secretary shall include a writ-
18 ten explanation of—

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

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

1 (C) the estimated cost savings or increase
2 by fiscal year, by hull, with the authority pro-
3 vided in subsection (a);

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

6 (E) the contractual actions that will ensure
7 the estimated cost savings are realized.

8 (3) There is a reasonable expectation that
9 throughout the contemplated contract period the
10 Secretary of the Navy will request funding for the
11 contract at the level required to avoid contract can-
12 cellation.

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

16 (5) The estimates of both the cost of the con-
17 tract and the anticipated cost avoidance through the
18 use of a contract authorized under subsection (a)
19 are realistic.

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

22 (7) During the fiscal year in which such con-
23 tract is to be awarded, sufficient funds will be avail-
24 able to perform the contract in such fiscal year, and
25 the future-years defense program (as defined under

1 section 221 of title 10, United States Code) for such
2 fiscal year will include the funding required to exe-
3 cute the program without cancellation.

4 (c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
5 Secretary of the Navy may enter into one or more con-
6 tracts for advance procurement associated with a ship or
7 ships for which authorization to enter into a contract is
8 provided under subsection (a), and for systems and sub-
9 systems associated with such ships in economic order
10 quantities when cost savings are achievable.

11 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
12 **MENTS.**—A contract entered into under subsection (a)
13 shall provide that any obligation of the United States to
14 make a payment under the contract for a fiscal year is
15 subject to the availability of appropriations for that pur-
16 pose for such fiscal year.

17 (e) **MILESTONE DECISION AUTHORITY DEFINED.**—
18 In this section, the term “milestone decision authority”
19 has the meaning given that term in section 4251(d) of
20 title 10, United States Code.

21 **SEC. 129. PROCUREMENT AUTHORITIES FOR CERTAIN AM-**
22 **PHIBIOUS SHIPBUILDING PROGRAMS.**

23 (a) **CONTRACT AUTHORITY.**—

24 (1) **PROCUREMENT AUTHORIZED.**—The Sec-
25 retary of the Navy may enter into one or more con-

1 tracts for the procurement of up to five covered
2 ships.

3 (2) PROCUREMENT IN CONJUNCTION WITH EX-
4 ISTING CONTRACTS.—The ships authorized to be
5 procured under paragraph (1) may be procured as
6 additions to existing contracts covering programs for
7 covered ships.

8 (b) CERTIFICATION REQUIRED.—A contract may not
9 be entered into under subsection (a) unless the Secretary
10 of the Navy certifies to the congressional defense commit-
11 tees, in writing, not later than 30 days before entry into
12 the contract, each of the following, which shall be prepared
13 by the milestone decision authority for the covered ship
14 program concerned:

15 (1) The use of such a contract is consistent
16 with the Commandant of the Marine Corps' pro-
17 jected force structure requirements for amphibious
18 ships.

19 (2) The use of such a contract will result in
20 savings compared to the total anticipated costs of
21 carrying out the program through annual contracts.
22 In certifying cost savings under the preceding sen-
23 tence, the Secretary shall include a written expla-
24 nation of—

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

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

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

10 (D) the contractual actions that will ensure
11 the estimated cost savings are realized.

12 (3) The Secretary of the Navy has a reasonable
13 expectation that throughout the contemplated con-
14 tract period funding will be available for the contract
15 at the level required to avoid contract cancellation.

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

19 (5) The estimates of both the cost of the con-
20 tract and the anticipated cost avoidance through the
21 use of a contract authorized under subsection (a)
22 are realistic.

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

1 (7) During the fiscal year in which such con-
2 tract is to be awarded, sufficient funds will be avail-
3 able to perform the contract in such fiscal year.

4 (c) **AUTHORITY FOR ADVANCE PROCUREMENT.**—The
5 Secretary of the Navy may enter into one or more con-
6 tracts for advance procurement associated with a ship or
7 ships for which authorization to enter into a contract is
8 provided under subsection (a), and for systems and sub-
9 systems associated with such ships in economic order
10 quantities when cost savings are achievable.

11 (d) **CONDITION FOR OUT-YEAR CONTRACT PAY-**
12 **MENTS.**—A contract entered into under subsection (a)
13 shall provide that any obligation of the United States to
14 make a payment under the contract for a fiscal year is
15 subject to the availability of appropriations for that pur-
16 pose for such fiscal year.

17 (e) **TERMINATION.**—The authority of the Secretary
18 of the Navy to enter into contracts under subsection (a)
19 shall terminate on September 30, 2026.

20 (f) **DEFINITIONS.**—In this section:

21 (1) The term “covered ship” means a San An-
22 tonio-class or America-class ship.

23 (2) The term “milestone decision authority”
24 has the meaning given that term in section 4251(d)
25 of title 10, United States Code.

1 **SEC. 130. CONTRACTS FOR DESIGN AND CONSTRUCTION OF**
2 **THE DDG(X) DESTROYER PROGRAM.**

3 (a) IN GENERAL.—If the milestone decision authority
4 of the covered program elects to use source selection pro-
5 cedures for the detailed design and construction of the
6 covered program other than those specified in section
7 3201 of title 10, United States Code, the Secretary of the
8 Navy—

9 (1) with respect to prime contracts for concept
10 design, preliminary design, and contract design for
11 the covered program—

12 (A) shall award such contracts to eligible
13 shipbuilders; and

14 (B) may award such contracts to other
15 contractors;

16 (2) shall award prime contracts for detailed de-
17 sign and construction for the covered program only
18 to eligible shipbuilders; and

19 (3) shall allocate only one vessel in the covered
20 program to each eligible shipbuilder that is awarded
21 a prime contract under paragraph (2).

22 (b) COLLABORATION REQUIREMENT.—The Secretary
23 of the Navy shall maximize collaboration among the Fed-
24 eral Government and eligible shipbuilders throughout the
25 design and development phases of the covered program,
26 including—

1 (1) using a common design tool; and

2 (2) sharing production lessons learned.

3 (c) COMPETITIVE INCENTIVE REQUIREMENT.—The
4 Secretary of the Navy shall provide for competitive incen-
5 tives for eligible shipbuilders and other contractors
6 throughout the design, development, and production
7 phases of the covered program, including the following:

8 (1) Allocation of design labor hours, provided
9 that no eligible shipbuilder has fewer than 30 per-
10 cent of aggregate design labor hours for any phase
11 of vessel design for the covered program.

12 (2) Allocation of the lead ship in the covered
13 program.

14 (3) To the maximum extent practicable, com-
15 petitive solicitations for vessel procurement under
16 the covered program.

17 (d) TECHNOLOGY MATURATION REQUIREMENTS.—
18 The Secretary of the Navy shall incorporate into the ac-
19 quisition strategy of the covered program the requirements
20 of the following:

21 (1) Section 131 of the National Defense Au-
22 thorization Act for Fiscal Year 2020 (Public Law
23 116–92; 133 Stat. 1237).

1 (2) Section 221 of the National Defense Au-
2 thorization Act for Fiscal Year 2022 (Public Law
3 117–81; 135 Stat. 1599).

4 (e) TRANSITION REQUIREMENT.—The Secretary of
5 the Navy shall ensure that the transition from the Arleigh
6 Burke-class destroyer program to the covered program
7 maintains predictable production workload for eligible
8 shipbuilders.

9 (f) DEFINITIONS.—In this section:

10 (1) The term “covered program” means the
11 program of the Department of the Navy to procure
12 DDG(X) destroyer class vessels.

13 (2) The term “eligible shipbuilder” means a
14 prime contractor designated by the milestone deci-
15 sion authority to perform detailed design and con-
16 struction of the covered program.

17 (3) The term “milestone decision authority”
18 has the meaning given in section 4211 of title 10,
19 United States Code.

20 **SEC. 131. TOMAHAWK AND STANDARD MISSILE-6 CAPA-**
21 **BILITY ON FFG-62 CLASS VESSELS.**

22 Before the first deployment of the vessel designated
23 FFG-63 and that of each successive vessel in the FFG-
24 62 class, the Secretary of the Navy shall ensure that such

1 vessel is capable of carrying and employing Tomahawk
2 and Standard Missile–6 missiles.

3 **SEC. 132. REPORT ON ADVANCE PROCUREMENT FOR CVN–**
4 **82 AND CVN–83.**

5 (a) REPORT.—Not later than March 1, 2023, the
6 Secretary of the Navy shall submit to the congressional
7 defense committees a report on the plan of the Navy for
8 advance procurement for the aircraft carriers designated
9 CVN–82 and CVN–83.

10 (b) ELEMENTS.—The report required by subsection
11 (a) shall include an assessment of—

12 (1) the value, cost, and feasibility of a two-year
13 advance procurement period under a single-carrier
14 acquisition strategy;

15 (2) the value, cost, and feasibility of a three-
16 year advance procurement period under a single-car-
17 rier acquisition strategy;

18 (3) the value, cost, and feasibility of a two-year
19 advance procurement period under a two-carrier ac-
20 quisition strategy;

21 (4) the value, cost, and feasibility of a three-
22 year advance procurement period under a two-car-
23 rier acquisition strategy; and

24 (5) the effect of a two-carrier acquisition strat-
25 egy on force development and fleet capability.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “single-carrier acquisition strat-
3 egy” means a strategy for the procurement of the
4 aircraft carriers designated CVN–82 and CVN–83
5 pursuant to which each aircraft carrier is procured
6 separately under a different contract.

7 (2) The term “two-carrier acquisition strategy”
8 means a strategy for the procurement of the aircraft
9 carriers designated CVN–82 and CVN–83 pursuant
10 to which both aircraft carriers are procured together
11 under one contract.

12 **SEC. 133. QUARTERLY BRIEFINGS ON THE CH–53K KING**
13 **STALLION HELICOPTER PROGRAM.**

14 (a) IN GENERAL.—Not later than 30 days after the
15 date of the enactment of this Act, and on a quarterly basis
16 thereafter through the end of fiscal year 2024, the Sec-
17 retary of the Navy shall provide to the Committees on
18 Armed Services of the Senate and the House of Represent-
19 atives a briefing on the progress of the CH–53K King
20 Stallion helicopter program.

21 (b) ELEMENTS.—Each briefing under subsection (a)
22 shall include, with respect to the CH–53K King Stallion
23 helicopter program, the following:

24 (1) An overview of the program schedule.

1 (2) A statement of the total cost of the program
2 as of the date of the briefing, including the cost of
3 development, testing, and production.

4 (3) A comparison of the total cost of the pro-
5 gram relative to the original acquisition program
6 baseline and the most recently approved acquisition
7 program baseline as of the date of the briefing.

8 (4) An assessment of the flight testing that re-
9 mains to be conducted under the program, including
10 any testing required for validation of correction of
11 technical deficiencies.

12 (5) An update on the status of the correction
13 of technical deficiencies under the program and any
14 effects on the program schedule resulting from the
15 discovery and correction of such deficiencies.

16 (c) CONFORMING REPEAL.—Section 132 of the Na-
17 tional Defense Authorization Act for Fiscal Year 2020
18 (Public Law 116–92; 133 Stat. 1238) is repealed.

19 **Subtitle D—Air Force Programs**

20 **SEC. 141. MODIFICATION OF INVENTORY REQUIREMENTS** 21 **FOR AIRCRAFT OF THE COMBAT AIR FORCES.**

22 (a) TOTAL FIGHTER AIRCRAFT INVENTORY RE-
23 QUIREMENTS.—Section 9062(i)(1) of title 10, United
24 States Code, is amended by striking “1,970” and inserting
25 “1,800”.

1 (b) A–10 MINIMUM INVENTORY REQUIREMENTS.—

2 (1) Section 134(d) of the National Defense Au-
3 thorization Act for Fiscal Year 2017 (Public Law
4 114–328; 130 Stat. 2038) is amended by striking
5 “171” and inserting “153”.

6 (2) Section 142(b)(2) of the National Defense
7 Authorization Act for Fiscal Year 2016 (Public Law
8 114–92; 129 Stat. 755) is amended by striking
9 “171” and inserting “153”.

10 (c) MODIFICATION OF LIMITATION ON AVAILABILITY
11 OF FUNDS FOR DESTRUCTION OF A–10 AIRCRAFT IN
12 STORAGE STATUS.—Section 135(a) of the National De-
13 fense Authorization Act for Fiscal Year 2017 (Public Law
14 114–328; 130 Stat. 2039) is amended by striking “the
15 report required under section 134(e)(2)” and inserting “a
16 report that includes the information described in section
17 134(e)(2)(C)”.

18 **SEC. 142. INVENTORY AND OTHER REQUIREMENTS RELAT-**
19 **ING TO AIR REFUELING TANKER AIRCRAFT.**

20 (a) MINIMUM INVENTORY REQUIREMENT FOR AIR
21 REFUELING TANKER AIRCRAFT.—Section 9062(j) of title
22 10, United States Code, is amended—

23 (1) by striking “effective October 1, 2019,”;
24 and

1 (2) by striking “479” each place it appears and
2 inserting “466”.

3 (b) REPEAL OF LIMITATION ON RETIREMENT OF
4 KC-135 AIRCRAFT.—Section 137 of the National Defense
5 Authorization Act for Fiscal Year 2022 (Public Law 117-
6 81; 135 Stat. 1576) is amended—

7 (1) by striking subsection (b); and

8 (2) by redesignating subsections (c) and (d) as
9 subsections (b) and (c), respectively.

10 (c) MINIMUM NUMBER OF AIR REFUELING TANKER
11 AIRCRAFT IN PMAI OF THE AIR FORCE.—Section 135(a)
12 of the William M. (Mac) Thornberry National Defense Au-
13 thorization Act for Fiscal Year 2021 (Public Law 116-
14 283; 134 Stat. 3431) is amended by striking “412” and
15 inserting “400”.

16 (d) PROHIBITION ON REDUCTION OF KC-135 AIR-
17 CRAFT IN PMAI OF THE RESERVE COMPONENTS.—

18 (1) IN GENERAL.—None of the funds author-
19 ized to be appropriated by this Act or otherwise
20 made available for fiscal year 2023 for the Air Force
21 may be obligated or expended to reduce, by more
22 than 12 aircraft, the number of KC-135 aircraft
23 designated as primary mission aircraft inventory
24 within the reserve components of the Air Force.

1 (2) PRIMARY MISSION AIRCRAFT INVENTORY
2 DEFINED.—In this subsection, the term “primary
3 mission aircraft inventory” has the meaning given
4 that term in section 9062(i)(2)(B) of title 10,
5 United States Code.

6 **SEC. 143. REQUIREMENTS RELATING TO F-22 AIRCRAFT.**

7 (a) LIMITATIONS AND MINIMUM INVENTORY RE-
8 QUIREMENTS.—Section 9062 of title 10, United States
9 Code, is amended by adding at the end the following new
10 subsection:

11 “(k)(1) During the period beginning on the date of
12 the enactment of the National Defense Authorization Act
13 for Fiscal Year 2023 and ending on September 30, 2027,
14 the Secretary of the Air Force may not—

15 “(A) retire an F-22 aircraft;

16 “(B) reduce funding for unit personnel or
17 weapon system sustainment activities for F-22 air-
18 craft in a manner that presumes future congres-
19 sional authority to divest such aircraft;

20 “(C) keep an F-22 aircraft in a status consid-
21 ered excess to the requirements of the possessing
22 command and awaiting disposition instructions
23 (commonly referred to as ‘XJ’ status); or

24 “(D) decrease the total aircraft inventory of F-
25 22 aircraft below 184 aircraft.

1 “(2) The prohibition under paragraph (1) shall not
2 apply to individual F–22 aircraft that the Secretary of the
3 Air Force determines, on a case-by-case basis, to be no
4 longer mission capable and uneconomical to repair because
5 of aircraft accidents, mishaps, or excessive material deg-
6 radation and non-airworthiness status of certain air-
7 craft.”.

8 (b) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Sec-
11 retary of the Air Force shall submit to the congres-
12 sional defense committees a report that includes a
13 strategy and execution plan, approved by the Sec-
14 retary, for conducting formal training for F–22 air-
15 crews to ensure that combat capability, capacity,
16 and availability at all F–22 operational units is not
17 degraded.

18 (2) ELEMENTS.—The strategy and execution
19 plan under paragraph (1) shall—

20 (A) address how the Air Force will avoid—

21 (i) diminishing the combat effective-
22 ness of all block variants of F–22 aircraft;

23 (ii) exacerbating F–22 aircraft avail-
24 ability concerns; and

1 (iii) complicating F-22 aircraft squad-
2 ron maintenance operations; and

3 (B) include the plan of the Secretary for—

4 (i) the basing of 184 F-22 aircraft;

5 and

6 (ii) the reestablishment of one or
7 more F-22 formal training units, includ-

8 ing—

9 (I) the planned location of such
10 units;

11 (II) the planned schedule for the
12 reestablishment of such units; and

13 (III) and the number of F-22
14 aircraft that are expected to be as-
15 signed to such units.

16 (c) COMPTROLLER GENERAL AUDIT.—

17 (1) AUDIT REQUIRED.—The Comptroller Gen-
18 eral of the United States shall conduct an audit to
19 assess and validate data and information relating
20 to—

21 (A) the events and activities that would be
22 necessary to upgrade Block 20 F-22 aircraft to
23 a capability configuration comparable to or ex-
24 ceeding the existing or planned configuration of
25 Block 30/35 F-22 aircraft;

1 (B) the estimated costs of such upgrades;
2 and

3 (C) a schedule of milestones for such up-
4 grades.

5 (2) AVAILABILITY OF INFORMATION.—At the
6 request of the Comptroller General, the Secretary of
7 the Air Force shall promptly provide to the Comp-
8 troller General any data or other information that
9 may be needed to conduct the audit under para-
10 graph (1), including any data or information it may
11 be necessary to obtain from the original equipment
12 manufacturer of the F-22 aircraft.

13 (3) BRIEFING.—Not later than April 15, 2023,
14 the Comptroller General shall provide to the con-
15 gressional defense committees a briefing on the
16 progress and any preliminary results of the audit
17 conducted under paragraph (1).

18 (4) REPORT.—Following the briefing under
19 paragraph (3), at such time as is mutually agreed
20 upon by the congressional defense committees and
21 the Comptroller General, the Comptroller General
22 shall submit to the congressional defense committees
23 a report on the final results of the audit conducted
24 under paragraph (1).

1 **SEC. 144. MODIFICATION OF EXCEPTION TO PROHIBITION**
2 **ON CERTAIN REDUCTIONS TO B-1 BOMBER**
3 **AIRCRAFT SQUADRONS.**

4 Section 133(b) of the National Defense Authorization
5 Act for Fiscal Year 2022 (Public Law 117-81; 135 Stat.
6 1574) is amended by striking “an individual unit” and
7 inserting “a bomb wing”.

8 **SEC. 145. REPEAL OF AIR FORCE E-8C FORCE PRESEN-**
9 **TATION REQUIREMENT.**

10 Section 147 of the John S. McCain National Defense
11 Authorization Act for Fiscal Year 2019 (Public Law 115-
12 232; 132 Stat. 1669) is amended by striking subsection
13 (f).

14 **SEC. 146. MINIMUM INVENTORY OF C-130 AIRCRAFT.**

15 (a) MINIMUM INVENTORY REQUIREMENT.—

16 (1) IN GENERAL.—During the covered period,
17 the Secretary of the Air Force shall maintain a total
18 inventory of C-130 aircraft of not less than 271 air-
19 craft.

20 (2) EXCEPTION.—The Secretary of the Air
21 Force may reduce the number of C-130 aircraft in
22 the Air Force below the minimum number specified
23 in paragraph (1) if the Secretary determines, on a
24 case-by-case basis, that an aircraft is no longer mis-
25 sion capable because of a mishap or other damage.

1 (3) COVERED PERIOD DEFINED.—In this sub-
2 section, the term “covered period” means the pe-
3 riod—

4 (A) beginning at the close of the period de-
5 scribed in section 138(c) of the National De-
6 fense Authorization Act for Fiscal Year 2022
7 (Public Law 117–81; 135 Stat. 1577); and

8 (B) ending on September 30, 2023.

9 (b) PROHIBITION ON REDUCTION OF C–130 AIR-
10 CRAFT ASSIGNED TO NATIONAL GUARD.—

11 (1) IN GENERAL.—During fiscal year 2023, the
12 Secretary of the Air Force may not reduce the total
13 number of C–130 aircraft assigned to the National
14 Guard below the number so assigned as of the date
15 of the enactment of this Act.

16 (2) EXCEPTION.—The prohibition under para-
17 graph (1) shall not apply to an individual C–130 air-
18 craft that the Secretary of the Air Force determines,
19 on a case-by-case basis, to be no longer mission ca-
20 pable because of a mishap or other damage.

21 **SEC. 147. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
22 **RETIREMENT OF C–40 AIRCRAFT.**

23 (a) PROHIBITION.—None of the funds authorized to
24 be appropriated by this Act or otherwise made available
25 for fiscal year 2023 for the Air Force may be obligated

1 or expended to retire, prepare to retire, or place in storage
2 or on backup aircraft inventory status any C-40 aircraft.

3 (b) EXCEPTION.—

4 (1) IN GENERAL.—The limitation under sub-
5 section (a) shall not apply to an individual C-40 air-
6 craft that the Secretary of the Air Force determines,
7 on a case-by-case basis, to be no longer mission ca-
8 pable because of a Class A mishap.

9 (2) CERTIFICATION REQUIRED.—If the Sec-
10 retary determines under paragraph (1) that an air-
11 craft is no longer mission capable, the Secretary
12 shall submit to the congressional defense committees
13 a certification that the status of such aircraft is due
14 to a Class A mishap and not due to lack of mainte-
15 nance or repairs or other reasons.

16 **SEC. 148. PROHIBITION ON AVAILABILITY OF FUNDS FOR**
17 **TERMINATION OF PRODUCTION LINES FOR**
18 **HH-60W AIRCRAFT.**

19 None of the funds authorized to be appropriated by
20 this Act or otherwise made available for fiscal year 2023
21 for the Air Force may be obligated or expended to termi-
22 nate the operations of, or to prepare to terminate the oper-
23 ations of, a production line for HH-60W Combat Rescue
24 Helicopters.

1 **SEC. 149. PROHIBITION ON CERTAIN REDUCTIONS TO IN-**
2 **VENTORY OF E-3 AIRBORNE WARNING AND**
3 **CONTROL SYSTEM AIRCRAFT.**

4 (a) PROHIBITION.—Except as provided in subsections
5 (b) and (c), none of the funds authorized to be appro-
6 priated by this Act or otherwise made available for fiscal
7 year 2023 for the Air Force may be obligated or expended
8 to retire, prepare to retire, or place in storage or in backup
9 aircraft inventory any E-3 aircraft if such actions would
10 reduce the total aircraft inventory for such aircraft below
11 26.

12 (b) EXCEPTION FOR ACQUISITION STRATEGY.—If
13 the Secretary of the Air Force submits to the congres-
14 sional defense committees an acquisition strategy for the
15 E-7 Wedgetail aircraft approved by the Service Acquisi-
16 tion Executive of the Air Force, the prohibition under sub-
17 section (a) shall not apply to actions taken to reduce the
18 total aircraft inventory for E-3 aircraft to 21 after the
19 date on which the strategy is so submitted.

20 (c) EXCEPTION FOR CONTRACT AWARD.—If the Sec-
21 retary of the Air Force awards a contract for the E-7
22 Wedgetail aircraft, the prohibition under subsection (a)
23 shall not apply to actions taken to reduce the total aircraft
24 inventory for E-3 aircraft to 18 after the date on which
25 such contact is so awarded.

1 (d) DESIGNATION AS PRIMARY TRAINING AIRCRAFT
2 INVENTORY.—The Secretary of the Air Force shall des-
3 ignate two E-3 aircraft as Primary Training Aircraft In-
4 ventory.

5 **SEC. 150. LIMITATION ON DIVESTMENT OF F-15 AIRCRAFT.**

6 (a) LIMITATION.—Beginning on October 1, 2023, the
7 Secretary of the Air Force may not divest, or prepare to
8 divest, any covered F-15 aircraft until a period of 180
9 days has elapsed following the date on which the Secretary
10 submits the report required under subsection (b).

11 (b) REPORT REQUIRED.—The Secretary of the Air
12 Force shall submit to the congressional defense commit-
13 tees a report on the following:

14 (1) Any plans of the Secretary to divest covered
15 F-15 aircraft during the period covered by the most
16 recent future-years defense program submitted to
17 Congress under section 221 of title 10, United
18 States Code, including—

19 (A) a description of each proposed divest-
20 ment by fiscal year and location;

21 (B) an explanation of the anticipated ef-
22 fects of such divestments on the missions, per-
23 sonnel, force structure, and budgeting of the
24 Air Force;

1 (C) a description of the actions the Sec-
2 retary intends to carry out—

3 (i) to mitigate any negative effects
4 identified under subparagraph (B); and

5 (ii) to modify or replace the missions
6 and capabilities of any units and military
7 installations affected by such divestments;
8 and

9 (D) an assessment of how such divest-
10 ments may affect the ability of the Air Force to
11 maintain minimum tactical aircraft inventories.

12 (2) Any plans of the Secretary to procure cov-
13 ered F-15 aircraft.

14 (3) Any specific plans of the Secretary to devi-
15 ate from procurement of new F-15EX aircraft as
16 articulated by the validated requirements contained
17 in Air Force Requirements Decision Memorandum,
18 dated February 1, 2019, regarding F-15EX Rapid
19 Fielding Requirements Document, dated January
20 16, 2019.

21 (c) COVERED F-15 AIRCRAFT DEFINED.—In this
22 section, the term “covered F-15 aircraft” means the fol-
23 lowing:

24 (1) F-15C aircraft.

25 (2) F-15D aircraft.

1 (3) F-15E aircraft.

2 (4) F-15EX aircraft.

3 **SEC. 151. AUTHORITY TO PROCURE UPGRADED EJECTION**
4 **SEATS FOR CERTAIN T-38A AIRCRAFT.**

5 The Secretary of the Air Force is authorized to pro-
6 cure upgraded ejection seats for—

7 (1) all T-38A aircraft of the Air Force Global
8 Strike Command that have not received an upgraded
9 ejection seat under the T-38 Ejection Seat Upgrade
10 Program; and

11 (2) all T-38A aircraft of the Air Combat Com-
12 mand that have not received an upgraded ejection
13 seat as part of such Program.

14 **SEC. 152. PROCUREMENT AUTHORITY FOR DIGITAL MIS-**
15 **SION OPERATIONS PLATFORM FOR THE**
16 **SPACE FORCE.**

17 (a) **PROCUREMENT AUTHORITY.**—The Secretary of
18 the Air Force is authorized to enter into one or more con-
19 tracts for the procurement of a digital mission operations
20 platform for the Space Force.

21 (b) **REQUIRED CAPABILITIES.**—A digital mission op-
22 erations platform procured under subsection (a) shall in-
23 clude the following capabilities:

1 (1) The platform shall be capable of providing
2 systems operators with the ability to analyze system
3 performance in a simulated mission environment.

4 (2) The platform shall enable collaboration
5 among such operators in an integrated, physics-
6 based environment.

7 **SEC. 153. DIGITAL TRANSFORMATION COMMERCIAL SOFT-**
8 **WARE ACQUISITION.**

9 (a) **PROCUREMENT AUTHORITY.**—The Secretary of
10 the Air Force may enter into one or more contracts for
11 the procurement of commercial digital engineering and
12 software tools to meet the digital transformation goals and
13 objectives of the Department of the Air Force.

14 (b) **INCLUSION OF PROGRAM ELEMENT IN BUDGET**
15 **MATERIALS.**—In the materials submitted by the Secretary
16 of the Air Force in support of the budget of the President
17 for fiscal year 2024 (as submitted to Congress pursuant
18 to section 1105 of title 31, United States Code), the Sec-
19 retary shall include a program element dedicated to the
20 procurement and management of the commercial digital
21 engineering and software tools described in subsection (a).

22 (c) **REVIEW.**—In carrying out subsection (a), the Sec-
23 retary of the Air Force shall—

24 (1) review the market for commercial digital en-
25 gineering and software tools; and

1 (2) conduct research on providers of commercial
2 software capabilities that have the potential to expedite
3 the progress of digital engineering initiatives
4 across the weapon system enterprise, with a particular
5 focus on capabilities that have the potential
6 to generate significant life-cycle cost savings,
7 streamline and accelerate weapon system acquisition,
8 and provide data-driven approaches to inform investments
9 by the Department of the Air Force.

10 (d) REPORT.—Not later than March 1, 2023, the
11 Secretary of the Air Force shall submit to the congressional
12 defense committees a report that includes—

13 (1) an analysis of specific digital engineering
14 and software tool capability manufacturers that deliver
15 high mission impact with broad reach into the
16 weapon system enterprise of the Department of the
17 Air Force; and

18 (2) a prioritized list of programs and offices of
19 the Department of the Air Force that could better
20 utilize commercial digital engineering and software
21 tools and opportunities for the implementation of
22 such digital engineering and software tool capabilities
23 within the Department.

1 **SEC. 154. REQUIREMENTS STUDY AND STRATEGY FOR THE**
2 **COMBAT SEARCH AND RESCUE MISSION OF**
3 **THE AIR FORCE.**

4 (a) REQUIREMENTS STUDY.—

5 (1) IN GENERAL.—The Secretary of the Air
6 Force shall conduct a study to determine the re-
7 quirements for the combat search and rescue mis-
8 sion of the Air Force in support of the objectives of
9 the National Defense Strategy.

10 (2) ELEMENTS.—The study under paragraph
11 (1) shall include the following:

12 (A) Identification of anticipated combat
13 search and rescue mission requirements nec-
14 essary to meet the objectives of the most recent
15 National Defense Strategy, including—

16 (i) requirements for short-term, mid-
17 term, and long-term contingency and
18 steady-state operations against adversaries;

19 (ii) requirements under the Agile
20 Combat Employment operational scheme of
21 the Air Force;

22 (iii) requirements relating to regions
23 and specific geographic areas that are ex-
24 pected to have a need for combat search
25 and rescue forces based on the combat-rel-
26 evant range and penetration capability of

1 United States air assets and associated
2 weapon systems; and

3 (iv) the level of operational risk asso-
4 ciated with each likely requirement and
5 scenario.

6 (B) An assessment of the rotary, tilt, and
7 fixed wing aircraft and key combat search and
8 rescue enabling capabilities that—

9 (i) are needed to meet the require-
10 ments identified under subparagraph (A);
11 and

12 (ii) have been accounted for in the
13 budget of the Air Force as of the date of
14 the study.

15 (C) Identification of any combat search
16 and rescue capability gaps, including an assess-
17 ment of—

18 (i) whether and to what extent such
19 gaps may affect the ability of the Air
20 Force to conduct combat search and rescue
21 operations;

22 (ii) any capability gaps that may be
23 created by procuring fewer HH-60W air-
24 craft than planned under the program of
25 record, including any expected changes to

1 the plan for fielding such aircraft for ac-
2 tive, reserve, and National Guard units;
3 and

4 (iii) any capability gaps attributable
5 to unfunded requirements.

6 (D) Identification and assessment of key
7 current, emerging, and future technologies with
8 potential application to the combat search and
9 rescue mission, including electric vertical take-
10 off and landing, unmanned aerial systems,
11 armed air launched effects or similar armed ca-
12 pabilities, electric short take-off and landing, or
13 a combination of such technologies.

14 (E) An assessment of each technology
15 identified under subparagraph (D), including
16 (as applicable) an assessment of—

17 (i) technology maturity;

18 (ii) suitability to the combat search
19 and rescue mission;

20 (iii) range;

21 (iv) speed;

22 (v) payload capability and capacity;

23 (vi) radio frequency and infrared sig-
24 natures;

1 (vii) operational conditions required
2 for the use of such technology, such as
3 runway availability;

4 (viii) survivability;

5 (ix) lethality;

6 (x) potential to support combat mis-
7 sions other than combat search and rescue;
8 and

9 (xi) estimated cost.

10 (3) SUBMITTAL TO CONGRESS.—

11 (A) IN GENERAL.—Not later than April
12 30, 2023, the Secretary of the Air Force shall
13 submit to the Committees on Armed Services of
14 the Senate and the House of Representatives a
15 report on the results of the study under para-
16 graph (1).

17 (B) FORM.—The report required under
18 subparagraph (A) shall be submitted in unclas-
19 sified form, but may include a classified annex.

20 (b) STRATEGY REQUIRED.—

21 (1) IN GENERAL.—Based on the results of the
22 study conducted under subsection (a), the Secretary
23 of the Air Force shall develop a strategy to meet the
24 requirements identified under such study.

1 (2) ELEMENTS.—The strategy under paragraph
2 (1) shall include—

3 (A) A prioritized list of the capabilities
4 needed to meet the requirements identified
5 under subsection (a).

6 (B) The estimated costs of such capabili-
7 ties, including—

8 (i) any amounts already budgeted for
9 such capabilities as of the date of the
10 strategy, including amounts already budg-
11 eted for emerging and future technologies;
12 and

13 (ii) any amounts not already budgeted
14 for such capabilities as of such date.

15 (C) An estimate of the date by which the
16 capability is expected to become operational.

17 (D) A description of any requirements
18 identified under subsection (a) that the Sec-
19 retary of the Air Force does not expect to meet
20 as part of the strategy and an explanation of
21 the reasons such requirements cannot be met.

22 (3) SUBMITTAL TO CONGRESS.—

23 (A) IN GENERAL.—Not later than July 30,
24 2023, the Secretary of the Air Force shall sub-
25 mit to the Committees on Armed Services of

1 the Senate and the House of Representatives a
2 report on the strategy developed under para-
3 graph (1).

4 (B) FORM.—The report required under
5 subparagraph (A) shall be submitted in unclas-
6 sified form, but may include a classified annex.

7 **SEC. 155. PLAN FOR TRANSFER OF KC-135 AIRCRAFT TO**
8 **THE AIR NATIONAL GUARD.**

9 (a) PLAN REQUIRED.—The Secretary of the Air
10 Force shall develop a plan to transfer covered KC-135 air-
11 craft to air refueling wings of the Air National Guard that
12 are classic associations with active duty units of the Air
13 Force.

14 (b) BRIEFING.—Not later than 120 days after the
15 date of the enactment of this Act, the Secretary of the
16 Air Force shall provide to the Committees on Armed Serv-
17 ices of the Senate and the House of Representatives a
18 briefing on the plan developed under subsection (a). The
19 briefing shall include an explanation of—

20 (1) the effects the plan is expected to have on—

21 (A) the aerial refueling capability of the
22 Department of Defense; and

23 (B) personnel; and

24 (2) any costs associated with the plan.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “covered KC–135 aircraft” means
2 a KC–135 aircraft that the Secretary of the Air
3 Force is in the process of replacing with a KC–46A
4 aircraft.

5 (2) The term “classic association” means a
6 structure under which a regular Air Force unit re-
7 tains principal responsibility for an aircraft and
8 shares the aircraft with one or more reserve compo-
9 nent units.

10 **SEC. 156. ANNUAL REPORTS ON T-7A ADVANCED PILOT**
11 **TRAINING SYSTEM.**

12 (a) ANNUAL REPORT.—Not later than March 1,
13 2023, and annually thereafter through 2028, the Assistant
14 Secretary of the Air Force for Acquisition, Technology,
15 and Logistics shall submit to the Committees on Armed
16 Services of the Senate and the House of Representatives
17 a report on the acquisition efforts of the Air Force with
18 respect to the T–7A Advanced Pilot Training System (in-
19 cluding any associated aircraft and ground training sys-
20 tems).

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

23 (1) An overview of the Assistant Secretary’s ac-
24 quisition strategy for the T–7 Advanced Pilot Train-

1 ing System, including the current status of the ac-
2 quisition strategy as of the date of the report.

3 (2) The cost and schedule estimates for the T-
4 7 Advanced Pilot Training System program.

5 (3) In the case of the initial report under this
6 section, the key performance parameters or the
7 equivalent requirements for the program. In the case
8 of subsequent reports, any key performance param-
9 eters or the equivalent requirements for the program
10 that have changed since the submission of the pre-
11 vious report under this section.

12 (4) The test and evaluation master plan for the
13 program.

14 (5) With respect to the testing program events
15 completed in the year covered by the report—

16 (A) the completion date of each event;

17 (B) a summary of the event, including
18 identification of—

19 (i) the quantity of data points evalu-
20 ated and subsequently considered complete
21 and validated; and

22 (ii) the quantity of data points evalu-
23 ated that remain incomplete or unvalidated
24 and requiring further testing.

1 (6) The logistics and sustainment strategy for
2 the program and a description of any activities car-
3 ried out to implement such strategy as of the date
4 of the report.

5 (7) An explanation of—

6 (A) the causes of any engineering, manu-
7 facturing, development, testing, production, de-
8 livery, acceptance, and fielding delays incurred
9 by the program as of the date of the report;

10 (B) the effects of such delays; and

11 (C) any subsequent efforts to address such
12 delays.

13 (8) The post-production aircraft basing and
14 fielding strategy for the program.

15 (9) Any other matters regarding the acquisition
16 of the T-7 Advanced Pilot Training System that the
17 Assistant Secretary determines to be of critical im-
18 portance to the long-term viability of the program.

19 **Subtitle E—Defense-wide, Joint,**
20 **and Multiservice Matters**

21 **SEC. 161. INCREASE IN AIR FORCE AND NAVY USE OF USED**
22 **COMMERCIAL DUAL-USE PARTS IN CERTAIN**
23 **AIRCRAFT AND ENGINES.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, the Secretary of the

1 Air Force, with respect to the Air Force, and the Sec-
2 retary of the Navy, with respect to the Navy, shall develop
3 and implement processes and procedures for—

4 (1) the acquisition of used, overhauled, recondi-
5 tioned, and remanufactured commercial dual-use
6 parts; and

7 (2) the use of such commercial dual-use parts
8 in all—

9 (A) commercial derivative aircraft and en-
10 gines; and

11 (B) aircraft used by the Air Force or Navy
12 that are based on the design of commercial
13 products.

14 (b) PROCUREMENT OF PARTS.—The processes and
15 procedures implemented under subsection (a) shall provide
16 that commercial dual-use parts shall be acquired—

17 (1) pursuant to competitive procedures (as de-
18 fined in section 3012 of title 10, United States
19 Code); and

20 (2) only from suppliers that provide parts that
21 possess an Authorized Release Certificate Federal
22 Aviation Administration Form 8130-3 Airworthy
23 Approval Tag from a certified repair station pursu-
24 ant to part 145 of title 14, Code of Federal Regula-
25 tions.

1 (c) DEFINITIONS.—In this section:

2 (1) COMMERCIAL DERIVATIVE.—The term
3 “commercial derivative” means an item procured by
4 the Department of Defense that is or was produced
5 using the same or similar production facilities, a
6 common supply chain, and the same or similar pro-
7 duction processes that are used for the production of
8 the item as predominantly used by the general public
9 or by nongovernmental entities for purposes other
10 than governmental purposes.

11 (2) COMMERCIAL DUAL-USE PART.—The term
12 “commercial dual-use part” means a product that
13 is—

- 14 (A) a commercial product;
15 (B) dual-use;
16 (C) described in subsection (b)(2); and
17 (D) not a life-limited part.

18 (3) COMMERCIAL PRODUCT.—The term “com-
19 mercial product” has the meaning given such term
20 in section 103 of title 41, United States Code.

21 (4) DUAL-USE.—The term “dual-use” has the
22 meaning given such term in section 4801 of title 10,
23 United States Code.

1 **SEC. 162. ASSESSMENT AND STRATEGY FOR FIELDING CA-**
2 **PABILITIES TO COUNTER THREATS POSED BY**
3 **UNMANNED AERIAL SYSTEM SWARMS.**

4 (a) ASSESSMENT, ANALYSIS, AND REVIEW.—The
5 Secretary of Defense shall conduct—

6 (1) an assessment of the threats posed by un-
7 manned aerial system swarms and unmanned aerial
8 systems with swarm capabilities to installations and
9 deployed Armed Forces;

10 (2) an analysis of the use or potential use of
11 unmanned aerial system swarms by adversaries, in-
12 cluding the People’s Republic of China, the Russian
13 Federation, the Islamic Republic of Iran, the Demo-
14 cratic People’s Republic of North Korea, and non-
15 state actors;

16 (3) an analysis of the national security implica-
17 tions of swarming technologies such as autonomous
18 intelligence and machine learning;

19 (4) a review of the capabilities used by the De-
20 partment of Defense to counter threats posed by un-
21 manned aerial systems and an assessment of the ef-
22 fectiveness of such capabilities at countering the
23 threat of unmanned aerial system swarms; and

24 (5) an overview of the efforts of the Depart-
25 ment of Defense to develop and field test tech-
26 nologies that offer scalable, modular, and rapidly

1 deployable capabilities with the ability to counter un-
2 manned aerial system swarms.

3 (b) STRATEGY DEVELOPMENT AND IMPLEMENTA-
4 TION REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall develop and implement a strategy to field capa-
7 bilities to counter threats posed by unmanned aerial
8 system swarms.

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

11 (A) The development of a comprehensive
12 definition of “unmanned aerial system swarm”.

13 (B) A plan to establish and incorporate re-
14 quirements for the development, testing, and
15 fielding of technologies and capabilities to
16 counter unmanned aerial system swarms.

17 (C) A plan to acquire and field adequate
18 capabilities to counter unmanned aerial system
19 swarms in defense of the Armed Forces, infra-
20 structure, and other assets of the United States
21 across land, air, and maritime domains.

22 (D) An estimate of the resources needed
23 by each Armed Force to implement the strat-
24 egy.

1 (E) An analysis, determination, and
2 prioritization of legislative action required to
3 ensure the Department of Defense has the abil-
4 ity to counter the threats posed by unmanned
5 aerial system swarms.

6 (F) Such other matters as the Secretary
7 determines to be relevant to the strategy.

8 (3) INCORPORATION INTO EXISTING STRAT-
9 EGY.—The Secretary of Defense may incorporate
10 the strategy required by paragraph (1) into a com-
11 prehensive strategy of the Department of Defense to
12 counter the threat of unmanned aerial systems.

13 (c) INFORMATION TO CONGRESS.—Not later than
14 270 days after the date of the enactment of this Act, the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a report on—

17 (1) the findings of the Secretary under sub-
18 section (a); and

19 (2) the strategy developed and implemented by
20 the Secretary under subsection (b).

21 **SEC. 163. ASSESSMENT AND REPORT ON MILITARY ROTARY**
22 **WING AIRCRAFT INDUSTRIAL BASE.**

23 (a) ASSESSMENT REQUIRED.—The Under Secretary
24 of Defense for Acquisition and Sustainment, in coordina-
25 tion with the Secretaries of the Army, Navy, and Air

1 Force, shall conduct an assessment of the military rotary
2 wing aircraft industrial base.

3 (b) ELEMENTS.—The assessment under subsection
4 (a) shall include the following:

5 (1)(A) Identification of each rotary wing air-
6 craft program of the Department of Defense that is
7 in the research and development or procurement
8 phase.

9 (B) A description of any platform-specific or ca-
10 pability-specific facility or workforce technical skill
11 requirements necessary for each program identified
12 under subparagraph (A).

13 (2) Identification of—

14 (A) the rotary wing aircraft capabilities of
15 each Armed Force anticipated for programming
16 beyond the period covered by the most recent
17 future-years defense program submitted to Con-
18 gress under section 221 of title 10, United
19 States Code (as of the date of the assessment);
20 and

21 (B) the technologies, facilities, and work-
22 force skills necessary for the development of
23 such capabilities.

24 (3) An assessment of the military industrial
25 base capacity and skills that are available (as of the

1 date of the assessment) to design and manufacture
2 the platforms and capabilities identified under para-
3 graphs (1) and (2) and a list of any gaps in such
4 capacity and skills.

5 (4)(A) Identification of each component, sub-
6 component, or equipment supplier in the military ro-
7 tary wing aircraft industrial base that is the sole
8 source within such industrial base from which that
9 component, subcomponent, or equipment may be ob-
10 tained.

11 (B) An assessment of any risk resulting from
12 the lack of other suppliers for such components, sub-
13 components, or equipment.

14 (5) Analysis of the likelihood of future consoli-
15 dation, contraction, or expansion, within the rotary
16 wing aircraft industrial base, including—

17 (A) identification of the most probable sce-
18 narios with respect to such consolidation, con-
19 traction, or expansion; and

20 (B) an assessment of how each such sce-
21 nario may affect the ability of the Armed
22 Forces to acquire military rotary wing aircraft
23 in the future, including any effects on the cost
24 and schedule of such acquisitions.

1 (6) Such other matters the Under Secretary of
2 Defense for Acquisition and Sustainment determines
3 appropriate.

4 (c) REPORT.—Not later than June 1, 2023, the
5 Under Secretary of Defense for Acquisition and
6 Sustainment shall submit to the congressional defense
7 committees a report that includes—

8 (1) the results of the assessment conducted
9 under subsection (a); and

10 (2) based on such results, recommendations for
11 reducing any risks identified with respect to the
12 military rotary wing aircraft industrial base.

13 (d) ROTARY WING AIRCRAFT DEFINED.—In this sec-
14 tion, the term “rotary wing aircraft” includes rotary wing
15 and tiltrotor aircraft.

16 **SEC. 164. COMPTROLLER GENERAL AUDIT OF EFFORTS TO**
17 **MODERNIZE THE PROPULSION, POWER, AND**
18 **THERMAL MANAGEMENT SYSTEMS OF F-35**
19 **AIRCRAFT.**

20 (a) AUDIT REQUIRED.—The Comptroller General of
21 the United States shall conduct an audit of the efforts
22 of the Department of Defense to modernize the propul-
23 sion, power, and thermal management systems of F-35
24 aircraft.

1 (b) ELEMENTS.—The audit conducted under sub-
2 section (a) shall include the following:

3 (1) An evaluation of the results of the business-
4 case analysis conducted by the Director of the F-35
5 Joint Program Office, in which the Director as-
6 sessed options to modernize the propulsion, power,
7 and thermal management systems of the F-35 air-
8 craft.

9 (2) An assessment of the costs associated with
10 each modernization option assessed in the business-
11 case analysis described in paragraph (1), including
12 any costs associated with development, production,
13 retrofit, integration, and installation of the option
14 (including any aircraft modifications required to ac-
15 commodate such option), and an assessment of the
16 sustainment infrastructure requirements associated
17 with that option for each variant of F-35 aircraft.

18 (3) An assessment of the progress made by the
19 prototype engines developed under the Adaptive En-
20 gine Transition Program and the development and
21 testing status of the other modernization options as-
22 sessed in the business-case analysis described in
23 paragraph (1).

24 (4) An assessment of the timeline associated
25 with modernizing the propulsion, power, and thermal

1 management systems of F-35 aircraft to meet the
2 capability performance requirements of the full
3 Block 4 suite upgrade planned for each variant of
4 such aircraft.

5 (5) An assessment of the costs associated with
6 modernizing the propulsion, power, and thermal
7 management systems of F-35 aircraft to meet the
8 capability performance requirements of the full
9 Block 4 suite upgrade planned for each variant of
10 such aircraft.

11 (6) An assessment of the potential effects of
12 each modernization option assessed in the business-
13 case analysis described in paragraph (1) on life-cycle
14 sustainment costs and the costs of spare parts for
15 F-35 aircraft, including any participatory effects on
16 international partners and foreign military sales cus-
17 tomers.

18 (c) BRIEFING.—Not later than February 28, 2023,
19 the Comptroller General shall provide to the congressional
20 defense committees a briefing on the preliminary results
21 of the audit conducted under subsection (a).

22 (d) REPORT.—Following the briefing under sub-
23 section (c), at such time as is mutually agreed upon by
24 the congressional defense committees and the Comptroller
25 General, the Comptroller General shall submit to the con-

1 gressional defense committees a report on the final results
2 of the audit conducted under subsection (a), including the
3 findings of the Comptroller General with respect to each
4 element specified in subsection (b).

5 **TITLE II—RESEARCH, DEVELOP-**
6 **MENT, TEST, AND EVALUA-**
7 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Modification of cooperative research and development project authority.
- Sec. 212. Clarification of role of senior official with principal responsibility for artificial intelligence and machine learning.
- Sec. 213. Inclusion of Office of Under Secretary of Defense for Research and Engineering in personnel management authority to attract experts in science and engineering.
- Sec. 214. Modification of limitation on cancellation of designation of Executive Agent for a certain Defense Production Act program.
- Sec. 215. Support for research and development of bioindustrial manufacturing processes.
- Sec. 216. Air-breathing and rocket booster testing capacity upgrades to support critical hypersonic weapons development.
- Sec. 217. Competitively awarded demonstrations and tests of electromagnetic warfare technology.
- Sec. 218. Administration of the Advanced Sensor Applications Program.
- Sec. 219. Quantifiable assurance capability for security of microelectronics.
- Sec. 220. Government-Industry-Academia Working Group on Microelectronics.
- Sec. 221. Target date for deployment of 5G wireless broadband infrastructure at all military installations.
- Sec. 222. Outreach to historically Black colleges and universities and other minority-serving institutions regarding National Security Innovation Network programs that promote entrepreneurship and innovation at institutions of higher education.
- Sec. 223. Report and pilot program based on recommendations regarding defense research capacity at historically Black colleges and universities and other minority-serving institutions.
- Sec. 224. Pilot program to support the development of patentable inventions in the Department of the Navy.
- Sec. 225. Pilot program to facilitate the development of battery technologies for warfighters.

Subtitle C—Plans, Reports, and Other Matters

- Sec. 231. Modification to annual reports of the Director of Operational Test and Evaluation.
- Sec. 232. Extension of requirement for quarterly briefings on strategy for fifth generation information and communications technologies.
- Sec. 233. Plan for investments to support the development of novel processing approaches for defense applications.
- Sec. 234. Plans to accelerate the transition to 5G information and communications technology within the military departments.
- Sec. 235. Plan for Defense Advanced Research Projects Agency Innovation Fellowship Program.
- Sec. 236. Strategy and plan for fostering and strengthening the defense innovation ecosystem.
- Sec. 237. Assessment and strategy relating to hypersonic testing capacity of the Department of Defense.
- Sec. 238. Annual report on studies and reports of federally funded research and development centers.
- Sec. 239. Report on recommendations from Army Futures Command Research Program Realignment Study.
- Sec. 240. Report on potential for increased utilization of the Electronic Proving Grounds testing range.
- Sec. 241. Study on costs associated with underperforming software and information technology.
- Sec. 242. Study and report on sufficiency of operational test and evaluation resources supporting certain major defense acquisition programs.

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2023 for the use of the Department of Defense
6 for research, development, test, and evaluation, as speci-
7 fied in the funding table in section 4201.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2 **ments, Restrictions, and Limitations**
3 **tions**

4 **SEC. 211. MODIFICATION OF COOPERATIVE RESEARCH AND**
5 **DEVELOPMENT PROJECT AUTHORITY.**

6 (a) IN GENERAL.—Section 2350a(a)(2) of title 10,
7 United States Code, is amended by adding at the end the
8 following:

9 “(F) The European Union, including the Euro-
10 pean Defence Agency, the European Commission,
11 and the Council of the European Union, and their
12 suborganizations.”

13 (c) CONFORMING REGULATIONS.—Not later than
14 120 days after the date of the enactment of this Act, the
15 Secretary of Defense shall revise the Department of De-
16 fense Supplement to the Federal Acquisition Regulation
17 to conform with section 2350a of title 10, United States
18 Code, as amended by subsection (a).

19 **SEC. 212. CLARIFICATION OF ROLE OF SENIOR OFFICIAL**
20 **WITH PRINCIPAL RESPONSIBILITY FOR ARTI-**
21 **FICIAL INTELLIGENCE AND MACHINE LEARN-**
22 **ING.**

23 (a) PERSONNEL MANAGEMENT AUTHORITY TO AT-
24 TRACT EXPERTS IN SCIENCE AND ENGINEERING.—Sec-
25 tion 4092 of title 10, United States Code, is amended—

1 (1) in subsection (a)(6)—

2 (A) by striking “Director of the Joint Arti-
3 ficial Intelligence Center” and inserting “offi-
4 cial designated under section 238(b) of the
5 John S. McCain National Defense Authoriza-
6 tion Act for Fiscal Year 2019 (Public Law
7 115–232)”;

8 (B) by striking “for the Center” and in-
9 serting “to support the activities of such official
10 under section 238 of such Act”; and

11 (C) in the paragraph heading, by striking
12 “Center”;

13 (2) in subsection (b)(1)(F)—

14 (A) by striking “Joint Artificial Intel-
15 ligence Center” and inserting “office of the offi-
16 cial designated under section 238(b) of the
17 John S. McCain National Defense Authoriza-
18 tion Act for Fiscal Year 2019 (Public Law
19 115–232)”;

20 (B) by striking “in the Center” and insert-
21 ing “in support of the activities of such official
22 under section 238 of such Act”; and

23 (3) in subsection (c)(2), by striking “Joint Arti-
24 ficial Intelligence Center” and inserting “the activi-
25 ties under section 238 of the John S. McCain Na-

1 tional Defense Authorization Act for Fiscal Year
2 2019 (Public Law 115–232)”.

3 (b) REVIEW OF ARTIFICIAL INTELLIGENCE APPLICA-
4 TIONS AND ESTABLISHMENT OF PERFORMANCE
5 METRICS.—Section 226(b) of the National Defense Au-
6 thorization Act for Fiscal Year 2022 (Public Law 117–
7 81; 10 U.S.C. 4001 note) is amended—

8 (1) in paragraph (3), by striking “Director of
9 the Joint Artificial Intelligence Center” and insert-
10 ing “official designated under subsection (b) of sec-
11 tion 238 of the John S. McCain National Defense
12 Authorization Act for Fiscal Year 2019 (Public Law
13 115–232; 10 U.S.C. note prec. 4061)”;

14 (2) in paragraph (4), by striking “Director of
15 the Joint Artificial Intelligence Center” and insert-
16 ing “official designated under subsection (b) of sec-
17 tion 238 of the John S. McCain National Defense
18 Authorization Act for Fiscal Year 2019 (Public Law
19 115–232; 10 U.S.C. note prec. 4061)”;

20 (3) in paragraph (5), by striking “Director of
21 the Joint Artificial Intelligence Center” and insert-
22 ing “official designated under subsection (b) of sec-
23 tion 238 of the John S. McCain National Defense
24 Authorization Act for Fiscal Year 2019 (Public Law
25 115–232; 10 U.S.C. note prec. 4061)”.

1 (c) MODIFICATION OF THE JOINT COMMON FOUNDATION PROGRAM.—Section 227(a) of the National Defense
2 TION PROGRAM.—Section 227(a) of the National Defense
3 Authorization Act for Fiscal Year 2022 (Public Law 117–
4 81; 10 U.S.C. 4001 note) is amended by striking “Joint
5 Artificial Intelligence Center” and inserting “the office of
6 the official designated under subsection (b) of section 238
7 of the John S. McCain National Defense Authorization
8 Act for Fiscal Year 2019 (Public Law 115–232; 10 U.S.C.
9 note prec. 4061)”.

10 (d) PILOT PROGRAM ON DATA REPOSITORIES TO FA-
11 CILITATE THE DEVELOPMENT OF ARTIFICIAL INTEL-
12 LIGENCE CAPABILITIES FOR THE DEPARTMENT OF DE-
13 FENSE.—Section 232 of the National Defense Authoriza-
14 tion Act for Fiscal Year 2022 (Public Law 117–81; 10
15 U.S.C. 4001 note) is amended—

16 (1) in the section heading, by striking “**PILOT**
17 **PROGRAM ON DATA REPOSITORIES**” and insert-
18 ing “**DATA REPOSITORIES**”;

19 (2) by amending subsection (a) to read as fol-
20 lows:

21 “(a) ESTABLISHMENT OF DATA REPOSITORIES.—
22 The Secretary of Defense, acting through the official des-
23 ignated under subsection (b) of section 238 of the John
24 S. McCain National Defense Authorization Act for Fiscal
25 Year 2019 (Public Law 115–232; 10 U.S.C. note prec.

1 4061) (and such other officials as the Secretary deter-
2 mines appropriate), shall—

3 “(1) establish data repositories containing De-
4 partment of Defense data sets relevant to the devel-
5 opment of artificial intelligence software and tech-
6 nology; and

7 “(2) allow appropriate public and private sector
8 organizations to access such data repositories for the
9 purpose of developing improved artificial intelligence
10 and machine learning software capabilities that may,
11 as determined appropriate by the Secretary, be pro-
12 cured by the Department to satisfy Department re-
13 quirements and technology development goals.”;

14 (3) in subsection (b), by striking “If the Sec-
15 retary of Defense carries out the pilot program
16 under subsection (a), the data repositories estab-
17 lished under the program” and inserting “The data
18 repositories established under subsection (a)”;

19 (4) by amending subsection (c) to read as fol-
20 lows:

21 “(c) BRIEFING.—Not later than July 1, 2023, the
22 Secretary of Defense shall provide to the congressional de-
23 fense committees a briefing on—

24 “(1) the types of information the Secretary de-
25 termines are feasible and advisable to include in the

1 data repositories established under subsection (a);
2 and

3 “(2) the progress of the Secretary in estab-
4 lishing such data repositories.”.

5 (e) DIGITAL DEVELOPMENT INFRASTRUCTURE PLAN
6 AND WORKING GROUP.—Section 1531(d)(2)(C) of the
7 National Defense Authorization Act for Fiscal Year 2022
8 (Public Law 117–81; 135 Stat. 2051) is amended by strik-
9 ing “The Joint Artificial Intelligence Center (JAIC)” and
10 inserting “The office of the official designated under sub-
11 section (b) of section 238 of the John S. McCain National
12 Defense Authorization Act for Fiscal Year 2019 (Public
13 Law 115–232; 10 U.S.C. note prec. 4061)”.

14 (f) BOARD OF ADVISORS FOR THE OFFICE OF THE
15 SENIOR OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR
16 ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.—
17 Section 233 of the William M. (Mac) Thornberry National
18 Defense Authorization Act for Fiscal Year 2021 (Public
19 Law 116–283; 10 U.S.C. 4001 note) is amended—

20 (1) in the section heading, by striking “**JOINT**
21 **ARTIFICIAL INTELLIGENCE CENTER**” and insert-
22 ing “**OFFICE OF THE SENIOR OFFICIAL WITH**
23 **PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL**
24 **INTELLIGENCE AND MACHINE LEARNING**”;

1 (2) in subsection (a), by striking “Joint Artifi-
2 cial Intelligence Center” and inserting “office of the
3 official designated under subsection (b) of section
4 238 of the John S. McCain National Defense Au-
5 thorization Act for Fiscal Year 2019 (Public Law
6 115–232; 10 U.S.C. note prec. 4061) (referred to in
7 this section as the ‘Official’)”;

8 (3) in subsection (b), by striking “Director”
9 each place in appears and inserting “Official”;

10 (4) in subsection (f), by striking “September
11 30, 2024” and inserting “September 30, 2026”; and

12 (5) in subsection (g)—

13 (A) by striking paragraphs (2) and (3);

14 and

15 (B) by redesignating paragraph (4) as
16 paragraph (2).

17 (g) APPLICATION OF ARTIFICIAL INTELLIGENCE TO
18 THE DEFENSE REFORM PILLAR IN THE NATIONAL DE-
19 FENSE STRATEGY.—Section 234(b) of the William M.
20 (Mac) Thornberry National Defense Authorization Act for
21 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 113
22 note) is amended by striking “Director of the Joint Artifi-
23 cial Intelligence Center” and inserting “official designated
24 under section 238(b) of the John S. McCain National De-

1 fense Authorization Act for Fiscal Year 2019 (Public Law
2 115–232; 10 U.S.C. note prec. 4061)”.

3 (h) PILOT PROGRAM ON THE USE OF ELECTRONIC
4 PORTFOLIOS TO EVALUATE CERTAIN APPLICANTS FOR
5 TECHNICAL POSITIONS.—Section 247(c) of the William
6 M. (Mac) Thornberry National Defense Authorization Act
7 for Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
8 note prec. 1580) is amended—

9 (1) in paragraph (1), by striking “the Joint Ar-
10 tificial Intelligence Center” and inserting “the office
11 of the official designated under subsection (b) of sec-
12 tion 238 of the John S. McCain National Defense
13 Authorization Act for Fiscal Year 2019 (Public Law
14 115–232; 10 U.S.C. note prec. 4061)”;

15 (2) by striking paragraph (2); and

16 (3) by redesignating paragraphs (3) and (4) as
17 paragraphs (2) and (3), respectively.

18 (i) ACQUISITION AUTHORITY OF THE DIRECTOR OF
19 THE JOINT ARTIFICIAL INTELLIGENCE CENTER.—Sec-
20 tion 808 the William M. (Mac) Thornberry National De-
21 fense Authorization Act for Fiscal Year 2021 (Public Law
22 116–283; 10 U.S.C. 4001 note) is amended—

23 (1) in the section heading, by striking “**THE**
24 **DIRECTOR OF THE JOINT ARTIFICIAL INTEL-**
25 **LIGENCE CENTER**” and inserting “**THE SENIOR**

1 **OFFICIAL WITH PRINCIPAL RESPONSIBILITY**
2 **FOR ARTIFICIAL INTELLIGENCE AND MACHINE**
3 **LEARNING”;**

4 (2) in subsection (a)—

5 (A) by striking “the Director of the Joint
6 Artificial Intelligence Center” and inserting
7 “the official designated under subsection (b) of
8 section 238 of the John S. McCain National
9 Defense Authorization Act for Fiscal Year 2019
10 (Public Law 115–232; 10 U.S.C. note prec.
11 4061) (referred to in this section as the ‘Offi-
12 cial’)”; and

13 (B) by striking “the Center” and inserting
14 “the office of such official (referred to in this
15 section as the ‘Office’)”;

16 (3) in subsection (b)—

17 (A) in the subsection heading, by striking
18 “JAIC”;

19 (B) in paragraph (1)—

20 (i) in the matter preceding subpara-
21 graph (A),

22 (I) by striking “staff of the Di-
23 rector” and inserting “staff of the Of-
24 ficial”; and

1 (II) by striking “the Director of
2 the Center” and inserting “such Offi-
3 cial”;

4 (ii) in subparagraph (A), by striking
5 “the Center” and inserting “the Office”;

6 (iii) in subparagraph (B), by striking
7 “the Center” and inserting “the Office”;

8 (iv) in subparagraph (C), by striking
9 “the Center” each place it appears and in-
10 sserting “the Office”; and

11 (v) in subparagraph (D), by striking
12 “the Center” each place it appears and in-
13 sserting “the Office”; and

14 (C) in paragraph (2)—

15 (i) by striking “the Center” and in-
16 sserting “the Office”; and

17 (ii) by striking “the Director” and in-
18 sserting “the Official”;

19 (4) in subsection (c)(1)—

20 (A) by striking “the Center” and inserting
21 “the Office”; and

22 (B) by striking “the Director” and insert-
23 ing “the Official”;

24 (5) in subsection (d), by striking “the Director”
25 and inserting “the Official”;

1 (6) in subsection (e)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (B), by striking
4 “Center missions” and inserting “the mis-
5 sions of the Office”; and

6 (ii) in subparagraph (D), by striking
7 “the Center” and inserting “the Office”;
8 and

9 (B) in paragraph (3), by striking “the
10 Center” and inserting “the Office”;

11 (7) in subsection (f), by striking “the Director”
12 and inserting “the Official”; and

13 (8) in subsection (g)—

14 (A) by striking paragraphs (1) and (3);
15 and

16 (B) by redesignating paragraphs (4) and
17 (5) as paragraphs (1) and (2), respectively.

18 (j) BIENNIAL REPORT ON OFFICE OF THE SENIOR
19 OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR ARTIFI-
20 CIAL INTELLIGENCE AND MACHINE LEARNING.—Section
21 260 of the National Defense Authorization Act for Fiscal
22 Year 2020 (Public Law 116–92) is amended—

23 (1) in the section heading, by striking “**JOINT**
24 **ARTIFICIAL INTELLIGENCE CENTER**” and insert-
25 ing “**OFFICE OF THE SENIOR OFFICIAL WITH**

1 **PRINCIPAL RESPONSIBILITY FOR ARTIFICIAL**
2 **INTELLIGENCE AND MACHINE LEARNING”;**

3 (2) in subsection (a)—

4 (A) by striking “2023” and inserting
5 “2026”; and

6 (B) by striking “the Joint Artificial Intel-
7 ligence Center (referred to in this section as the
8 ‘Center’)” and inserting “the office of the offi-
9 cial designated under subsection (b) of section
10 238 of the John S. McCain National Defense
11 Authorization Act for Fiscal Year 2019 (Public
12 Law 115–232; 10 U.S.C. note prec. 4061) (re-
13 ferred to in this section as the ‘Office’)”;

14 (3) in subsection (b)—

15 (A) by striking “Center” each place it ap-
16 pears and inserting “Office”;

17 (B) in paragraph (2), by striking “the Na-
18 tional Mission Initiatives, Component Mission
19 Initiatives, and any other initiatives” and in-
20 serting “any initiatives”; and

21 (C) in paragraph (7), by striking “the
22 Center’s investments in the National Mission
23 Initiatives and Component Mission Initiatives”
24 and inserting “the Office’s investments in its
25 initiatives and other activities”; and

1 (4) by striking subsection (c).

2 (k) CHIEF DATA OFFICER RESPONSIBILITY FOR DE-
3 PARTMENT OF DEFENSE DATA SETS.—Section 903(b) of
4 the National Defense Authorization Act for Fiscal Year
5 2020 (Public Law 116–92; 10 U.S.C. 2223 note) is
6 amended—

7 (1) by striking paragraph (3); and

8 (2) by redesignating paragraph (4) as para-
9 graph (3).

10 (l) JOINT ARTIFICIAL INTELLIGENCE RESEARCH,
11 DEVELOPMENT, AND TRANSITION ACTIVITIES.—Section
12 238 of the John S. McCain National Defense Authoriza-
13 tion Act for Fiscal Year 2019 (Public Law 115–232; 10
14 U.S.C. note prec. 4061) is amended—

15 (1) by amending subsection (c) to read as fol-
16 lows:

17 “(c) ORGANIZATION AND ROLES.—

18 “(1) IN GENERAL.—In addition to designating
19 an official under subsection (b), the Secretary of De-
20 fense shall assign to appropriate officials within the
21 Department of Defense roles and responsibilities re-
22 lating to the research, development, prototyping,
23 testing, procurement of, requirements for, and oper-
24 ational use of artificial intelligence technologies.

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

4 “(A) the Under Secretary of Defense for
5 Research and Engineering;

6 “(B) the Under Secretary of Defense for
7 Acquisition and Sustainment;

8 “(C) one or more officials in each military
9 department;

10 “(D) officials of appropriate Defense Agen-
11 cies; and

12 “(E) such other officials as the Secretary
13 of Defense determines appropriate.”;

14 (2) in subsection (e), by striking “Director of
15 the Joint Artificial Intelligence Center” and insert-
16 ing “official designated under subsection (b)”; and

17 (3) by striking subsection (h).

18 (m) REFERENCES.—Any reference in any law, regu-
19 lation, guidance, instruction, or other document of the
20 Federal Government to the Director of the Joint Artificial
21 Intelligence Center of the Department of Defense or to
22 the Joint Artificial Intelligence Center shall be deemed to
23 refer to the official designated under section 238(b) of the
24 John S. McCain National Defense Authorization Act for
25 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note

1 prec. 4061) or the office of such official, as the case may
2 be.

3 **SEC. 213. INCLUSION OF OFFICE OF UNDER SECRETARY OF**
4 **DEFENSE FOR RESEARCH AND ENGINEERING**
5 **IN PERSONNEL MANAGEMENT AUTHORITY**
6 **TO ATTRACT EXPERTS IN SCIENCE AND ENGI-**
7 **NEERING.**

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

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

12 “(10) OFFICE OF THE UNDER SECRETARY OF
13 DEFENSE FOR RESEARCH AND ENGINEERING.—The
14 Under Secretary of Defense for Research and Engi-
15 neering may carry out a program of personnel man-
16 agement authority provided in subsection (b) in
17 order to facilitate recruitment of eminent experts in
18 science or engineering for the Office of the Under
19 Secretary.”; and

20 (2) in subsection (b)(1)—

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

23 (B) in subparagraph (I), by striking the
24 semicolon and inserting “; and”; and

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

3 “(J) in the case of the Office of the Under
4 Secretary of Defense for Research and Engi-
5 neering, appoint scientists and engineers to a
6 total of not more than 10 scientific and engi-
7 neering positions in the Office;”.

8 **SEC. 214. MODIFICATION OF LIMITATION ON CANCELLA-**
9 **TION OF DESIGNATION OF EXECUTIVE AGENT**
10 **FOR A CERTAIN DEFENSE PRODUCTION ACT**
11 **PROGRAM.**

12 Section 226 of the National Defense Authorization
13 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
14 1335) is amended—

15 (1) by redesignating subsection (e) as sub-
16 section (f); and

17 (2) by inserting after subsection (d) the fol-
18 lowing new subsection:

19 “(e) DESIGNATION OF OTHER EXECUTIVE
20 AGENTS.—Notwithstanding the requirements of this sec-
21 tion or section 1792 of the John S. McCain National De-
22 fense Authorization Act for Fiscal Year 2019 (50 U.S.C.
23 4531 note), the Secretary of Defense may designate one
24 or more Executive Agents within the Department of De-
25 fense (other than the Executive Agent described in sub-

1 section (a)) to implement Defense Production Act trans-
2 actions entered into under the authority of sections 4021,
3 4022, and 4023 of title 10, United States Code.”.

4 **SEC. 215. SUPPORT FOR RESEARCH AND DEVELOPMENT OF**
5 **BIOINDUSTRIAL MANUFACTURING PROC-**
6 **ESSES.**

7 (a) AUTHORIZATION.—Subject to the availability of
8 appropriations, the Secretary of Defense shall provide sup-
9 port for the development of a network of bioindustrial
10 manufacturing facilities to conduct research and develop-
11 ment to improve the ability of the industrial base to as-
12 sess, validate, and scale new, innovative bioindustrial man-
13 ufacturing processes for the production of chemicals, ma-
14 terials, and other products necessary to support national
15 security or secure fragile supply chains.

16 (b) FORM OF SUPPORT.—The support provided
17 under subsection (a) may consist of—

18 (1) providing funding to one or more existing
19 facilities or the establishment of new facilities—

20 (A) to support the research and develop-
21 ment of bioindustrial manufacturing processes;

22 or

23 (B) to otherwise expand the bioindustrial
24 manufacturing capabilities of such facilities;

1 (2) the establishment of dedicated facilities
2 within one or more bioindustrial manufacturing fa-
3 cilities to serve as regional hubs for the research, de-
4 velopment, and the scaling of bioindustrial manufac-
5 turing processes and products to higher levels of
6 production; or

7 (3) designating a bioindustrial manufacturing
8 facility to serve as the lead entity responsible for in-
9 tegrating a network of pilot and intermediate scale
10 bioindustrial manufacturing facilities.

11 (c) **ACTIVITIES.**—A facility that receives support
12 under subsection (a) shall carry out activities relating to
13 the research, development, test, and evaluation of innova-
14 tive bioindustrial manufacturing processes and the scaling
15 of bioindustrial manufacturing products to higher levels
16 of production, which may include—

17 (1) research on the use of bioindustrial manu-
18 facturing to create materials such as polymers, coat-
19 ings, resins, commodity chemicals, and other mate-
20 rials with fragile supply chains;

21 (2) demonstration projects to evaluate bioindus-
22 trial manufacturing processes and technologies;

23 (3) activities to scale bioindustrial
24 manufacturing processes and products to higher lev-
25 els of production;

1 (4) strategic planning for infrastructure and
2 equipment investments for bioindustrial manufac-
3 turing of defense-related materials;

4 (5) analyses of bioindustrial manufactured
5 products and validation of the application of biologi-
6 cal material used as input to new and existing proc-
7 esses to aid in future investment strategies and the
8 security of critical supply chains;

9 (6) the selection, construction, and operation of
10 pilot and intermediate scale bioindustrial manufac-
11 turing facilities;

12 (7) development and management of a network
13 of facilities to scale production of bioindustrial prod-
14 ucts;

15 (8) activities to address workforce needs in bio-
16 industrial manufacturing;

17 (9) establishing an interoperable, secure, digital
18 infrastructure for collaborative data exchange across
19 entities in the bioindustrial manufacturing commu-
20 nity, including government agencies, industry, and
21 academia;

22 (10) developing and implementing digital tools,
23 process security and assurance capabilities, cyberse-
24 curity protocols, and best practices for data storage,
25 sharing and analysis; and

1 (11) such other activities as the Secretary of
2 Defense determines appropriate.

3 (d) CONSIDERATIONS.—In determining the number,
4 type, and location of facilities to support under subsection
5 (a), the Secretary of Defense shall consider—

6 (1) how the facilities may complement each
7 other or increase production levels by functioning to-
8 gether as a network;

9 (2) how to geographically distribute support to
10 such facilities—

11 (A) to maximize access to biological mate-
12 rial needed as an input to bioindustrial manu-
13 facturing processes;

14 (B) to leverage available industrial and
15 academic expertise, including workforce and
16 human capital;

17 (C) to leverage relevant domestic infra-
18 structure required to secure supply chains for
19 chemicals and other materials;

20 (D) to leverage access to venture capital
21 and private sector finance expertise and funding
22 instruments; and

23 (E) to complement the capabilities of simi-
24 lar facilities; and

1 (3) how the activities supported under this sec-
2 tion can be coordinated with relevant activities of
3 other departments and agencies of the Federal Gov-
4 ernment.

5 (e) INITIAL CONCEPT PLAN REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall submit to the congressional
9 defense committees and the National Security Com-
10 mission on Emerging Biotechnology an initial con-
11 cept plan for the implementation of this section that
12 includes—

13 (A) an assessment of capacity scaling
14 needs to determine if, and what type of, addi-
15 tional bioindustrial manufacturing facilities may
16 be needed to meet the needs of the Department
17 of Defense;

18 (B) a description of types, relative sizes,
19 and locations of the facilities the Secretary in-
20 tends to establish or support under this section;

21 (C) a general description of the focus of
22 each facility, including the types of bioindustrial
23 manufacturing equipment, if any, that are ex-
24 pected to be procured for each such facility;

1 (D) a general description of how the facili-
2 ties will work as a network to maximize the di-
3 versity of bioindustrial products available to be
4 produced by the network;

5 (E) an explanation of how the network will
6 support the establishment and maintenance of
7 the bioindustrial manufacturing industrial base;
8 and

9 (F) an explanation of how the Secretary
10 intends to ensure that bioindustrial manufac-
11 turing activities conducted under this section
12 are modernized digitally, including through—

13 (i) the use of data automation to rep-
14 resent processes and products as models
15 and simulations; and

16 (ii) the implementation of measures to
17 address cybersecurity and process assur-
18 ance concerns.

19 (2) BRIEFINGS.—Not later than 180 days after
20 the date of the submittal of the plan under para-
21 graph (1), and annually thereafter for five years, the
22 Secretary of Defense shall provide to the congres-
23 sional defense committees a briefing on the Sec-
24 retary's progress in implementing the plan.

1 (f) BIOINDUSTRIAL MANUFACTURING DEFINED.—In
2 this section, the term “bioindustrial manufacturing”
3 means the use of living organisms, cells, tissues, enzymes,
4 or cell-free systems to produce materials and products for
5 non-pharmaceutical applications.

6 **SEC. 216. AIR-BREATHING AND ROCKET BOOSTER TESTING**
7 **CAPACITY UPGRADES TO SUPPORT CRITICAL**
8 **HYPERSONIC WEAPONS DEVELOPMENT.**

9 (a) IN GENERAL.—Subject to the availability of ap-
10 propriations for such purpose, the Secretary of the Air
11 Force shall carry out activities to upgrade testing facilities
12 of the Department of the Air Force that support the devel-
13 opment of critical hypersonic weapons that—

14 (1) use air-breathing or rocket booster capabili-
15 ties; and

16 (2) are expected to operate in sea-level or high-
17 altitude operational domains.

18 (b) TIMELINE FOR COMPLETION.—The Secretary of
19 the Air Force shall seek to complete any upgrade under
20 subsection (a), subject to availability of appropriations for
21 such upgrade, not later than 24 months after the upgrade
22 is commenced.

1 **SEC. 217. COMPETITIVELY AWARDED DEMONSTRATIONS**
2 **AND TESTS OF ELECTROMAGNETIC WARFARE**
3 **TECHNOLOGY.**

4 (a) DEMONSTRATIONS AND TESTS REQUIRED.—Not
5 later than 270 days after the date of the enactment of
6 this Act, the Director of the Air Force Rapid Capabilities
7 Office, in coordination with the Air Force Life Cycle Man-
8 agement Center, shall select one or more qualified entities
9 under competitive processes to conduct demonstrations
10 and tests of commercial electronics technology to deter-
11 mine whether technology currently exists that could enable
12 the following electromagnetic warfare capabilities:

13 (1) The operation of multiple emitters and re-
14 ceivers in the same frequency at the same time and
15 in the same location without mutual interference and
16 without using adaptive beam forming or nulling.

17 (2) Protecting the reception of Global Posi-
18 tioning System and other vulnerable low-power sig-
19 nals from multiple high-power jammers at a level
20 that is significantly better than the protection af-
21 forded by controlled reception pattern antennas.

22 (3) Simultaneous transmission from and recep-
23 tion of separate signals on the same platform where-
24 in the signals lie in the same frequency and are
25 transmitted and received at the same time without
26 interference.

1 (4) Capabilities similar those described in para-
2 graphs (1) through (3) in a live, virtual constructive
3 simulation environment.

4 (5) Other capabilities that might satisfy or sup-
5 port needs set forth in the Electromagnetic Spec-
6 trum Superiority Strategy Implementation Plan re-
7 leased on August 5, 2021.

8 (b) OVERSIGHT OF TESTS.—The Director of Oper-
9 ational Test and Evaluation shall—

10 (1) provide oversight of the demonstrations and
11 tests required by subsection (a);

12 (2) review other applicable government or com-
13 mercial demonstrations and tests; and

14 (3) not later than 30 days after the completion
15 of the demonstrations and tests under subsection
16 (a), advise the Chief Information Officer of the De-
17 partment of Defense, the Under Secretary of De-
18 fense for Research and Engineering, and the Under
19 Secretary of Defense for Acquisition and
20 Sustainment of the outcomes of the demonstrations
21 and tests.

22 (c) OUTCOME-BASED ACTIONS REQUIRED.—If the
23 Director of Operational Test and Evaluation and the Di-
24 rector of the Air Force Rapid Capabilities Office affirm
25 that the demonstrations and tests under subsection (a)

1 confirm that certain commercial electronics technology
2 could enable one or more of the capabilities described in
3 such subsection—

4 (1) not later than 45 days after the conclusion
5 of the tests under subsection (a), the Director of the
6 Air Force Rapid Capabilities Office and the Director
7 of Operational Test and Evaluation shall jointly pro-
8 vide to the congressional defense committees a brief-
9 ings on the outcomes of the tests;

10 (2) the Director of the Air Force Rapid Capa-
11 bilities Office may begin engineering form, fit, and
12 function development and integration to incorporate
13 technologies demonstrated and tested under sub-
14 section (a) into specific Department of Defense plat-
15 forms and applications; and

16 (3) not later than 90 days after the conclusion
17 of the tests under subsection (a), the Director of the
18 Air Force Rapid Capabilities Office, the Chief Infor-
19 mation Officer, the Under Secretary of Defense for
20 Research and Engineering, and the Under Secretary
21 of Defense for Acquisition and Sustainment shall
22 jointly provide to the congressional defense commit-
23 tees a briefing on any plans of the Department of
24 Defense to further develop and deploy the tech-
25 nologies demonstrated and tested under subsection

1 (a) to support the Electromagnetic Spectrum Supe-
2 riority Strategy Implementation Plan released on
3 August 5, 2021.

4 (d) COMPETITIVENESS REQUIREMENTS.—A decision
5 to commit, obligate, or expend funds for the purposes out-
6 lined in this section shall be based on merit-based selection
7 procedures in accordance with the requirements of sec-
8 tions 3201(e) and 4024 of title 10, United States Code,
9 or on competitive procedures.

10 (e) COMMERCIAL ELECTRONICS TECHNOLOGY DE-
11 FINED.—The term “commercial electronics technology”
12 means electronics technology that is—

13 (1) a commercial component (as defined in sec-
14 tion 102 of title 41, United States Code);

15 (2) a commercial product (as defined in section
16 103 such title);

17 (3) a commercial service (as defined in section
18 103a of such title); or

19 (4) a commercially available off-the-shelf item
20 (as defined in section 104 of such title).

21 **SEC. 218. ADMINISTRATION OF THE ADVANCED SENSOR AP-**
22 **PLICATIONS PROGRAM.**

23 (a) RESOURCE SPONSORS.—

24 (1) IN GENERAL.—The Commander of Naval
25 Air Systems Command and the Director of Air War-

1 fare shall jointly serve as the resource sponsors for
2 the Advanced Sensor Applications Program (com-
3 monly known as “ASAP” and in this section re-
4 ferred to as the “Program”).

5 (2) RESPONSIBILITIES.—The resource sponsors
6 of the Program shall be responsible for the fol-
7 lowing:

8 (A) Developing budget requests relating to
9 the Program.

10 (B) Establishing priorities for the Pro-
11 gram.

12 (C) Approving the execution of funding
13 and projects for the Program.

14 (D) Coordination and joint planning with
15 external stakeholders in matters relating to the
16 Program.

17 (b) LIMITATIONS.—Only the Secretary of the Navy,
18 the Under Secretary of the Navy, and the Commander of
19 Naval Air Systems Command may—

20 (1) provide direction and management for the
21 Program;

22 (2) set priorities for the Program;

23 (3) regulate or limit the information available
24 or accessible to the Program;

1 (4) edit reports or findings generated under the
2 Program; or

3 (5) coordinate and manage interactions of the
4 Program with external stakeholders.

5 (c) **AUTHORITY FOR PROGRAM MANAGER.**—The pro-
6 gram manager for the Program may access, consider, act
7 on, and apply information, at all levels of classification
8 and from all sources and organizations, that is pertinent
9 to the projects and activities that the Program is exe-
10 cuting, or considering proposing for the future.

11 (d) **QUARTERLY BRIEFINGS.**—Not less frequently
12 than once every three months, the program manager for
13 the Program shall provide to the congressional defense
14 committees and congressional intelligence committees (as
15 defined in section 3 of the National Security Act of 1947
16 (50 U.S.C. 3003)) a briefing on all aspects of the Pro-
17 gram, including on the status of—

18 (1) the implementation of this section;

19 (2) the implementation of other congressional
20 directives relating to the Program; and

21 (3) any direction and oversight of the Program
22 exercised by the Commander of Naval Air Systems
23 Command, the Secretary of the Navy, or the Under
24 Secretary of the Navy.

1 (e) STRATEGIC RELATIONSHIP.—The program man-
2 ager for the Program shall evaluate the feasibility and ad-
3 visability of establishing a strategic relationship with the
4 Naval Research Laboratory pursuant to which the Lab-
5 oratory provides scientific and technical assistance and
6 support for the Program.

7 (f) USE OF ASSETS.—The Commander of Naval Air
8 Systems Command shall take all actions the Commander
9 considers reasonable—

10 (1) to enable the Program to use assets con-
11 trolled within the Naval Air Systems Command en-
12 terprise, including sensor systems and platforms;
13 and

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

16 (g) TERMINATION.—This section shall have no force
17 or effect after September 30, 2027.

18 **SEC. 219. QUANTIFIABLE ASSURANCE CAPABILITY FOR SE-**
19 **CURITY OF MICROELECTRONICS.**

20 (a) DEVELOPMENT AND IMPLEMENTATION OF CAPA-
21 BILITY.—The Secretary of Defense shall develop and im-
22 plement a capability for quantifiable assurance to achieve
23 practical, affordable, and risk-based objectives for security
24 of microelectronics to enable the Department of Defense

1 to access and apply state-of-the-art microelectronics for
2 military purposes.

3 (b) ESTABLISHMENT OF REQUIREMENTS AND
4 SCHEDULE OF SUPPORT FOR DEVELOPMENT, TEST, AND
5 ASSESSMENT.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of the enactment of this Act, the Deputy
8 Secretary of Defense shall, in consultation with the
9 Under Secretary of Defense for Research and Engi-
10 neering, establish requirements and a schedule for
11 support from the National Security Agency to de-
12 velop, test, assess, implement, and improve the capa-
13 bility required by subsection (a).

14 (2) NATIONAL SECURITY AGENCY.—The Direc-
15 tor of the National Security Agency shall take such
16 actions as may be necessary to satisfy the require-
17 ments established under paragraph (1).

18 (3) BRIEFING.—Not later than 120 days after
19 the date of the enactment of this Act, the Under
20 Secretary of Defense for Research and Engineering
21 and the Director of the National Security Agency
22 shall jointly provide the congressional defense com-
23 mittees a briefing on the requirements and the
24 schedule for support established under paragraph
25 (1).

1 (c) ASSESSMENT.—

2 (1) IN GENERAL.—The Secretary of Defense
3 shall assess whether the Department of Defense, to
4 enable expanded use of unprogrammed application
5 specific integrated circuits or other custom-designed
6 integrated circuits manufactured by a supplier that
7 is not using processes accredited by the Defense
8 Microelectronics Activity for the purpose of enabling
9 the Department to access commercial state-of-the-
10 art microelectronics technology using risk-based
11 quantifiable assurance security methodology,
12 should—

13 (A) seek changes to the International Traf-
14 fic in Arms Regulations under subchapter M of
15 chapter I of title 22, Code of Federal Regula-
16 tions, and Department of Defense Instruction
17 5200.44 (relating to protection of mission crit-
18 ical functions to achieve trusted systems and
19 networks); and

20 (B) expand the use of unprogrammed cus-
21 tom-designed integrated circuits that are not
22 controlled by such regulations.

23 (2) BRIEFING.—Not later than April 1, 2023,
24 the Secretary of Defense shall provide the congres-
25 sional defense committees a briefing on the findings

1 of the Secretary with respect to the assessment con-
2 ducted under paragraph (1).

3 **SEC. 220. GOVERNMENT-INDUSTRY-ACADEMIA WORKING**
4 **GROUP ON MICROELECTRONICS.**

5 (a) ESTABLISHMENT AND DESIGNATION.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall establish a working group to
9 facilitate coordination among industry, academia,
10 and the Department of Defense on issues of mutual
11 interest relating to microelectronics as described in
12 subsection (c).

13 (2) DESIGNATION.—The working group estab-
14 lished under paragraph (1) shall be known as the
15 “Government-Industry-Academia Working Group on
16 Microelectronics” (referred to in this section as the
17 “Working Group”).

18 (b) COMPOSITION.—The Working Group shall be
19 composed of representatives of organizations and elements
20 of the Department of Defense, industry, and academia.

21 (c) SCOPE.—The Secretary shall ensure that the
22 Working Group supports dialogue and coordination among
23 industry, academia, and the Department of Defense on the
24 following issues relating to microelectronics:

25 (1) Research needs.

1 (2) Infrastructure needs and shortfalls.

2 (3) Technical and process standards.

3 (4) Training and certification needs for the
4 workforce.

5 (5) Supply chain issues.

6 (6) Supply chain, manufacturing, and pack-
7 aging security.

8 (7) Technology transition issues and opportuni-
9 ties.

10 (d) CHARTER AND POLICIES.—Not later than March
11 1, 2023, the Secretary of Defense shall develop a charter
12 and issue policies for the functioning of the Working
13 Group.

14 (e) ADMINISTRATIVE SUPPORT.—The joint federa-
15 tion of capabilities established under section 937 of the
16 National Defense Authorization Act for Fiscal Year 2014
17 (Public Law 113–66; 10 U.S.C. 2224 note) shall provide
18 administrative support to the Working Group.

19 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall be construed to allow the Department of Defense
21 to provide any competitive advantage to any participant
22 in the Working Group.

23 (g) SUNSET.—The provisions of this section shall ter-
24minate on December 31, 2030.

1 **SEC. 221. TARGET DATE FOR DEPLOYMENT OF 5G WIRE-**
2 **LESS BROADBAND INFRASTRUCTURE AT ALL**
3 **MILITARY INSTALLATIONS.**

4 (a) **TARGET REQUIRED.**—Not later than July 30,
5 2023, the Secretary of Defense shall—

6 (1) establish a target date by which the Sec-
7 retary plans to deploy 5G wireless broadband infra-
8 structure at all military installations; and

9 (2) establish metrics, which shall be identical
10 for each of the military departments, to measure
11 progress toward reaching the target required by
12 paragraph (1).

13 (b) **ANNUAL REPORT.**—Not later than December 31,
14 2023, and on an annual basis thereafter until the date
15 specified in subsection (c), the Secretary of Defense shall
16 submit to the congressional defense committees a report
17 that includes—

18 (1) the metrics in use pursuant to subsection
19 (a)(2); and

20 (2) the progress of the Secretary in reaching
21 the target required by subsection (a)(1).

22 (c) **TERMINATION.**—The requirement to submit an-
23 nual reports under subsection (b) shall terminate on the
24 date that is five years after the date of the enactment of
25 this Act.

1 **SEC. 222. OUTREACH TO HISTORICALLY BLACK COLLEGES**
2 **AND UNIVERSITIES AND OTHER MINORITY-**
3 **SERVING INSTITUTIONS REGARDING NA-**
4 **TIONAL SECURITY INNOVATION NETWORK**
5 **PROGRAMS THAT PROMOTE ENTREPRE-**
6 **NEURSHIP AND INNOVATION AT INSTITU-**
7 **TIONS OF HIGHER EDUCATION.**

8 (a) PILOT PROGRAM.—The Under Secretary of De-
9 fense for Research and Engineering, acting through the
10 National Security Innovation Network, may carry out a
11 pilot program under which the Under Secretary conducts
12 activities, including outreach and technical assistance, to
13 better connect historically Black colleges and universities
14 and other minority-serving institutions to the commer-
15 cialization, innovation, and entrepreneurial activities of
16 the Department of Defense.

17 (b) BRIEFING.—Not later than one year after com-
18 mencing a pilot program under subsection (a), the Under
19 Secretary of Defense for Research and Engineering shall
20 provide to the congressional defense committees a briefing
21 on the program, including—

22 (1) an explanation of—

23 (A) the results of any outreach efforts con-
24 ducted under the pilot program;

25 (B) the success of the pilot program in ex-
26 panding National Security Innovation Network

1 programs to historically Black colleges and uni-
2 versities and other minority-serving institutions;
3 and

4 (C) any potential barriers to the expansion
5 of the pilot program; and

6 (2) recommendations for how the Department
7 of Defense can support historically Black colleges
8 and universities and other minority-serving institu-
9 tions to enable such institutions to successfully par-
10 ticipate in Department of Defense commercializa-
11 tion, innovation, and entrepreneurship programs.

12 (c) TERMINATION.—The authority to carry out the
13 pilot program under subsection (a) shall terminate on the
14 date that is five years after the date of the enactment of
15 this Act.

16 (d) DEFINITIONS.—In this section:

17 (1) The term “historically Black college or uni-
18 versity” means a part B institution (as defined in
19 section 322 of the Higher Education Act of 1965
20 (20 U.S.C. 1061)).

21 (2) The term “other minority-serving institu-
22 tion” means an institution of higher education speci-
23 fied in paragraphs (2) through (7) of section 371(a)
24 of the Higher Education Act of 1965 (20 U.S.C.
25 1067q(a)).

1 **SEC. 223. REPORT AND PILOT PROGRAM BASED ON REC-**
2 **COMMENDATIONS REGARDING DEFENSE RE-**
3 **SEARCH CAPACITY AT HISTORICALLY BLACK**
4 **COLLEGES AND UNIVERSITIES AND OTHER**
5 **MINORITY-SERVING INSTITUTIONS.**

6 (a) REPORT REQUIRED.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the congressional
10 defense committees a report on the recommendations
11 set forth in the publication of the National Acad-
12 emies of Sciences, Engineering, and Medicine titled
13 “Defense Research Capacity at Historically Black
14 Colleges and Universities and Other Minority Insti-
15 tutions: Transitioning from Good Intentions to
16 Measurable Outcomes” and dated April 28, 2022.

17 (2) CONTENTS.—The report required under
18 paragraph (1) shall include the following:

19 (A) With respect to the recommendations
20 and subrecommendations set forth in the publi-
21 cation described in paragraph (1)—

22 (i) a description of each recommenda-
23 tion and subrecommendation the Secretary
24 has implemented as of the date of the re-
25 port;

1 (ii) a description of each recommenda-
2 tion and subrecommendation the Secretary
3 has commenced implementing as of the
4 date of the report, including a justification
5 for determining to commence implementing
6 the recommendation; and

7 (iii) a description of each rec-
8 ommendation and subrecommendation the
9 Secretary has not implemented or com-
10 menced implementing as of the date of the
11 report and a determination as to whether
12 or not to implement the recommendation.

13 (B) For each recommendation or sub-
14 recommendation the Secretary determines to
15 implement under subparagraph (A)(iii)—

16 (i) a timeline for implementation;
17 (ii) a description of any additional re-
18 sources or authorities required for imple-
19 mentation; and
20 (iii) the plan for implementation.

21 (C) For each recommendation or sub-
22 recommendation the Secretary determines not
23 to implement under subparagraph (A)(iii), a
24 justification for the determination not to imple-
25 ment the recommendation.

1 (3) **FORMAT.**—The report required under para-
2 graph (1) shall be submitted in unclassified form,
3 but may include a classified annex.

4 (b) **PROGRAM TO IMPLEMENT REPORT REC-**
5 **OMMENDATIONS AND SUBRECOMMENDATIONS.**—

6 (1) **PROGRAM REQUIRED.**—The Secretary of
7 Defense shall establish and carry out a program (re-
8 ferred to in this subsection as the “Program”) under
9 which the Secretary carries out activities to increase
10 the capacity of eligible institutions to achieve very
11 high research activity status.

12 (2) **CONSIDERATIONS.**—In establishing the Pro-
13 gram the Secretary shall consider—

14 (A) the recommendations and sub-
15 recommendations to be implemented under sub-
16 section (a);

17 (B) the extent of nascent research capabili-
18 ties and planned research capabilities at eligible
19 institutions and the relevance of those capabili-
20 ties to research areas of interest to the Depart-
21 ment of Defense;

22 (C) recommendations from previous studies
23 for increasing the level of research activity at
24 eligible institutions to very high research activ-
25 ity status, including measurable milestones such

1 as growth in very high research activity status
2 indicators and other relevant factors;

3 (D) how institutions participating in the
4 Program will evaluate and assess progress to-
5 ward achieving very high research activity sta-
6 tus;

7 (E) how such institutions will sustain an
8 increased level of research activity after the
9 Program terminates; and

10 (F) reporting requirements for institutions
11 participating in the Program.

12 (3) CONSULTATION.—In designing the Pro-
13 gram, the Secretary may consult with the Presi-
14 dent’s Board of Advisors on historically Black col-
15 leges and universities.

16 (4) PROGRAM ACTIVITIES.—

17 (A) ACTIVITIES.—Under the Program, the
18 Secretary shall carry out activities to build the
19 capacity of eligible institutions to achieve very
20 high research activity status, which may in-
21 clude—

22 (i) activities to support—

23 (I) faculty professional develop-
24 ment;

1 (II) stipends for undergraduate
2 and graduate students and post-doc-
3 toral scholars;

4 (III) recruitment and retention of
5 faculty and graduate students;

6 (IV) the provision of laboratory
7 equipment and instrumentation;

8 (V) communication and dissemi-
9 nation of research products produced
10 during the Program;

11 (VI) construction, modernization,
12 rehabilitation, or retrofitting of facili-
13 ties for research purposes; and

14 (ii) such other activities as the Sec-
15 retary determines appropriate.

16 (B) IDENTIFICATION OF PRIORITY
17 AREAS.—The Secretary shall establish and up-
18 date, on an annual basis, a list of research pri-
19 orities for STEM and critical technologies ap-
20 propriate for the Program to assist eligible in-
21 stitutions in identifying appropriate areas for
22 research and related activities.

23 (5) TERMINATION.—The Program shall termi-
24 nate 10 years after the date on which the Secretary
25 commences the Program.

1 (6) EVALUATION.—Not later than two years
2 after the date of the enactment of this Act and every
3 two years thereafter until the date on which the Pro-
4 gram terminates under paragraph (5), the Secretary
5 shall submit to the Committees on Armed Services
6 of the Senate and the House of Representatives a
7 report providing an update on the Program, includ-
8 ing—

9 (A) a description of the activities carried
10 out under the Program;

11 (B) an analysis of any growth in very high
12 research activity status indicators of eligible in-
13 stitutions that participated in the Program; and

14 (C) emerging research areas of interest to
15 the Department of Defense that are being pur-
16 sued by such institutions.

17 (7) REPORT TO CONGRESS.—Not later than
18 180 days after the date on which the program termi-
19 nates under paragraph (5), the Secretary shall sub-
20 mit to the Committees on Armed Services of the
21 Senate and the House of Representatives a report on
22 the Program that includes the following:

23 (A) An analysis of the growth in very high
24 research activity status indicators of eligible in-
25 stitutions that participated in the Program.

1 (B) An evaluation on the effectiveness of
2 the Program in increasing the research capacity
3 of such institutions.

4 (C) An explanation of how institutions that
5 achieved very high research activity status plan
6 to sustain that status after the termination of
7 the Program.

8 (D) An evaluation of the maintenance of
9 very high research status by eligible institutions
10 that participated in the Program.

11 (E) An evaluation of the effectiveness of
12 the Program in increasing the diversity of stu-
13 dents conducting high quality research in
14 unique areas.

15 (F) Recommendations with respect to fur-
16 ther activities and investments necessary to ele-
17 vate the research status of historically Black
18 colleges and universities and other minority-
19 serving institutions.

20 (G) Recommendations as to whether the
21 Program should be renewed or expanded.

22 (c) DEFINITIONS.—In this section:

23 (1) The term “eligible institution” means a his-
24 torically Black college or university or other minor-
25 ity-serving institution that is classified as a high re-

1 search activity status institution at the time of par-
2 ticipation in the program under subsection (b).

3 (2) The term “high research activity status”
4 means R2 status, as classified by the Carnegie Clas-
5 sification of Institutions of Higher Education.

6 (3) The term “historically Black college or uni-
7 versity” has the meaning given the term “part B in-
8 stitution” under section 322 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1061).

10 (4) The term “other minority-serving institu-
11 tion” means an institution of higher education speci-
12 fied in paragraphs (2) through (7) of section 371(a)
13 of the Higher Education Act of 1965 (20 U.S.C.
14 1067q(a)).

15 (5) The term “Secretary” means the Secretary
16 of Defense.

17 (6) The term “very high research activity sta-
18 tus” means R1 status, as classified by the Carnegie
19 Classification of Institutions of Higher Education.

20 (7) The term “very high research activity status
21 indicators” means the categories used by the Car-
22 negie Classification of Institutions of Higher Edu-
23 cation to delineate which institutions have very high
24 activity status, including—

1 (A) annual expenditures in science and en-
2 gineering;

3 (B) per-capita (faculty member) expendi-
4 tures in science and engineering;

5 (C) annual expenditures in non-science and
6 engineering fields;

7 (D) per-capita (faculty member) expendi-
8 tures in non-science and engineering fields;

9 (E) doctorates awarded in science, tech-
10 nology, engineering, and mathematics fields;

11 (F) doctorates awarded in social science
12 fields;

13 (G) doctorates awarded in the humanities;

14 (H) doctorates awarded in other fields with
15 a research emphasis;

16 (I) total number of research staff including
17 postdoctoral researchers;

18 (J) other doctorate-holding non-faculty re-
19 searchers in science and engineering and per-
20 capita (faculty) number of doctorate-level re-
21 search staff including post-doctoral researchers;
22 and

23 (K) other categories utilized to determine
24 classification.

1 **SEC. 224. PILOT PROGRAM TO SUPPORT THE DEVELOP-**
2 **MENT OF PATENTABLE INVENTIONS IN THE**
3 **DEPARTMENT OF THE NAVY.**

4 (a) IN GENERAL.—The Secretary of the Navy may
5 carry out a pilot program to expand the support available
6 to covered personnel who seek to engage in the develop-
7 ment of patentable inventions that—

8 (1) have applicability to the job-related functions
9 of such personnel; and

10 (2) may have applicability in the civilian sector.

11 (b) ACTIVITIES.—As part of the pilot program under
12 subsection (a), the Secretary of the Navy may—

13 (1) expand outreach to covered personnel re-
14 garding the availability of patent-related training,
15 legal assistance, and other support for personnel in-
16 terested in developing patentable inventions;

17 (2) expand the availability of patent-related
18 training to covered personnel, including by making
19 such training available online;

20 (3) clarify and issue guidance detailing how
21 covered personnel, including personnel outside of the
22 laboratories and other research organizations of the
23 Department of the Navy, may—

24 (A) seek and receive support for the devel-
25 opment of patentable inventions; and

1 (B) receive a portion of any royalty or
2 other payment as an inventor or coinventor
3 such as may be due under section
4 14(a)(1)(A)(i) of the Stevenson-Wylder Tech-
5 nology Innovation Act of 1980 (15 U.S.C.
6 3710c(a)(1)(A)(i)); and

7 (4) carry out other such activities as the Sec-
8 retary determines appropriate in accordance with the
9 purposes of the pilot program.

10 (c) TERMINATION.—The authority to carry out the
11 pilot program under subsection (a) shall terminate three
12 years after the date of the enactment of this Act.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “covered personnel” means mem-
15 bers of the Navy and Marine Corps and civilian em-
16 ployees of the Department of the Navy, including
17 members and employees whose primary duties do
18 not involve research and development.

19 (2) The term “patentable invention” means an
20 invention that is patentable under title 35, United
21 States Code.

22 **SEC. 225. PILOT PROGRAM TO FACILITATE THE DEVELOP-**
23 **MENT OF BATTERY TECHNOLOGIES FOR**
24 **WARFIGHTERS.**

25 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary of Defense
2 may establish and carry out a pilot program to as-
3 sess the feasibility and advisability of providing sup-
4 port to battery producers—

5 (A) to facilitate the research and develop-
6 ment of safe and secure battery technologies for
7 existing and new or novel battery chemistry
8 configurations, including through the research
9 and development of new or updated manufac-
10 turing processes and technologies;

11 (B) to assess commercial battery offerings
12 within the marketplace for viability and utility
13 for warfighter applications; and

14 (C) to transition battery technologies, in-
15 cluding technologies developed under other pilot
16 programs, prototype projects, or other research
17 and development programs, from the proto-
18 typing phase to manufacturing production.

19 (2) DESIGNATION.—The pilot program estab-
20 lished under paragraph (1) shall be known as the
21 “Warfighter Electric Battery Transition Project”
22 (referred to in this section as the “Project”).

23 (3) ADMINISTRATION.—The Under Secretary of
24 Defense for Research and Engineering shall admin-
25 ister the Project.

1 (b) GRANTS, CONTRACTS, AND OTHER AGREE-
2 MENTS.—The Secretary of Defense may carry out the
3 Project through the award of support, as described in sub-
4 section (a)(1), in the form of grants to, or contracts or
5 other agreements with, battery producers.

6 (c) COORDINATION.—The Secretary of Defense shall
7 ensure that activities under the Project are coordinated
8 with the Strategic Environmental Research and Develop-
9 ment Program under section 2901 of title 10, United
10 States Code.

11 (d) USE OF GRANT AND CONTRACT AMOUNTS.—A
12 battery producer who receives a grant, contract, or other
13 agreement under the Project may use the amount of the
14 grant, contract, or other agreement to carry out one or
15 more of the following activities:

16 (1) Conducting research and development to
17 validate new or novel battery chemistry configura-
18 tions, including through—

19 (A) experimentation;

20 (B) prototyping;

21 (C) testing;

22 (D) adapting battery technology to inte-
23 grate with other technologies and systems; or

24 (E) addressing manufacturing or other
25 production challenges.

1 (2) Providing commercially available battery
2 technologies to each Secretary of a military depart-
3 ment and the commanders of the combatant com-
4 mands to support utility assessments or other test-
5 ing by warfighters.

6 (3) Expanding, validating, or assessing battery
7 recycling capabilities that may provide operational
8 utility to the Department of Defense.

9 (4) Building and strengthening relationships of
10 the Department of Defense with nontraditional de-
11 fense contractors in the technology industry that
12 may have unused or underused solutions to specific
13 operational challenges of the Department relating to
14 battery technology.

15 (e) PRIORITY OF AWARDS.—In awarding grants, con-
16 tracts, or other agreements under the Project, the Sec-
17 retary shall give preference to battery producers that meet
18 one or more of the following criteria:

19 (1) The producer manufactures, designs, or de-
20 velops battery cells, packs, modules, or other related
21 capabilities in the United States.

22 (2) The producer manufactures, designs, or de-
23 velops battery cells, packs, modules, or other related
24 capabilities in the national technology and industrial

1 base (as defined in section 4801 of title 10, United
2 States Code).

3 (3) The technology made available by the pro-
4 ducer provides modularity to support diverse appli-
5 cations.

6 (4) The technology made available by the pro-
7 ducer facilitates safety in tactical and combat appli-
8 cations by using battery chemistries and configura-
9 tions that reduce thermal runaway and minimize ox-
10 ygen liberation.

11 (5) The producer demonstrates new or novel
12 battery chemistry configurations, safety characteris-
13 tics, or form-factor configurations.

14 (6) The producer facilitates the domestic supply
15 chain for raw materials needed for battery produc-
16 tion.

17 (7) The producer offers battery-related commer-
18 cial products or commercial services.

19 (f) PLANNING, REPORTING AND DATA COLLEC-
20 TION.—

21 (1) PLAN REQUIRED BEFORE IMPLEMENTA-
22 TION.—

23 (A) IN GENERAL.—The Secretary of De-
24 fense may not commence the Project until the

1 Secretary has completed a plan for the imple-
2 mentation of the Project.

3 (B) ELEMENTS.—The plan under subpara-
4 graph (A) shall provide for—

5 (i) collecting, analyzing, and retaining
6 Project data;

7 (ii) developing and sharing best prac-
8 tices for achieving the objectives of the
9 Project;

10 (iii) identification of any policy or reg-
11 ulatory impediments inhibiting the execu-
12 tion of the Project; and

13 (iv) sharing results from the Project
14 across the Department of Defense and
15 with other departments and agencies of the
16 Federal Government and Congress.

17 (C) SUBMITTAL TO CONGRESS.—Not later
18 than 180 days after the date of the enactment
19 of this Act, the Secretary of Defense shall sub-
20 mit to the congressional defense committees the
21 implementation plan developed under subpara-
22 graph (A).

23 (2) FINAL REPORT.—Not later than one year
24 after the date on which the Project terminates under
25 subsection (g), the Secretary of Defense shall submit

1 to the congressional defense committees a final re-
2 port on the results of the Project. Such report shall
3 include—

4 (A) a summary of the objectives achieved
5 by the Project; and

6 (B) recommendations regarding the steps
7 that may be taken to promote battery tech-
8 nologies that are not dependent on foreign com-
9 petitors to meet the needs of the Armed Forces.

10 (g) TERMINATION.—The authority to carry out the
11 Project shall terminate on December 31, 2028.

12 **Subtitle C—Plans, Reports, and** 13 **Other Matters**

14 **SEC. 231. MODIFICATION TO ANNUAL REPORTS OF THE DI-** 15 **RECTOR OF OPERATIONAL TEST AND EVAL-** 16 **UATION.**

17 Section 139(h)(3) of title 10, United States Code, is
18 amended—

19 (1) by inserting “or controlled unclassified”
20 after “classified”; and

21 (2) by striking “submit an unclassified version
22 of the report to Congress” and inserting “submit to
23 Congress a version of the report that is unclassified
24 and does not require safeguarding or dissemination
25 controls”.

1 **SEC. 232. EXTENSION OF REQUIREMENT FOR QUARTERLY**
2 **BRIEFINGS ON STRATEGY FOR FIFTH GEN-**
3 **ERATION INFORMATION AND COMMUNICA-**
4 **TIONS TECHNOLOGIES.**

5 Section 254(d)(1) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2020 (Public Law 116–92; 10
7 U.S.C. 4571 note) is amended, in the matter preceding
8 subparagraph (A), by striking “March 15, 2022” and in-
9 serting “December 1, 2026”.

10 **SEC. 233. PLAN FOR INVESTMENTS TO SUPPORT THE DE-**
11 **VELOPMENT OF NOVEL PROCESSING AP-**
12 **PROACHES FOR DEFENSE APPLICATIONS.**

13 (a) INVESTMENT PLANS REQUIRED.—Not later than
14 November 1, 2023, and not less frequently than once every
15 three years thereafter until December 31, 2035, the Sec-
16 retary of Defense shall submit to the congressional defense
17 committees a plan for making investments to support the
18 development of novel processing approaches for defense
19 applications.

20 (b) ELEMENTS.—Each investment plan required by
21 subsection (a) shall—

22 (1) identify any investments the Secretary has
23 made, and any future investments the Secretary in-
24 tends to make, in research and technology develop-
25 ment to support the use and fielding of novel proc-
26 essing approaches for defense applications;

1 (2) identify any investments the Secretary has
2 made, and any future investments the Secretary in-
3 tends to make, to accelerate the development of
4 novel processing approaches for defense applications,
5 including investments in—

6 (A) personnel and workforce capabilities;

7 (B) facilities and infrastructure to host
8 systems utilizing novel processing approaches;

9 (C) algorithm developments necessary to
10 expand the functionality of each novel proc-
11 essing approach;

12 (D) other Federal agencies and federally
13 funded laboratories; and

14 (E) appropriate international and commer-
15 cial sector organizations and activities;

16 (3) describe mechanisms to coordinate and le-
17 verage investments in novel processing approaches
18 within the Department and with non-Federal part-
19 ners;

20 (4) describe the technical goals to be achieved
21 and capabilities to be developed under the plan; and

22 (5) include recommendations for such legislative
23 or administration actions as may support the effec-
24 tive execution of the investment plan.

1 (c) FORM.—Each plan submitted under subsection
2 (a) shall be submitted in such form as the Secretary con-
3 siderers appropriate, which may include classified, unclassi-
4 fied, and publicly releasable formats.

5 (d) NOVEL PROCESSING APPROACHES DEFINED.—
6 In this section, the term “novel processing approaches”
7 means—

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

11 (2) associated algorithm and hardware develop-
12 ment needed to implement such techniques.

13 **SEC. 234. PLANS TO ACCELERATE THE TRANSITION TO 5G**
14 **INFORMATION AND COMMUNICATIONS TECH-**
15 **NOLOGY WITHIN THE MILITARY DEPART-**
16 **MENTS.**

17 (a) THREE-YEAR TRANSITION PLAN REQUIRED.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the date of the enactment of this Act, each As-
20 sistant Secretary concerned shall develop and submit
21 to the congressional defense committees a plan that
22 specifies—

23 (A) the extent to which fifth generation in-
24 formation and communications technology (5G)
25 infrastructure is expected to be implemented in

1 the military department of the Assistant Sec-
2 retary by the end of the three-year period fol-
3 lowing the date of the enactment of this Act;
4 and

5 (B) how the implementation of such tech-
6 nology is expected to be achieved during such
7 period.

8 (2) ELEMENTS.—Each plan required under
9 paragraph (1) shall include—

10 (A) an operational needs assessment that
11 identifies the highest priority areas in which the
12 Assistant Secretary intends to implement fifth
13 generation information and communications
14 technologies during the three-year period de-
15 scribed in paragraph (1);

16 (B) an explanation of—

17 (i) whether and to what extent the As-
18 sistant Secretary intends to use an open
19 radio access network approach in imple-
20 menting fifth generation information and
21 communications technologies in the areas
22 identified under subparagraph (A); and

23 (ii) if the Assistant Secretary does not
24 intend to use such an open radio access

1 network approach, an explanation of the
2 reasons for such determination;

3 (C) an investment plan that includes fund-
4 ing estimates, by fiscal year and appropriation
5 account, to accelerate—

6 (i) the maturation and acquisition of
7 fifth generation information and commu-
8 nications capabilities that use the open
9 radio access network approach; and

10 (ii) the deployment of such capabili-
11 ties in the facilities and systems of the
12 military department concerned;

13 (D) metrics and reporting mechanisms to
14 ensure progress in achieving the objectives of
15 the plan within the three-year period described
16 in paragraph (1);

17 (E) identification and designation of a sin-
18 gle point of contact at each military installation
19 and within each armed force under the jurisdic-
20 tion of the military department concerned to fa-
21 cilitate the deployment of fifth generation infor-
22 mation and communications technologies;

23 (F) actions the Assistant Secretary intends
24 to carry out to streamline the process for estab-
25 lishing fifth generation wireless coverage at

1 military installations, including actions to re-
2 duce delays caused by policies and processes re-
3 lating to contracting, communications, and the
4 use of real property;

5 (G) identification of investments that are
6 required to support the transition to fifth gen-
7 eration information and communications tech-
8 nology that uses an open radio access network
9 approach; and

10 (H) such other matters as the Assistant
11 Secretary considers appropriate.

12 (3) COORDINATION.—In developing the plans
13 required under paragraph (1), each Assistant Sec-
14 retary concerned shall coordinate with—

15 (A) the Chief Information Officer of the
16 Department of Defense;

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

19 (C) the Under Secretary of Defense for
20 Research and Engineering.

21 (4) FORM OF PLAN.—Each plan required under
22 paragraph (1) shall be submitted in unclassified
23 form.

24 (b) CROSS-FUNCTIONAL TEAM ASSESSMENT.—

1 (1) ASSESSMENT AND BRIEFING REQUIRED.—
2 After all of the plans required by subsection (a)(1)
3 have been submitted in accordance with such sub-
4 section and not later than 150 days after the date
5 of the enactment of this Act, the cross-functional
6 team established pursuant to section 224(c)(1) of
7 the William M. (Mac) Thornberry National Defense
8 Authorization Act for Fiscal Year 2021 (Public Law
9 116–283; 10 U.S.C. 4571 note) shall assess such
10 plans and provide to the congressional defense com-
11 mittees a briefing on the findings of the team with
12 respect to such assessment.

13 (2) ELEMENTS.—The briefing provided under
14 paragraph (1) shall include the following:

15 (A) Recommendations to further accelerate
16 the deployment of fifth-generation information
17 and communications technologies that use the
18 open radio access network approach across the
19 Department of Defense.

20 (B) Recommendations to standardize and
21 streamline the process for establishing fifth
22 generation wireless coverage at military installa-
23 tions, including recommendations for reducing
24 delays caused by policies and processes relating

1 to contracting, communications, and the use of
2 real property.

3 (C) A plan for the inclusion of representa-
4 tives of the Department of Defense in inter-
5 national wireless standards-setting bodies.

6 (D) Such other matters as the cross-func-
7 tional team described in paragraph (1) con-
8 siders appropriate.

9 (e) DEFINITIONS.—In this section:

10 (1) The term “Assistant Secretary concerned”
11 means—

12 (A) the Assistant Secretary of the Army
13 for Acquisition, Logistics, and Technology, with
14 respect to matters concerning the Department
15 of the Army;

16 (B) the Assistant Secretary of the Navy
17 for Research, Development, and Acquisition,
18 with respect to matters concerning the Depart-
19 ment of the Navy; and

20 (C) the Assistant Secretary of the Air
21 Force for Acquisition, Technology, and Logis-
22 tics, with respect to matters concerning the De-
23 partment of the Air Force.

24 (2) The term “open radio access network ap-
25 proach” means an approach to networking, such as

1 the Open Radio Access Network (commonly known
2 as “Open RAN”), that uses open protocols and
3 interfaces within a network so that components pro-
4 vided by different vendors can be interoperable.

5 **SEC. 235. PLAN FOR DEFENSE ADVANCED RESEARCH**
6 **PROJECTS AGENCY INNOVATION FELLOW-**
7 **SHIP PROGRAM.**

8 (a) IN GENERAL.—The Director of the Defense Ad-
9 vanced Research Projects Agency shall develop a plan for
10 the establishment of a fellowship program (to be known
11 as the “Innovation Fellowship Program”) to expand op-
12 portunities for early career scientists to participate in the
13 programs, projects, and other activities of the Agency.

14 (b) ELEMENTS.—In developing the plan under sub-
15 section (a), the Director of the Defense Advanced Re-
16 search Projects Agency shall—

17 (1) review the types of programs, projects, and
18 other activities of the Agency that may be open to
19 participation from early career scientists to identify
20 opportunities for the expansion of such participation;

21 (2) identify criteria for evaluating applicants to
22 the fellowship program described in subsection (a);

23 (3) establish detailed plans for the implementa-
24 tion of the fellowship program;

1 (4) conduct an assessment of the potential costs
2 of the fellowship program;

3 (5) define eligibility requirements for partici-
4 pants in the fellowship program; and

5 (6) address such other matters as the Director
6 determines appropriate.

7 (c) **SUBMITTAL TO CONGRESS.**—Not later than 180
8 days after the date of the enactment of this Act, the Direc-
9 tor of the Defense Advanced Research Projects Agency
10 shall submit to the congressional defense committee a re-
11 port that includes—

12 (1) the plan developed under subsection (a);
13 and

14 (2) recommendations for expanding opportuni-
15 ties for early career scientists to participate in the
16 programs, projects, and other activities of the Agen-
17 cy.

18 (d) **EARLY CAREER SCIENTIST DEFINED.**—The term
19 “early career scientist” means a scientist who is in an
20 early stage of career development according to criteria de-
21 termined by the Director of the Defense Advanced Re-
22 search Projects Agency for purposes of this section.

1 **SEC. 236. STRATEGY AND PLAN FOR FOSTERING AND**
2 **STRENGTHENING THE DEFENSE INNOVATION**
3 **ECOSYSTEM.**

4 (a) STRATEGY AND IMPLEMENTATION PLAN RE-
5 QUIRED.—Not later than 180 days after the date of the
6 enactment of this Act, the Secretary of Defense, acting
7 through the Under Secretary of Defense for Research and
8 Engineering, shall develop—

9 (1) a strategy fostering and strengthening the
10 defense innovation ecosystem; and

11 (2) a plan for implementing such strategy.

12 (b) PURPOSES.—

13 (1) STRATEGY.—The purpose of the strategy
14 required by subsection (a)(1) is to provide a frame-
15 work for identifying, assessing, and tracking innova-
16 tion ecosystems that are beneficial to advancing the
17 defense, national security, and warfighting missions
18 of the Department of Defense.

19 (2) IMPLEMENTATION PLAN.—The purpose of
20 the implementation plan required by subsection
21 (a)(2) is to provide—

22 (A) concrete steps and measures of effec-
23 tiveness to gauge the effect of the innovation
24 ecosystems described in paragraph (1) on the
25 Department; and

1 (B) a means for assessing the effectiveness
2 of the strategy developed under subsection
3 (a)(1), including the approaches taken by the
4 Department to grow, foster, and sustain such
5 innovation ecosystems.

6 (c) ELEMENTS.—The strategy and the implementa-
7 tion plan required by subsection (a) shall include the fol-
8 lowing elements:

9 (1) A process for defining, assessing, and se-
10 lecting innovation ecosystems with potential to pro-
11 vide benefit to the Department of Defense.

12 (2) Metrics for measuring the performance and
13 health of innovation ecosystems being supported by
14 the Department, including identification of criteria
15 to determine when to support or cease supporting
16 identified ecosystems.

17 (3) Identification of the authorities and Depart-
18 ment of Defense research, development, test, and
19 evaluation assets that can be used to identify, estab-
20 lish, sustain, and expand innovation ecosystems.

21 (4) For each innovation ecosystem supported by
22 the Department—

23 (A) a description of the core competencies
24 or focus areas of the ecosystem;

1 (B) identification of any organizations or
2 elements of the Department that engage with
3 the ecosystem;

4 (C) identification of the private sector as-
5 sets that are being used to support, sustain,
6 and expand the identified innovation ecosystem;
7 and

8 (D) a description of any challenges and
9 successes associated with such ecosystem.

10 (5) Such other elements as the Secretary con-
11 siders appropriate.

12 (d) INTERIM BRIEFING.—Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall provide to the congressional defense com-
15 mittees a briefing on the strategy and implementation plan
16 developed under subsection (a).

17 (e) SUBMITTAL OF STRATEGY AND PLAN.—Not later
18 than 180 days after the date of the enactment of this Act,
19 the Secretary of Defense shall submit to the congressional
20 defense committees the strategy and implementation plan
21 developed under subsection (a).

22 (f) QUADRENNIAL UPDATES.—Not later than March
23 1, 2027, and not less frequently than once every four years
24 thereafter until December 31, 2039, the Secretary shall—

1 (1) update the strategy and plan developed
2 under subsection (a); and

3 (2) submit the updated strategy and plan to the
4 congressional defense committees.

5 (g) DEFINITIONS.—In this section:

6 (1) The term “Department of Defense research,
7 development, test, and evaluation assets” includes
8 the following:

9 (A) The Department of Defense science
10 and technology reinvention laboratories des-
11 ignated under section 4121 of title 10, United
12 States Code.

13 (B) The Major Range and Test Facility
14 Base (as defined in section 4173(i) of such
15 title).

16 (C) Department of Defense sponsored
17 manufacturing innovation institutes.

18 (D) The organic industrial base.

19 (E) Defense Agencies and Department of
20 Defense Field Activities (as defined in section
21 101(a) of title 10, United States Code) that
22 carry out activities using funds appropriated for
23 research, development, test, and evaluation.

24 (F) Any other organization or element of
25 the Department of Defense that carries out ac-

1 activities using funds appropriated for research,
2 development, test, and evaluation.

3 (2) The term “innovation ecosystem” refers to
4 a regionally based network of private sector, aca-
5 demic, and government institutions in a network of
6 formal and informal institutional relationships that
7 contribute to technological and economic develop-
8 ment in a defined technology sector or sectors.

9 **SEC. 237. ASSESSMENT AND STRATEGY RELATING TO**
10 **HYPERSONIC TESTING CAPACITY OF THE DE-**
11 **PARTMENT OF DEFENSE.**

12 (a) **ASSESSMENT.**—The Secretary of Defense shall
13 assess the capacity of the Department of Defense to test,
14 evaluate, and qualify the hypersonic capabilities and re-
15 lated technologies of the Department.

16 (b) **ELEMENTS.**—The assessment under subsection
17 (a) shall include the following:

18 (1) An assumption, for purposes of evaluating
19 the capacity described in subsection (a), that the De-
20 partment of Defense will conduct at least one full-
21 scale, operationally relevant, live-fire, hypersonic
22 weapon test of each hypersonic weapon system that
23 is under development each year by each of the Air
24 Force, the Army, and the Navy, once such system
25 reaches initial operational capability.

1 (2) An identification of test facilities outside
2 the Department of Defense that have potential to be
3 used to expand the capacity described in subsection
4 (a), including test facilities of other departments and
5 agencies of the Federal Government, academia, and
6 commercial test facilities.

7 (3) An analysis of the capability of each test fa-
8 cility identified under paragraph (2) to simulate var-
9 ious individual and coupled hypersonic conditions to
10 accurately simulate a realistic flight-like environment
11 with all relevant aero-thermochemical conditions.

12 (4) An identification of the coordination, sched-
13 uling, reimbursement processes, and requirements
14 needed for the potential use of test facilities of other
15 departments and agencies of the Federal Govern-
16 ment, as available.

17 (5) An analysis of the test frequency, sched-
18 uling lead time, test cost, and capacity of each test
19 facility identified under paragraph (2).

20 (6) A review of test facilities identified under
21 paragraph (2) that could enhance efforts to test
22 flight vehicles of the Department in all phases of
23 hypersonic flight, and other technologies, including
24 sensors, communications, thermal protective shields

1 and materials, optical windows, navigation, and envi-
2 ronmental sensors.

3 (7) An assessment of any cost savings and time
4 savings that could result from using technologies
5 identified in the strategy under subsection (c).

6 (c) STRATEGY.—

7 (1) REQUIREMENT.—Not later than 180 days
8 after the date of the enactment of this Act, the Sec-
9 retary of Defense shall submit to the appropriate
10 congressional committees a strategy to coordinate
11 the potential use of test facilities and ranges identi-
12 fied under subsection (b)(2) to evaluate hypersonic
13 technologies.

14 (2) ELEMENTS.—The strategy under paragraph
15 (1) shall—

16 (A) be based on the assessment under sub-
17 section (a);

18 (B) address how the Secretary will coordi-
19 nate with other departments and agencies of
20 the Federal Government, including the National
21 Aeronautics and Space Administration, to plan
22 for and schedule the potential use of other Fed-
23 eral Government-owned test facilities and
24 ranges, as available, to evaluate the hypersonic
25 technologies of the Department of Defense;

1 (C) to the extent practicable, address in
2 what cases the Secretary can use test facilities
3 identified under subsection (b)(2) to fill any ex-
4 isting testing requirement gaps to enhance and
5 accelerate flight qualification of critical
6 hypersonic technologies of the Department;

7 (D) identify—

8 (i) the resources needed to improve
9 the frequency and capacity for testing
10 hypersonic technologies of the Department
11 at ground-based test facilities and flight
12 test ranges, including estimated costs for
13 conducting at least one full-scale, oper-
14 ationally relevant, live-fire, hypersonic
15 weapon test of each hypersonic weapon
16 system that is under development each
17 year by each of the Air Force, the Army,
18 and the Navy, once such system reaches
19 initial operational capability;

20 (ii) the resources needed to reimburse
21 other departments and agencies of the
22 Federal Government for the use of the test
23 facilities and ranges of those departments
24 or agencies to test the hypersonics tech-
25 nologies of the Department;

1 (iii) the requirements, approval proc-
2 esses, and resources needed to enhance, as
3 appropriate, the testing capabilities and ca-
4 pacity of other Federal Government-owned
5 test facilities and flight ranges, in coordi-
6 nation with the heads of the relevant de-
7 partments and agencies;

8 (iv) investments that the Secretary
9 can make to incorporate test facilities iden-
10 tified under subsection (b)(2) into the
11 overall hypersonic test infrastructure of the
12 Department of Defense; and

13 (v) the environmental conditions, test-
14 ing sizes, and duration required for flight
15 qualification of both hypersonic cruise and
16 hypersonic boost-glide technologies of the
17 Department; and

18 (E) address all advanced or emerging tech-
19 nologies that could shorten timelines and reduce
20 costs for hypersonic missile testing, including
21 with respect to—

22 (i) 3D printing of hypersonic test mis-
23 sile components including the frame, war-
24 head, and propulsion systems;

1 (ii) reusable hypersonic test beds, in-
2 cluding air-launched, sea-launched, and
3 ground-launched options;

4 (iii) additive manufacturing solutions;

5 (iv) the potential use of airborne plat-
6 forms other than the B-52 aircraft to im-
7 prove flight schedules for such testing; and

8 (v) other relevant technologies.

9 (3) COORDINATION.—The Secretary of Defense
10 shall develop the strategy under paragraph (1) in co-
11 ordination with the Program Director of the Joint
12 Hypersonics Transition Office, the Administrator of
13 the National Aeronautics and Space Administration,
14 the research laboratories of the military depart-
15 ments, and the Department of Defense Test Re-
16 source Management Center.

17 (d) REPORT ON ESTIMATED COSTS OF CONDUCTING
18 A MINIMUM FREQUENCY OF HYPERSONIC WEAPONS
19 TESTING.—Not later than 180 days after the date of the
20 enactment of this Act, the Secretary of Defense shall sub-
21 mit to the appropriate congressional committees a report
22 that includes an estimate of the costs of conducting at
23 least one full-scale, operationally relevant, live-fire,
24 hypersonic weapon test of each hypersonic weapon system
25 that is under development each year by each of the Air

1 Force, the Army, and the Navy, once such system reaches
2 initial operational capability.

3 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
4 FINED.—The term “appropriate congressional commit-
5 tees” means the following:

6 (1) The congressional defense committees.

7 (2) The Committee on Science, Space, and
8 Technology of the House of Representatives and the
9 Committee on Commerce, Science, and Transpor-
10 tation of the Senate.

11 **SEC. 238. ANNUAL REPORT ON STUDIES AND REPORTS OF**
12 **FEDERALLY FUNDED RESEARCH AND DEVEL-**
13 **OPMENT CENTERS.**

14 (a) ANNUAL REPORT REQUIRED.—On an annual
15 basis, the Secretary of Defense shall submit to the Com-
16 mittees on Armed Services of the Senate and the House
17 of Representatives a report that identifies and provides in-
18 formation about the studies and reports undertaken for
19 the Department of Defense by federally funded research
20 and development centers.

21 (b) ELEMENTS.—Each report submitted under sub-
22 section (a) shall set forth the following:

23 (1) A list identifying each study and report un-
24 dertaken by a federally funded research center for
25 the Department of Defense—

1 (A) that has been completed during the pe-
2 riod covered by the report under subsection (a);
3 or

4 (B) that is in progress as of the date of
5 the report under subsection (a).

6 (2) For each study and report listed under
7 paragraph (1), the following:

8 (A) The title of the study or report.

9 (B) The federally funded research and de-
10 velopment center undertaking the study or re-
11 port.

12 (C) The amount of funding provided to the
13 federally funded research and development cen-
14 ter under the contract or other agreement pur-
15 suant to which the study or report is being pro-
16 duced or conducted.

17 (D) The completion date or anticipated
18 completion date of the study or report.

19 (c) EXCEPTIONS.—The report required by subsection
20 (a) shall not apply to the following:

21 (1) Classified reports or studies.

22 (2) Technical reports associated with scientific
23 research or technical development activities.

24 (3) Any report or study undertaken pursuant to
25 a contract or other agreement between a federally

1 funded research and development center and an enti-
2 ty outside the Department of Defense.

3 (4) Reports or studies that are in draft form or
4 that have not undergone a peer-review or publica-
5 tion security review process established by the feder-
6 ally funded research and development center con-
7 cerned.

8 (d) SPECIAL RULE.—Each report under subsection
9 (a) shall be generated using the products and processes
10 generated pursuant to section 908 of the William M.
11 (Mac) Thornberry National Defense Authorization Act for
12 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 111
13 note).

14 (e) TERMINATION.—The requirement to submit an-
15 nual reports under subsection (a) shall terminate on the
16 date that is three years after the date of the enactment
17 of this Act.

18 **SEC. 239. REPORT ON RECOMMENDATIONS FROM ARMY FU-**
19 **TURES COMMAND RESEARCH PROGRAM RE-**
20 **ALIGNMENT STUDY.**

21 (a) REPORT REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of the Army shall submit to the congressional defense com-
24 mittees a report on the recommendations set forth in the
25 publication of the National Academies of Sciences, Engi-

1 neering, and Medicine titled “Consensus Study Report:
2 U.S. Army Futures Command Research Program Realign-
3 ment” and dated April 23, 2022.

4 (b) CONTENTS.—The report submitted under sub-
5 section (a) shall include the following:

6 (1) A description of each recommendation de-
7 scribed in such subsection that has already been im-
8 plemented.

9 (2) A description of each recommendation de-
10 scribed in such subsection that the Secretary has
11 commenced implementing, including a justification
12 for determining to commence implementing the rec-
13 ommendation.

14 (3) A description of each recommendation de-
15 scribed in such subsection that the Secretary has not
16 implemented or commenced implementing and a de-
17 termination as to whether or not to implement the
18 recommendation.

19 (4) For each recommendation under paragraph
20 (3) the Secretary determines to implement, the fol-
21 lowing:

22 (A) A timeline for implementation.

23 (B) A description of any additional re-
24 sources or authorities required for implementa-
25 tion.

1 (C) The plan for implementation.

2 (5) For each recommendation under paragraph
3 (3) the Secretary determines not to implement, a
4 justification for the determination not to implement.

5 (c) **FORMAT.**—The report required by subsection (a)
6 shall be submitted in unclassified form, but may include
7 a classified annex.

8 **SEC. 240. REPORT ON POTENTIAL FOR INCREASED UTILI-**
9 **ZATION OF THE ELECTRONIC PROVING**
10 **GROUNDS TESTING RANGE.**

11 (a) **REPORT REQUIRED.**—Not later than 180 days
12 after the date of the enactment of this Act, the Secretary
13 of Defense, acting through the Chair of the Electronic
14 Warfare Executive Committee of the Department of De-
15 fense, shall submit to the congressional defense commit-
16 tees a report on the Electronic Proving Grounds testing
17 range located at Fort Huachuca, Arizona.

18 (b) **ELEMENTS.**—The report under subsection (a)
19 shall address—

20 (1) the amount and types of testing activities
21 conducted at the Electronic Proving Grounds testing
22 range;

23 (2) any shortfalls in the facilities and equip-
24 ment of the range;

1 (3) the capacity of the range to be used for ad-
2 ditional testing activities;

3 (4) the possibility of using the range for the
4 testing activities of other Armed Forces, Federal
5 agencies, and private-sector entities in the United
6 States;

7 (5) the capacity of the range to be used for re-
8 alistic electronic warfare training;

9 (6) electronic warfare training shortfalls at do-
10 mestic military installations generally; and

11 (7) the feasibility and advisability of providing
12 a dedicated training area for electronic warfare ca-
13 pabilities.

14 (c) CONSULTATION.—In preparing the report under
15 subsection (a), the Chair of the Electronic Warfare Execu-
16 tive Committee shall consult with the following:

17 (1) The Under Secretary of Defense for Re-
18 search and Engineering.

19 (2) The Chief Information Officer of the De-
20 partment of Defense.

21 (3) The Director of Operational Test and Eval-
22 uation of the Department of Defense.

23 (4) The Commander of the United States Stra-
24 tegic Command.

25 (5) The Secretary of the Army.

1 (6) The Electromagnetic Spectrum Operations
2 Cross-Functional Team established pursuant to sec-
3 tion 911(c) of the National Defense Authorization
4 Act for Fiscal Year 2017 (Public Law 114–328; 10
5 U.S.C. 111 note).

6 (7) The governments of Cochise County and Si-
7 erra Vista, Arizona.

8 **SEC. 241. STUDY ON COSTS ASSOCIATED WITH UNDERPER-**
9 **FORMING SOFTWARE AND INFORMATION**
10 **TECHNOLOGY.**

11 (a) **STUDY REQUIRED.**—The Secretary of Defense
12 shall seek to enter into a contract or other agreement with
13 an eligible entity to conduct an independent study on the
14 challenges associated with the use of software and infor-
15 mation technology in the Department of Defense, the ef-
16 fects of such challenges, and potential solutions to such
17 challenges.

18 (b) **ELEMENTS.**—The independent study conducted
19 under subsection (a) shall include the following:

20 (1) A survey of members of each Armed Force
21 under the jurisdiction of a Secretary of a military
22 department to identify the most important software
23 and information technology challenges that result in
24 lost working hours, including—

1 (A) an estimate of the number of working
2 hours lost due to each challenge and the cost of
3 such lost working hours;

4 (B) the effects of each challenge on serv-
5 icemember and employee retention; and

6 (C) any negative effects of each challenge
7 on a mission of the Armed Force or military de-
8 partment concerned.

9 (2) A summary of the policy or technical chal-
10 lenges that limit the ability of each Secretary of a
11 military department to implement needed software
12 and information technology reforms, which shall be
13 determined based on interviews conducted with indi-
14 viduals who serve as a chief information officer (or
15 an equivalent position) in a military department.

16 (3) Development of a framework for assessing
17 underperforming software and information tech-
18 nology, with an emphasis on foundational informa-
19 tion technology to standardize the measurement and
20 comparison of programs across the Department of
21 Defense and its component organizations. Such a
22 framework shall enable the assessment of underper-
23 forming software and information technology based
24 on—

- 1 (A) designs, interfaces, and functionality
2 which prioritize user experience and efficacy;
- 3 (B) costs due to lost productivity;
- 4 (C) reliability and sustainability;
- 5 (D) comparisons between—
- 6 (i) outdated or outmoded information
7 technologies, software, and applications;
8 and
- 9 (ii) modern information technologies,
10 software, and applications;
- 11 (E) overhead costs for software and infor-
12 mation technology in the Department compared
13 to the overhead costs for comparable software
14 and information technology in the private sec-
15 tor;
- 16 (F) comparison of the amounts the De-
17 partment planned to expend on software and in-
18 formation technology services versus the
19 amounts actually spent for such software and
20 services;
- 21 (G) the mean amount of time it takes to
22 resolve technical problems reported by users;
- 23 (H) the average rate, expressed in time,
24 for remediating or patching weaknesses or flaws

1 in information technologies, software, and appli-
2 cations;

3 (I) workforce training time; and

4 (J) customer satisfaction.

5 (4) The development of recommendations—

6 (A) to address the challenges identified
7 under paragraph (1); and

8 (B) to improve the processes through
9 which the Secretary provides software and in-
10 formation technology throughout the Depart-
11 ment, including through—

12 (i) business processes reengineering;

13 (ii) improvement of procurement or
14 sustainment processes;

15 (iii) remediation of hardware and soft-
16 ware technology gaps; and

17 (iv) the development of more detailed
18 and effective cost estimates.

19 (c) REPORT REQUIRED.—Not later than one year
20 after the date of the enactment of this Act, the eligible
21 entity that conducts the study under subsection (a) shall
22 submit to the Secretary of Defense and the congressional
23 defense committees a report on the results of such study.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “eligible entity” means an inde-
2 pendent entity not under the direction or control of
3 the Secretary of Defense, which may include a de-
4 partment or agency of the Federal Government out-
5 side the Department of Defense.

6 (2) The term “software and information tech-
7 nology” does not include embedded software and in-
8 formation technology used for weapon systems.

9 **SEC. 242. STUDY AND REPORT ON SUFFICIENCY OF OPER-**
10 **ATIONAL TEST AND EVALUATION RE-**
11 **SOURCES SUPPORTING CERTAIN MAJOR DE-**
12 **FENSE ACQUISITION PROGRAMS.**

13 (a) STUDY.—The Director of Operational Test and
14 Evaluation of the Department of Defense shall conduct
15 a study of at least one major defense acquisition program
16 within each covered Armed Force to determine the suffi-
17 ciency of the operational test and evaluation resources
18 supporting such program.

19 (b) ELEMENTS.—The study under subsection (a)
20 shall include, with respect to each major defense acqui-
21 sition program evaluated as part of the study, the following:

22 (1) Identification and assessment of the oper-
23 ational test and evaluation resources supporting the
24 program—

25 (A) as of the date of the study;

1 (B) during the five-year period preceding
2 the date of the study; and

3 (C) over the period covered by the most re-
4 cent future-years defense program submitted to
5 Congress under section 221 of title 10, United
6 States Code.

7 (2) For any operational test and evaluation re-
8 sources determined to be insufficient to meet the
9 needs of the program, an evaluation of the amount
10 of additional funding and any other support that
11 may be required to ensure the sufficiency of such re-
12 sources.

13 (3) The amount of Government-funded, con-
14 tractor-provided operational test and evaluation re-
15 sources—

16 (A) provided for the program as of the
17 date of the study; and

18 (B) that are planned to be provided for the
19 program after such date.

20 (4) Such other matters as the Director of Oper-
21 ational Test and Evaluation determines to be rel-
22 evant to the study.

23 (c) REPORT.—Not later than one year after the date
24 of the enactment of this Act, the Director of Operational
25 Test and Evaluation shall submit to the congressional de-

1 fense committees a report on the results of the study con-
2 ducted under subsection (a).

3 (d) DEFINITIONS.—In this section:

4 (1) The term “covered Armed Force” means
5 the Army, the Navy, the Marine Corps, the Air
6 Force, and the Space Force.

7 (2) The term “major defense acquisition pro-
8 gram” has the meaning given that term in section
9 4201 of title 10, United States Code.

10 (3) The term “operational test and evaluation
11 resources” means the facilities, specialized test as-
12 sets, schedule, workforce, and any other resources
13 supporting operational test and evaluation activities
14 under a major defense acquisition program.

15 **TITLE III—OPERATION AND**
16 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Authorization of appropriations.

Subtitle B—Energy and Environment

Sec. 311. Center for Excellence in Environmental Security.

Sec. 312. Participation in pollutant banks and water quality trading.

Sec. 313. Consideration under Defense Environmental Restoration Program for
State-owned facilities of the National Guard with proven expo-
sure of hazardous substances and waste.

Sec. 314. Renewal of annual environmental and energy reports of Department
of Defense.

Sec. 315. Aggregation of energy conservation measures and funding.

Sec. 316. Additional special considerations for energy performance goals and
energy performance master plan.

Sec. 317. Purchase or lease of electric, zero emission, advanced-biofuel-powered,
or hydrogen-powered vehicles for the Department of Defense.

Sec. 318. Clarification and requirement for Department of Defense relating to
renewable biomass and biogas.

- Sec. 319. Programs of military departments on reduction of fuel reliance and promotion of energy-aware behaviors.
- Sec. 320. Establishment of joint working group to determine joint requirements for future operational energy needs of Department of Defense.
- Sec. 321. Amendment to budgeting of Department of Defense relating to extreme weather.
- Sec. 322. Prototype and demonstration projects for energy resilience at certain military installations.
- Sec. 323. Pilot program for development of electric vehicle charging solutions to mitigate grid stress.
- Sec. 324. Pilot program on use of sustainable aviation fuel.
- Sec. 325. Policy to increase disposition of spent advanced batteries through recycling.
- Sec. 326. Guidance and target goal relating to formerly used defense sites programs.
- Sec. 327. Analysis and plan for addressing heat island effect on military installations.
- Sec. 328. Limitation on replacement of non-tactical vehicle fleet of Department of Defense with electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles.

Subtitle C—Red Hill Bulk Fuel Storage Facility

- Sec. 331. Defueling of Red Hill Bulk Fuel Storage Facility.
- Sec. 332. Authorization of closure of underground storage tank system at Red Hill Bulk Fuel Storage Facility.
- Sec. 333. Report on bulk fuel requirements applicable to United States Indo-Pacific Command.
- Sec. 334. Placement of sentinel or monitoring wells in proximity to Red Hill Bulk Fuel Storage Facility.
- Sec. 335. Studies relating to water needs of the Armed Forces on Oahu.
- Sec. 336. Study on alternative uses for Red Hill Bulk Fuel Storage Facility.
- Sec. 337. Briefing on Department of Defense efforts to track health implications of fuel leaks at Red Hill Bulk Fuel Storage Facility.

Subtitle D—Treatment of Perfluoroalkyl Substances and Polyfluoroalkyl Substances

- Sec. 341. Department of Defense research relating to perfluoroalkyl or polyfluoroalkyl substances.
- Sec. 342. Increase of transfer authority for funding of study and assessment on health implications of per- and polyfluoroalkyl substances contamination in drinking water by Agency for Toxic Substances and Disease Registry.
- Sec. 343. Prizes for development of non-PFAS-containing turnout gear.
- Sec. 344. Modification of limitation on disclosure of results of testing for perfluoroalkyl or polyfluoroalkyl substances on private property.
- Sec. 345. Restriction on procurement or purchasing by Department of Defense of turnout gear for firefighters containing perfluoroalkyl substances or polyfluoroalkyl substances.
- Sec. 346. Annual report on PFAS contamination at certain military installations from sources other than aqueous film-forming foam.
- Sec. 347. Report on critical PFAS uses; briefings on Department of Defense procurement of certain items containing PFOS or PFOA.

Subtitle E—Logistics and Sustainment

- Sec. 351. Resources required for achieving materiel readiness metrics and objectives for major defense acquisition programs.
- Sec. 352. Annual plan for maintenance and modernization of naval vessels.
- Sec. 353. Inclusion of information regarding joint medical estimates in readiness reports.
- Sec. 354. Inapplicability of advance billing dollar limitation for relief efforts following major disasters or emergencies.
- Sec. 355. Repeal of Comptroller General review on time limitations on duration of public-private competitions.
- Sec. 356. Implementation of Comptroller General recommendations regarding Shipyard Infrastructure Optimization Plan of the Navy.
- Sec. 357. Limitation on availability of funds for military information support operations.
- Sec. 358. Notification of modification to policy regarding retention rates for Navy ship repair contracts.
- Sec. 359. Research and analysis on capacity of private shipyards in United States and effect of those shipyards on Naval fleet readiness.
- Sec. 360. Independent study relating to fuel distribution logistics across United States Indo-Pacific Command.
- Sec. 361. Quarterly briefings on expenditures for establishment of fuel distribution points in United States Indo-Pacific Command area of responsibility.

Subtitle F—Matters Relating to Depots and Ammunition Production Facilities

- Sec. 371. Budgeting for depot and ammunition production facility maintenance and repair: annual report.
- Sec. 372. Extension of authorization of depot working capital funds for unspecified minor military construction.
- Sec. 373. Five-year plans for improvements to depot and ammunition production facility infrastructure.
- Sec. 374. Modification to minimum capital investment for certain depots.
- Sec. 375. Continuation of requirement for biennial report on core depot-level maintenance and repair.
- Sec. 376. Continuation of requirement for annual report on funds expended for performance of depot-level maintenance and repair workloads.
- Sec. 377. Clarification of calculation for certain workload carryover of Department of the Army.

Subtitle G—Other Matters

- Sec. 381. Annual reports by Deputy Secretary of Defense on activities of Joint Safety Council.
- Sec. 382. Accountability for Department of Defense contractors using military working dogs.
- Sec. 383. Membership of Coast Guard on Joint Safety Council.
- Sec. 384. Inclusion in report on unfunded priorities National Guard responsibilities in connection with natural and man-made disasters.
- Sec. 385. Support for training of National Guard personnel on wildfire prevention and response.
- Sec. 386. Interagency collaboration and extension of pilot program on military working dogs and explosives detection.
- Sec. 387. Amendment to the Sikes Act.

- Sec. 388. National standards for Federal fire protection at military installations.
- Sec. 389. Pilot programs for tactical vehicle safety data collection.
- Sec. 390. Requirements relating to reduction of out-of-pocket costs of members of the Armed Forces for uniform items.
- Sec. 391. Implementation of recommendations relating to animal facility sanitation and plan for housing and care of horses.
- Sec. 392. Continued designation of Secretary of the Navy as executive agent for Naval Small Craft Instruction and Technical Training School.
- Sec. 393. Prohibition on use of funds for retirement of legacy maritime mine countermeasures platforms.

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

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2023 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 expenses, not otherwise provided for, for operation and
8 maintenance, as specified in the funding table in section
9 4301.

10 **Subtitle B—Energy and**
11 **Environment**

12 **SEC. 311. CENTER FOR EXCELLENCE IN ENVIRONMENTAL**
13 **SECURITY.**

14 Chapter 7 of title 10, United States Code, is amended
15 by inserting after section 182 the following new section
16 (and conforming the table of sections at the beginning of
17 such chapter accordingly):

1 **“§ 182a. Center for Excellence in Environmental Se-**
2 **curity**

3 “(a) ESTABLISHMENT.—The Secretary of Defense
4 may operate a Center for Excellence in Environmental Se-
5 curity (in this section referred to as the ‘Center’).

6 “(b) MISSIONS.—(1) The Center shall be used to pro-
7 vide and facilitate education, training, and research in
8 civil-military operations, particularly operations that re-
9 quire international assistance and operations that require
10 coordination between the Department of Defense and
11 other Federal agencies.

12 “(2) The Center shall be used to provide and facili-
13 tate education, training, interagency coordination, and re-
14 search on the following additional matters:

15 “(A) Management of the consequences of envi-
16 ronmental insecurity with respect to—

17 “(i) access to water, food, and energy;

18 “(ii) related health matters; and

19 “(iii) matters relating to when, how, and
20 why environmental stresses to human safety,
21 health, water, energy, and food will cascade to
22 economic, social, political, or national security
23 events.

24 “(B) Appropriate roles for the reserve compo-
25 nents in response to environmental insecurity result-
26 ing from natural disasters.

1 “(C) Meeting requirements for information in
2 connection with regional and global disasters, includ-
3 ing through the use of advanced communications
4 technology as a virtual library.

5 “(3) The Center shall perform such other missions
6 as the Secretary of Defense may specify.

7 “(4) To assist the Center in carrying out the missions
8 under this subsection, upon request of the Center, the
9 head of any Federal agency may grant to the Center ac-
10 cess to the data, archives, and other physical resources
11 (including facilities) of that agency, and may detail any
12 personnel of that agency to the Center, for the purpose
13 of enabling the development of global environmental indi-
14 cators.

15 “(c) JOINT OPERATION WITH EDUCATIONAL INSTI-
16 TUTION AUTHORIZED.—The Secretary of Defense may
17 enter into an agreement with appropriate officials of an
18 institution of higher education to provide for the operation
19 of the Center. Any such agreement shall provide for the
20 institution to furnish necessary administrative services for
21 the Center, including by directly providing such services
22 or providing the funds for such services.

23 “(d) ACCEPTANCE OF DONATIONS.—(1) Except as
24 provided in paragraph (2), the Secretary of Defense may
25 accept, on behalf of the Center, donations to be used to

1 defray the costs of the Center or to enhance the operation
2 of the Center. Such donations may be accepted from any
3 agency of the Federal Government, any State or local gov-
4 ernment, any foreign government, any foundation or other
5 charitable organization (including any that is organized or
6 operates under the laws of a foreign country), or any other
7 private source in the United States or a foreign country.

8 “(2) The Secretary may not accept a donation under
9 paragraph (1) if the acceptance of the donation would
10 compromise or appear to compromise—

11 “(A) the ability of the Department of Defense,
12 any employee of the Department, or any member of
13 the armed forces, to carry out any responsibility or
14 duty of the Department or the armed forces in a fair
15 and objective manner; or

16 “(B) the integrity of any program of the De-
17 partment of Defense or of any person involved in
18 such a program.

19 “(3) The Secretary shall prescribe written guidance
20 setting forth the criteria to be used in determining wheth-
21 er or not the acceptance of a foreign donation under para-
22 graph (1) would have a result described in paragraph (2).

23 “(4) Funds accepted by the Secretary under para-
24 graph (1) as a donation on behalf of the Center shall be
25 credited to appropriations available to the Department of

1 Defense for the Center. Funds so credited shall be merged
2 with the appropriations to which credited and shall be
3 available for the Center for the same purposes and the
4 same period as the appropriations with which merged.”.

5 **SEC. 312. PARTICIPATION IN POLLUTANT BANKS AND**
6 **WATER QUALITY TRADING.**

7 (a) IN GENERAL.—Chapter 159 of title 10, United
8 States Code, is amended by inserting after section 2694c
9 the following new section:

10 **“§ 2694d. Participation in pollutant banks and water**
11 **quality trading**

12 “(a) AUTHORITY TO PARTICIPATE.—The Secretary
13 of a military department, and the Secretary of Defense
14 with respect to matters concerning a Defense Agency,
15 when engaged in an authorized activity that may or will
16 result in the discharge of pollutants, may make payments
17 to a pollutant banking program or water quality trading
18 program approved in accordance with the Water Quality
19 Trading Policy dated January 13, 2003, set forth by the
20 Office of Water of the Environmental Protection Agency,
21 or any successor administrative guidance or regulation.

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

1 “(c) DISCHARGE OF POLLUTANTS DEFINED.—In
2 this section, the term ‘discharge of pollutants’ has the
3 meaning given that term in section 502(12) of the Federal
4 Water Pollution Control Act (33 U.S.C. 1362(12)) (com-
5 monly referred to as the ‘Clean Water Act’).”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of such chapter is amended by inserting
8 after the item relating to section 2694e following new
9 item:

“2694d. Participation in pollutant banks and water quality trading.”.

10 **SEC. 313. CONSIDERATION UNDER DEFENSE ENVIRON-**
11 **MENTAL RESTORATION PROGRAM FOR**
12 **STATE-OWNED FACILITIES OF THE NATIONAL**
13 **GUARD WITH PROVEN EXPOSURE OF HAZ-**
14 **ARDOUS SUBSTANCES AND WASTE.**

15 (a) DEFINITION OF STATE-OWNED NATIONAL
16 GUARD FACILITY.—Section 2700 of title 10, United
17 States Code, is amended by adding at the end the fol-
18 lowing new paragraph:

19 “(4) The term ‘State-owned National Guard fa-
20 cility’ includes land owned and operated by a State
21 when such land is used for training the National
22 Guard pursuant to chapter 5 of title 32 with funds
23 provided by the Secretary of Defense or the Sec-
24 retary of a military department, even though such

1 land is not under the jurisdiction of the Department
2 of Defense.”.

3 (b) **AUTHORITY FOR DEFENSE ENVIRONMENTAL**
4 **RESTORATION PROGRAM.**—Section 2701(a)(1) of such
5 title is amended, in the first sentence, by inserting “and
6 at State-owned National Guard facilities” before the pe-
7 riod.

8 (c) **RESPONSIBILITY FOR RESPONSE ACTIONS.**—Sec-
9 tion 2701(c)(1) of such title is amended by adding at the
10 end the following new subparagraph:

11 “(D) Each State-owned National Guard
12 facility being used for training the National
13 Guard pursuant to chapter 5 of title 32 with
14 funds provided by the Secretary of Defense or
15 the Secretary of a military department at the
16 time of actions leading to contamination by
17 hazardous substances or pollutants or contami-
18 nants.”.

19 **SEC. 314. RENEWAL OF ANNUAL ENVIRONMENTAL AND EN-**
20 **ERGY REPORTS OF DEPARTMENT OF DE-**
21 **FENSE.**

22 (a) **ENVIRONMENTAL REPORT.**—Section 2711 of title
23 10, United States Code, is amended by striking sub-
24 sections (a) and (b) and inserting the following new sub-
25 sections:

1 “(a) REPORT REQUIRED.—Not later than March 31
2 of each year, the Secretary of Defense shall submit to Con-
3 gress a report on progress made by environmental pro-
4 grams of the Department of Defense during the preceding
5 fiscal year.

6 “(b) ELEMENTS.—Each report under subsection (a)
7 shall include, for the year covered by the report, the fol-
8 lowing:

9 “(1) With respect to environmental restoration
10 activities of the Department of Defense, and for
11 each of the military departments, information on the
12 Defense Environmental Restoration Program under
13 section 2701 of this title, including—

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

16 “(B) the progress of remediation for sites
17 that have not yet completed cleanup;

18 “(C) the remaining cost to complete clean-
19 up of known sites; and

20 “(D) an assessment by the Secretary of
21 Defense of the overall progress of such pro-
22 gram.

23 “(2) An assessment by the Secretary of achieve-
24 ments for environmental conservation and planning
25 by the Department.

1 “(3) An assessment by the Secretary of achieve-
2 ments for environmental compliance by the Depart-
3 ment.

4 “(4) An assessment by the Secretary of achieve-
5 ments for climate resiliency by the Department.

6 “(5) An assessment by the Secretary of the
7 progress made by the Department in achieving the
8 objectives and goals of the Environmental Tech-
9 nology Program of the Department.

10 “(c) CONSOLIDATION.—The Secretary of Defense
11 may consolidate, attach with, or otherwise include in any
12 report required under subsection (a) any annual report or
13 other requirement that is aligned or associated with, or
14 would be better understood if presented as part of a con-
15 solidated report addressing environmental restoration,
16 compliance, and resilience.”.

17 (b) ENERGY REPORT.—

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

20 (A) by amending the section heading to
21 read as follows: “**Annual report on en-**
22 **ergy performance, resilience, and**
23 **readiness of Department of Defense**”;
24 and

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

3 “(a) REPORT REQUIRED.—Not later than 240 days
4 after the end of each fiscal year, the Secretary of Defense
5 shall submit to the congressional defense committees a re-
6 port detailing the fulfillment during that fiscal year of the
7 authorities and requirements under sections 2688, 2911,
8 2912, 2920, and 2926 of this title, including progress on
9 energy resilience at military installations and the use of
10 operational energy in combat platforms and at contin-
11 gency locations.

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

14 “(1) For the year covered by the report, the fol-
15 lowing:

16 “(A) A description of the progress made to
17 achieve the goals of the Energy Policy Act of
18 2005 (Public Law 109–58), section 2911(g) of
19 this title, and the Energy Independence and Se-
20 curity Act of 2007 (Public Law 110–140).

21 “(B) A description of the energy savings,
22 return on investment, and enhancements to in-
23 stallation mission assurance realized by the ful-
24 fillment of the goals described in subparagraph
25 (A).

1 “(C) A description of and progress toward
2 the energy security, resilience, and performance
3 goals and master planning for the Department
4 of Defense, including associated metrics pursu-
5 ant to subsections (c) and (d) of section 2911
6 of this title and requirements under section
7 2688(g) of this title.

8 “(D) An evaluation of progress made by
9 the Department in implementing the oper-
10 ational energy strategy of the Department, in-
11 cluding the progress of key initiatives and tech-
12 nology investments related to operational en-
13 ergy demand and management.

14 “(E) Details of the amounts of any funds
15 transferred by the Secretary of Defense pursu-
16 ant to section 2912 of this title, including a de-
17 tailed description of the purpose for which such
18 amounts have been used.

19 “(2) Statistical information on operational en-
20 ergy demands of the Department, in terms of ex-
21 penditures and consumption, for the preceding five
22 fiscal years, including information on funding made
23 available in regular defense appropriations Acts and
24 any supplemental appropriations Acts.

1 “(3) A description of each initiative related to
2 the operational energy strategy of the Department
3 and a summary of funds appropriated for each ini-
4 tiative in the previous fiscal year and current fiscal
5 year and requested for each initiative for the next
6 five fiscal years.

7 “(4) Such recommendations as the Secretary
8 considers appropriate for additional changes in orga-
9 nization or authority within the Department to en-
10 able further implementation of the energy strategy
11 and such other comments and recommendations as
12 the Secretary considers appropriate.

13 “(c) CLASSIFIED FORM.—If a report under sub-
14 section (a) is submitted in classified form, the Secretary
15 of Defense shall, concurrently with such report, submit to
16 the congressional defense committees an unclassified
17 version of the report.

18 “(d) CONSOLIDATION.—The Secretary of Defense
19 may consolidate, attach with, or otherwise include in any
20 report required under subsection (a) any annual report or
21 other requirement that is aligned or associated with, or
22 would be better understood if presented as part of a con-
23 solidated report addressing energy performance, resilience,
24 and readiness.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of subchapter III of chapter
3 173 of such title is amended by striking the item re-
4 lating to section 2925 and inserting the following
5 new item:

 “2925. Annual report on energy performance, resilience, and readiness of De-
 partment of Defense.”.

6 (c) CONTINUATION OF REPORTING REQUIRE-
7 MENTS.—

8 (1) IN GENERAL.—Section 1080(a) of the Na-
9 tional Defense Authorization Act for Fiscal Year
10 2016 (Public Law 114–92; 129 Stat. 1000; 10
11 U.S.C. 111 note) does not apply to the following re-
12 ports:

13 (A) The report required to be submitted to
14 Congress under section 2711 of title 10, United
15 States Code.

16 (B) The report required to be submitted to
17 Congress under section 2925 of title 10, United
18 States Code.

19 (2) CONFORMING REPEAL.—Section 1061(c) of
20 National Defense Authorization Act for Fiscal Year
21 2017 (Public Law 114–328; 10 U.S.C. 111 note) is
22 amended by striking paragraphs (51) and (54).

1 **SEC. 315. AGGREGATION OF ENERGY CONSERVATION**
2 **MEASURES AND FUNDING.**

3 Section 2911 of title 10, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(j) **AGGREGATE ENERGY CONSERVATION MEAS-**
7 **URES AND FUNDING.**—(1) To the maximum extent prac-
8 ticable, the Secretary concerned shall take a holistic view
9 of the energy project opportunities on installations under
10 the jurisdiction of such Secretary and shall consider aggre-
11 gate energy conservation measures, including energy con-
12 servation measures with quick payback, with energy resil-
13 ience enhancement projects and other projects that may
14 have a longer payback period.

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

19 “(A) appropriated funds, such as—

20 “(i) funds appropriated for the Energy Re-
21 siliience and Conservation Investment Program
22 of the Department; and

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

1 “(B) funding available under performance con-
2 tracts, such as energy savings performance contracts
3 and utility energy service contracts.”.

4 **SEC. 316. ADDITIONAL SPECIAL CONSIDERATIONS FOR EN-**
5 **ERGY PERFORMANCE GOALS AND ENERGY**
6 **PERFORMANCE MASTER PLAN.**

7 Section 2911(e) of title 10, United States Code, is
8 amended by adding at the end the following new para-
9 graphs:

10 “(14) The reliability and security of energy re-
11 sources in the event of a military conflict.

12 “(15) The value of resourcing energy from
13 partners and allies of the United States.”.

14 **SEC. 317. PURCHASE OR LEASE OF ELECTRIC, ZERO EMIS-**
15 **SION, ADVANCED-BIOFUEL-POWERED, OR HY-**
16 **DROGEN-POWERED VEHICLES FOR THE DE-**
17 **PARTMENT OF DEFENSE.**

18 (a) REQUIREMENT.—Section 2922g of title 10,
19 United States Code, is amended—

20 (1) in the heading, by striking “**systems**” and
21 inserting “**systems; purchase or lease of cer-**
22 **tain electric and other vehicles**”;

23 (2) in subsection (a), by striking “In leasing”
24 and inserting “During the period preceding October
25 1, 2035, in leasing”;

1 (3) in subsection (c), by inserting “, during the
2 period specified in subsection (a),” after “from au-
3 thorizing”; and

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

6 “(d) REQUIREMENT.—Except as provided in sub-
7 section (e), beginning on October 1, 2035, each covered
8 nontactical vehicle purchased or leased by or for the use
9 of the Department of Defense shall be—

10 “(1) an electric or zero emission vehicle that
11 uses a charging connector type (or other means to
12 transmit electricity to the vehicle) that meets appli-
13 cable industry accepted standards for interoper-
14 ability and safety;

15 “(2) an advanced-biofuel-powered vehicle; or

16 “(3) a hydrogen-powered vehicle.

17 “(e) RELATION TO OTHER VEHICLE TECHNOLOGIES
18 THAT REDUCE CONSUMPTION OF FOSSIL FUELS.—Not-
19 withstanding the requirement under subsection (d), begin-
20 ning on October 1, 2035, the Secretary of Defense may
21 authorize the purchase or lease of a covered nontactical
22 vehicle that is not described in such subsection if the Sec-
23 retary determines, on a case-by-case basis, that—

24 “(1) the technology used in the vehicle to be
25 purchased or leased reduces the consumption of fos-

1 sil fuels compared to vehicles that use conventional
2 internal combustion technology;

3 “(2) the purchase or lease of such vehicle is
4 consistent with the energy performance goals and
5 plan of the Department of Defense required by sec-
6 tion 2911 of this title; and

7 “(3) the purchase or lease of a vehicle described
8 in subsection (d) is impracticable under the cir-
9 cumstances.

10 “(f) WAIVER.—(1) The Secretary of Defense may
11 waive the requirement under subsection (d).

12 “(2) The Secretary of Defense may not delegate the
13 waiver authority under paragraph (1).

14 “(g) DEFINITIONS.—In this section:

15 “(1) The term ‘advanced-biofuel-powered vehi-
16 cle’ includes a vehicle that uses a fuel described in
17 section 9001(3)(A) of the Farm Security and Rural
18 Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

19 “(2) The term ‘covered nontactical vehicle’
20 means any vehicle—

21 “(A) that is not a tactical vehicle designed
22 for use in combat; and

23 “(B) that is purchased or leased by the
24 Department of Defense pursuant to a contract

1 entered into, renewed, modified, or amended on
2 or after October 1, 2035.

3 “(3) The term ‘hydrogen-powered vehicle’
4 means a vehicle that uses hydrogen as the main
5 source of motive power, either through a fuel cell or
6 internal combustion.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of subchapter II of chapter 173 of such
9 title is amended by striking the item relating to section
10 2922g and inserting the following new item:

“2922g. Preference for motor vehicles using electric or hybrid propulsion systems; purchase or lease of certain electric and other vehicles.”.

11 **SEC. 318. CLARIFICATION AND REQUIREMENT FOR DE-**
12 **PARTMENT OF DEFENSE RELATING TO RE-**
13 **NEWABLE BIOMASS AND BIOGAS.**

14 Section 2924 of title 10, United States Code, is
15 amended—

16 (1) in paragraph (6)—

17 (A) by redesignating subparagraphs (D)
18 through (I) as subparagraphs (E) through (J),
19 respectively; and

20 (B) by inserting after subparagraph (C)
21 the following new subparagraph (D):

22 “(D) Biogas.”; and

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

1 “(7) The term ‘biomass’ has the meaning given
2 the term ‘renewable biomass’ in section 211(o)(1) of
3 the Clean Air Act (42 U.S.C. 7545(o)(1)).

4 “(8) The term ‘biogas’ means biogas as such
5 term is used in section 211(o)(1)(B)(ii)(V) of the
6 Clean Air Act (42 U.S.C. 7545(o)(1)(B)(ii)(V)).”.

7 **SEC. 319. PROGRAMS OF MILITARY DEPARTMENTS ON RE-**
8 **DUCTION OF FUEL RELIANCE AND PRO-**
9 **MOTION OF ENERGY-AWARE BEHAVIORS.**

10 (a) ESTABLISHMENT.—Subchapter III of chapter
11 173 of title 10, United States Code, is amended by adding
12 at the end the following new section (and conforming the
13 table of sections at the beginning of such subchapter ac-
14 cordingly):

15 **“§ 2928. Programs on reduction of fuel reliance and**
16 **promotion of energy-aware behaviors**

17 “(a) ESTABLISHMENT.—Each Secretary of a military
18 department shall establish a program for the promotion
19 of energy-aware behaviors and the reduction of unneces-
20 sary fuel consumption within that military department.

21 “(b) GOALS.—The goals of the programs established
22 under subsection (a) shall be as follows:

23 “(1) To increase operational energy resiliency.

24 “(2) To decrease energy-related strategic
25 vulnerabilities and enhance military readiness.

1 “(3) To integrate sustainability features for
2 new and existing military installations and other fa-
3 cilities of the Department.

4 “(c) MINIMUM REQUIRED ELEMENTS.—Under the
5 program of a military department under subsection (a),
6 the Secretary of the military department shall carry out,
7 with respect to the military department, and at a min-
8 imum, the following:

9 “(1) The development and implementation of a
10 strategy for the collection and analysis of data on
11 fuel consumption, to identify operational inefficien-
12 cies and enable data-driven decision making with re-
13 spect to fuel logistics and the reduction of fuel con-
14 sumption.

15 “(2) The fostering of an energy-aware culture
16 across the military department to reduce fuel con-
17 sumption, including through—

18 “(A) the incorporation of energy conserva-
19 tion and resiliency principles into training cur-
20 ricula and other training materials of the mili-
21 tary department, including by updating such
22 materials to include information on the effect of
23 energy-aware behaviors on improving readiness
24 and combat capability; and

1 “(B) the review of standard operating pro-
2 cedures, and other operational manuals and
3 procedures, of the military department, to iden-
4 tify procedures that increase fuel consumption
5 with no operational benefit.

6 “(3) The integration of operational energy fac-
7 tors into the wargaming of the military department
8 and related training activities that involve the mod-
9 eling of scenarios, in accordance with subsection (d),
10 to provide to participants in such activities realistic
11 data on the risks and challenges relating to oper-
12 ational energy and fuel logistics.

13 “(4) The implementation of data-driven proce-
14 dures, operations planning, and logistics, to optimize
15 cargo transport and refueling operations within the
16 military department.

17 “(d) WARGAMING ELEMENTS.—In integrating oper-
18 ational energy factors into the wargaming and related
19 training activities of a military department under sub-
20 section (c)(3), the Secretary of the military department
21 shall seek to ensure that the planning, design, and execu-
22 tion of such activities include—

23 “(1) coordination with the elements of the mili-
24 tary department responsible for fuel and logistics
25 matters, to ensure the modeling of energy demand

1 and network risk during such activities are accurate,
2 taking into account potential shortfalls and the di-
3 rect and indirect effects of the efforts of foreign ad-
4 versaries to target fuel supply chains; and

5 “(2) a focus on improving integrated life-cycle
6 management processes and fuel supply logistics.”.

7 (b) DEADLINE FOR ESTABLISHMENT.—The pro-
8 grams required under section 2928 of title 10, United
9 States Code, as added by subsection (a), shall be estab-
10 lished by not later than 180 days after the date of the
11 enactment of this Act.

12 (c) BRIEFING.—Not later than 180 days after the
13 date of enactment of this Act, each Secretary of a military
14 department shall provide to the congressional defense
15 committees a briefing on the establishment of the program
16 of the military department required under such section
17 2928.

18 **SEC. 320. ESTABLISHMENT OF JOINT WORKING GROUP TO**
19 **DETERMINE JOINT REQUIREMENTS FOR FU-**
20 **TURE OPERATIONAL ENERGY NEEDS OF DE-**
21 **PARTMENT OF DEFENSE.**

22 Section 352 of the National Defense Authorization
23 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1653) is amended by adding at the end the following new
25 subsection:

1 “(e) ESTABLISHMENT OF JOINT WORKING GROUP
2 TO DETERMINE JOINT REQUIREMENTS FOR FUTURE
3 OPERATIONAL ENERGY NEEDS OF DEPARTMENT OF DE-
4 FENSE.—

5 “(1) ESTABLISHMENT.—The Secretary of De-
6 fense shall establish a joint working group (in this
7 subsection referred to as the ‘working group’) to de-
8 termine joint requirements for future operational en-
9 ergy needs of the Department of Defense.

10 “(2) EXECUTIVE AGENT.—The Secretary of the
11 Air Force shall serve as the executive agent of the
12 working group.

13 “(3) REQUIREMENTS SPECIFIED.—

14 “(A) IN GENERAL.—In determining joint
15 requirements under paragraph (1), the working
16 group shall address the operational energy
17 needs of each military department and combat-
18 ant command to meet energy needs in all do-
19 mains of warfare, including land, air, sea,
20 space, cyberspace, subsea, and subterranean en-
21 vironments.

22 “(B) PRIORITY FOR CERTAIN SYSTEMS.—
23 Priority for joint requirements under paragraph
24 (1) shall be given to independent operational
25 energy systems that—

1 “(i) are capable of operating in aus-
2 tere and isolated environments with quick
3 deployment capabilities; and

4 “(ii) may reduce conventional air pol-
5 lution and greenhouse gas emissions com-
6 parable to systems already in use.

7 “(4) EXISTING OR NEW PROGRAMS.—The work-
8 ing group shall address the feasibility of meeting
9 joint requirements determined under paragraph (1)
10 through the existing energy programs of the Depart-
11 ment and make recommendations for new programs
12 to meet such requirements.

13 “(5) FOCUS AREAS.—In carrying out the re-
14 quirements under this subsection, the working group
15 shall focus the efforts of the working group on oper-
16 ational energy, including—

17 “(A) micro-reactors and small modular re-
18 actors;

19 “(B) hydrogen-based fuel systems, includ-
20 ing hydrogen fuel cells and hydrogen-based
21 combustion engines;

22 “(C) battery storage;

23 “(D) renewable energy sources;

24 “(E) retrofits to existing platforms that
25 shall increase efficiencies; and

1 “(F) other technologies and resources that
2 meet joint requirements determined under para-
3 graph (1).

4 “(6) RECOMMENDED PLAN OF ACTION.—

5 “(A) IN GENERAL.—Not later than 180
6 days after the date of the enactment of this
7 subsection, the Secretary shall submit to the
8 congressional defense committees a report, and
9 provide to the congressional defense committees
10 a classified briefing, outlining recommendations
11 for programs to meet joint requirements for fu-
12 ture operational energy needs of the Depart-
13 ment of Defense by 2025, 2030, and 2040.

14 “(B) FOCUS ON READINESS AND FLEXI-
15 BILITY.—In submitting the report and pro-
16 viding the briefing under subparagraph (A), the
17 Secretary shall—

18 “(i) address each element of the re-
19 port or briefing, as the case may be, in the
20 context of maintaining or increasing the
21 readiness levels of the Armed Forces and
22 the flexibility of operational elements with-
23 in the Department; and

24 “(ii) disregard energy sources that do
25 not increase such readiness and flexibility,

1 with an explanation for the reason such
2 sources were disregarded.

3 “(C) FORM.—The report under subpara-
4 graph (A) shall be submitted in unclassified
5 form, but may include a classified annex.

6 “(7) DEFINITIONS.—In this subsection:

7 “(A) The term ‘advanced nuclear reactor’
8 has the meaning given that term in section
9 951(b) of the Energy Policy Act of 2005 (42
10 U.S.C. 16271(b)).

11 “(B) The term ‘micro-reactor’ means an
12 advanced nuclear reactor that has an electric
13 power production capacity that is not greater
14 than 50 megawatts that can be transported via
15 land, air, or sea transport and can be rede-
16 ployed.

17 “(C) The term ‘small modular reactor’
18 means an advanced nuclear reactor—

19 “(i) with a rated capacity of less than
20 300 electrical megawatts; or

21 “(ii) that can be constructed and op-
22 erated in combination with similar reactors
23 at a single site.”.

1 **SEC. 321. AMENDMENT TO BUDGETING OF DEPARTMENT**
2 **OF DEFENSE RELATING TO EXTREME WEATH-**
3 **ER.**

4 Section 328(a) of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
6 221 note) is amended—

7 (1) in paragraph (1), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (2), by striking the period at
10 the end and inserting “; and”; and

11 (3) by inserting after paragraph (2) the fol-
12 lowing new paragraph:

13 “(3) a calculation of the annual costs to the
14 Department for—

15 “(A) assistance that is—

16 “(i) provided to the Federal Emer-
17 gency Management Agency or any Federal
18 land management agency (as such term is
19 defined in section 802 of the Federal
20 Lands Recreation Enhancement Act (16
21 U.S.C. 6801)) pursuant to a request for
22 such assistance and in consultation with
23 the National Interagency Fire Center; or

24 “(ii) provided under title 10 or title
25 32, United States Code, to any State, ter-

1 ritory, or possession of the United States,
2 regarding extreme weather; and
3 “(B) resourcing required to support—
4 “(i) wildfire response, recovery, or res-
5 toration efforts occurring within military
6 installations or other facilities of the De-
7 partment; or
8 “(ii) any Federal agency other than
9 the Department (including the Federal
10 Emergency Management Agency and the
11 National Interagency Fire Center) with re-
12 spect to wildfire response, recovery, or res-
13 toration efforts, where such resourcing is
14 not reimbursed.”.

15 **SEC. 322. PROTOTYPE AND DEMONSTRATION PROJECTS**
16 **FOR ENERGY RESILIENCE AT CERTAIN MILI-**
17 **TARY INSTALLATIONS.**

18 (a) IN GENERAL.—Subject to the availability of ap-
19 propriations for such purpose, each Secretary of a military
20 department shall ensure that covered prototype and dem-
21 onstration projects are conducted at each military installa-
22 tion under the jurisdiction of that Secretary that is des-
23 ignated by the Secretary of Defense as an “Energy Resil-
24 ience Testbed” pursuant to subsection (b).

25 (b) SELECTION OF MILITARY INSTALLATIONS.—

1 (1) NOMINATION.—Each Secretary of a mili-
2 tary department shall nominate military installations
3 under the jurisdiction of that Secretary for selection
4 under paragraph (2), and submit to the Secretary of
5 Defense a list of such nominations.

6 (2) SELECTION.—Not later than one year after
7 the date of the enactment of this Act, the Secretary
8 of Defense shall select, from among the lists of nom-
9 inated military installations provided by the Secre-
10 taries of the military departments under paragraph
11 (1), at least one such nominated military installation
12 per military department for designation pursuant to
13 paragraph (4).

14 (3) CONSIDERATIONS.—In selecting military in-
15 stallations under paragraph (2), the Secretary of
16 Defense shall, to the extent practicable, take into
17 consideration the following:

18 (A) The mission of the installation.

19 (B) The geographic terrain of the installa-
20 tion and of the community surrounding the in-
21 stallation.

22 (C) The energy resources available to sup-
23 port the installation.

1 (D) An assessment of any extreme weather
2 risks or vulnerabilities at the installation and
3 the community surrounding the installation.

4 (4) DESIGNATION AS ENERGY RESILIENCE
5 TESTBED.—Each military installation selected under
6 paragraph (2) shall be known as an “Energy Resilience
7 Testbed”.

8 (c) COVERED TECHNOLOGIES.—Covered prototype
9 and demonstration projects conducted at military installa-
10 tions designated pursuant to subsection (b) shall include
11 the prototype and demonstration of technologies in the fol-
12 lowing areas:

13 (1) Energy storage technologies, including long-
14 duration energy storage systems.

15 (2) Technologies to improve building energy ef-
16 ficiency in a cyber-secure manner, such as advanced
17 lighting controls, high-performance cooling systems,
18 and technologies for waste heat recovery.

19 (3) Technologies to improve building energy
20 management and control in a cyber-secure manner.

21 (4) Tools and processes for design, assessment,
22 and decision making on the installation with respect
23 to all hazards resilience and hazard analysis, energy
24 use, management, and the construction of resilient
25 buildings and infrastructure.

1 (5) Carbon sequestration technologies.

2 (6) Technologies relating to on-site resilient en-
3 ergy generation, including the following:

4 (A) Advanced geothermal technologies.

5 (B) Advanced nuclear technologies, includ-
6 ing small modular reactors.

7 (7) Port electrification and surrounding defense
8 community infrastructure.

9 (8) Tidal and wave power technologies.

10 (9) Distributed ledger technologies.

11 (d) BRIEFING.—Not later than one year after the
12 date of the enactment of this Act, the Secretary of De-
13 fense, in consultation with the Secretaries of the military
14 departments, shall provide to the appropriate congres-
15 sional committees a briefing on the conduct of covered pro-
16 totype and demonstration projects at each military instal-
17 lation designated pursuant to subsection (b). Such briefing
18 shall include the following:

19 (1) An identification of each military installa-
20 tion so designated.

21 (2) A justification as to why each military in-
22 stallation so designated was selected for such des-
23 ignation.

24 (3) A strategy for commencing the conduct of
25 such projects at each military installation so des-

1 ignated by not later than one year after the date of
2 the enactment of this Act.

3 (e) DEADLINE FOR COMMENCEMENT OF
4 PROJECTS.—Beginning not later than one year after the
5 date of the enactment of this Act, covered prototype and
6 demonstration projects shall be conducted at, and such
7 conduct shall be incorporated into the mission of, each
8 military installation designated pursuant to subsection (b).

9 (f) RESPONSIBILITY FOR ADMINISTRATION AND
10 OVERSIGHT.—Notwithstanding the responsibility of the
11 Secretary of Defense to select each military installation
12 for designation pursuant to subsection (b)(2), the adminis-
13 tration and oversight of the conduct of covered prototype
14 and demonstration projects at a military installation so
15 designated, as required under subsection (a), shall be the
16 responsibility of the Secretary of the military department
17 with jurisdiction over that military installation.

18 (g) CONSORTIUMS.—

19 (1) IN GENERAL.—Each Secretary of a military
20 department may enter into a partnership with, or
21 seek to establish, a consortium of industry, aca-
22 demia, and other entities described in paragraph (2)
23 to conduct covered prototype and demonstration
24 projects at a military installation that is under the

1 jurisdiction of that Secretary and designated by the
2 Secretary of Defense pursuant to subsection (b).

3 (2) CONSORTIUM ENTITIES.—The entities de-
4 scribed in this paragraph are as follows:

5 (A) National laboratories.

6 (B) Industry entities the primary work of
7 which relates to technologies and business mod-
8 els relating to energy resilience and all hazards
9 resilience.

10 (h) AUTHORITIES.—

11 (1) IN GENERAL.—Covered prototype and dem-
12 onstration projects required under this section may
13 be conducted as part of the program for operational
14 energy prototyping established under section 324(c)
15 of the William M. (Mac) Thornberry National De-
16 fense Authorization Act for Fiscal Year 2021 (Pub-
17 lic Law 116–283; 134 Stat. 3523; 10 U.S.C. 2911
18 note) (including by using funds available under the
19 Operational Energy Prototyping Fund established
20 pursuant to such section), using the other trans-
21 actions authority under section 4021 or 4022 of title
22 10, United States Code, or using any other available
23 authority or funding source the Secretary of Defense
24 determines appropriate.

1 (2) FOLLOW-ON PRODUCTION CONTRACTS OR
2 TRANSACTIONS.—Each Secretary of a military de-
3 partment shall ensure that, to the extent practicable,
4 any transaction entered into under the other trans-
5 actions authority under section 4022 of title 10,
6 United States Code, for the conduct of a covered
7 prototype and demonstration project under this sec-
8 tion shall provide for the award of a follow-on pro-
9 duction contract or transaction pursuant to sub-
10 section (f) of such section 4022.

11 (i) INTERAGENCY COLLABORATION.—In carrying out
12 this section, to the extent practicable, the Secretary of De-
13 fense shall collaborate with the Secretary of Energy and
14 the heads of such other Federal departments and agencies
15 as the Secretary of Defense may determine appropriate,
16 including by entering into relevant memoranda of under-
17 standing.

18 (j) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed as precluding any Secretary of a
20 military department from carrying out any activity, in-
21 cluding conducting a project or making an investment, re-
22 lating to the improvement of energy resilience or all haz-
23 ards resilience under an authority other than this section.

24 (k) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means—

3 (A) the Committee on Armed Services and
4 the Committee on Energy and Commerce of the
5 House of Representatives; and

6 (B) the Committee on Armed Services and
7 the Committee on Energy and Natural Re-
8 sources of the Senate.

9 (2) The term “community infrastructure” has
10 the meaning given that term in section 2391(e) of
11 title 10, United States Code.

12 (3) The term “covered prototype and dem-
13 onstration project” means a project to prototype and
14 demonstrate advanced technologies to enhance en-
15 ergy resilience, including with respect to energy sup-
16 ply disruptions, and all hazards resilience at a mili-
17 tary installation.

18 (4) The term “military installation” has the
19 meaning given that term in section 2867 of title 10,
20 United States Code.

21 **SEC. 323. PILOT PROGRAM FOR DEVELOPMENT OF ELEC-**
22 **TRIC VEHICLE CHARGING SOLUTIONS TO**
23 **MITIGATE GRID STRESS.**

24 (a) IN GENERAL.—The Secretary of Defense, in co-
25 ordination with the Secretaries of the military depart-

1 ments, and in consultation with the Secretary of Energy,
2 shall carry out a pilot program to develop and test covered
3 infrastructure to mitigate grid stress caused by electric ve-
4 hicles through the implementation and maintenance on
5 certain military installations of charging stations,
6 microgrids, and other covered infrastructure sufficient to
7 cover the energy demand at such installations.

8 (b) SELECTION OF MILITARY INSTALLATIONS.—

9 (1) SELECTION.—Not later than 180 days after
10 the date of the enactment of this Act, each Secretary
11 of a military department shall—

12 (A) select at least one military installation
13 of each Armed Force under the jurisdiction of
14 that Secretary at which to carry out the pilot
15 program under subsection (a); and

16 (B) submit to the Committees on Armed
17 Services of the House of Representatives and
18 the Senate a notification containing an identi-
19 fication of each such selected installation.

20 (2) CONSIDERATIONS.—In choosing a military
21 installation for selection pursuant to paragraph (1),
22 each Secretary of a military department shall take
23 into account the following:

24 (A) A calculation of existing loads at the
25 installation and the existing capacity of the in-

1 stallation for the charging of electric vehicles,
2 including (as applicable) light duty trucks.

3 (B) Any required upgrades to covered in-
4 frastructure on the installation, including elec-
5 trical wiring, anticipated by the Secretary.

6 (C) The ownership, financing, operation,
7 and maintenance models of existing and
8 planned covered infrastructure on the installa-
9 tion.

10 (D) An assessment of local grid needs, and
11 any required updates relating to such needs an-
12 ticipated by the Secretary.

13 (c) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date on which a Secretary of a military de-
16 partment submits a notification identifying a se-
17 lected military installation under subsection (b), that
18 Secretary shall submit to the Committee on Armed
19 Services and the Committee on Energy and Com-
20 merce of the House of Representatives and the Com-
21 mittee on Armed Services of the Senate a report
22 on—

23 (A) the covered infrastructure to be imple-
24 mented under the pilot program at the installa-
25 tion;

1 (B) the methodology by which each type of
2 covered infrastructure so implemented shall be
3 assessed for efficacy and efficiency at providing
4 sufficient energy to cover the anticipated energy
5 demand of the electric vehicle fleet at the instal-
6 lation and mitigating grid stress; and

7 (C) the maintenance on the military instal-
8 lation of charging stations and other covered in-
9 frastructure, including a microgrid, that will be
10 sufficient to—

11 (i) cover the anticipated electricity de-
12 mand of such fleet; and

13 (ii) improve installation energy resil-
14 ience.

15 (2) ELEMENTS.—Each report under paragraph
16 (1) shall include, with respect to the selected mili-
17 tary installation for which the report is submitted,
18 the following:

19 (A) A determination of the type and num-
20 ber of charging stations to implement on the in-
21 stallation, taking into account the interoper-
22 ability of chargers and the potential future
23 needs or applications for chargers, such as vehi-
24 cle-to-grid or vehicle-to-building applications.

1 (B) A determination of the optimal owner-
2 ship model to provide charging stations on the
3 installation, taking into account the following:

4 (i) Use of Government-owned (pur-
5 chased, installed, and maintained) charg-
6 ing stations.

7 (ii) Use of third-party financed, in-
8 stalled, operated, and maintained charging
9 stations.

10 (iii) Use of financing models in which
11 energy and charging infrastructure oper-
12 ations and maintenance are treated as a
13 service.

14 (iv) Cyber and physical security con-
15 siderations and best practices associated
16 with different ownership, network, and
17 control models.

18 (C) A determination of the optimal power
19 source to provide charging stations at the in-
20 stallation, taking into account the following:

21 (i) Transformer and substation re-
22 quirements.

23 (ii) Microgrids and distributed energy
24 to support both charging requirements and
25 energy storage.

1 (3) SOURCE OF SERVICES.—Each Secretary of
2 a military department may use expertise within the
3 military department or enter into a contract with a
4 non-Department of Defense entity to make the de-
5 terminations specified in paragraph (2).

6 (d) FINAL REPORT.—Not later than January 1,
7 2025, the Secretary of Defense shall submit to the con-
8 gressional committees specified in subsection (c)(1) a final
9 report on the pilot program under subsection (a). Such
10 report shall include the observations and findings of the
11 Department relating to the charging stations and other
12 covered infrastructure implemented and maintained under
13 such pilot program, including with respect to the elements
14 specified in subsection (c)(2).

15 (e) DEFINITIONS.—In this section:

16 (1) The terms “Armed Forces” and “military
17 departments” have the meanings given those terms
18 in section 101 of title 10, United States Code.

19 (2) The term “charging station” means a col-
20 lection of one or more electric vehicle supply equip-
21 ment units serving the purpose of charging an elec-
22 tric vehicle battery.

23 (3) The term “covered infrastructure”—

24 (A) means infrastructure that the Sec-
25 retary of Defense determines may be used to—

1 (i) charge electric vehicles, including
2 by transmitting electricity to such vehicles
3 directly; or

4 (ii) support the charging of electric
5 vehicles, including by supporting the resil-
6 ience of grids or other systems for deliv-
7 ering energy to such vehicles (such as
8 through the mitigation of grid stress); and

9 (B) includes—

10 (i) charging stations;

11 (ii) batteries;

12 (iii) battery-swapping systems;

13 (iv) microgrids;

14 (v) off-grid charging systems; and

15 (vi) other apparatuses installed for
16 the specific purpose of delivering energy to
17 an electric vehicle or to a battery intended
18 to be used in an electric vehicle, including
19 wireless charging technologies.

20 (4) The term “electric vehicle” includes—

21 (A) a plug-in hybrid electric vehicle that
22 uses a combination of electric and gas powered
23 engine that can use either gasoline or electricity
24 as a fuel source; and

1 (B) a plug-in electric vehicle that runs
2 solely on electricity and does not contain an in-
3 ternal combustion engine or gas tank.

4 (5) The term “electric vehicle supply equipment
5 unit” means the port that supplies electricity to one
6 vehicle at a time.

7 (6) The term “microgrid” means a group of
8 interconnected loads and distributed energy re-
9 sources within clearly defined electrical boundaries
10 that acts as a single controllable entity with respect
11 to the grid.

12 (7) The term “military installation” has the
13 meaning given that term in section 2801 of title 10,
14 United States Code.

15 (8) The term “wireless charging” means the
16 charging of a battery by inductive charging or by
17 any means in which a battery is charged without a
18 wire, or plug-in wire, connecting the power source
19 and battery.

20 **SEC. 324. PILOT PROGRAM ON USE OF SUSTAINABLE AVIA-**
21 **TION FUEL.**

22 (a) PILOT PROGRAM REQUIRED.—

23 (1) IN GENERAL.—Subject to the availability of
24 appropriations for such purpose, the Secretary of
25 Defense shall conduct a pilot program on the use of

1 sustainable aviation fuel by the Department of De-
2 fense (in this section referred to as the “pilot pro-
3 gram”).

4 (2) DESIGN OF PROGRAM.—The pilot program
5 shall be designed to—

6 (A) identify any logistical challenges with
7 respect to the use of sustainable aviation fuel
8 by the Department;

9 (B) promote understanding of the technical
10 and performance characteristics of sustainable
11 aviation fuel when used in a military setting;
12 and

13 (C) engage nearby commercial airports to
14 explore opportunities and challenges to partner
15 on the increased use of sustainable aviation
16 fuel.

17 (b) SELECTION OF FACILITIES.—

18 (1) SELECTION.—

19 (A) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the
21 Secretary of Defense shall select not fewer than
22 two geographically diverse facilities of the De-
23 partment at which to carry out the pilot pro-
24 gram.

1 (B) ONSITE REFINERY.—Not fewer than
2 one facility selected under subparagraph (A)
3 shall be a facility with an onsite refinery that
4 is located in proximity to not fewer than one
5 major commercial airport that is also actively
6 seeking to increase the use of sustainable avia-
7 tion fuel.

8 (2) NOTICE TO CONGRESS.—Upon the selection
9 of each facility under paragraph (1), the Secretary
10 shall submit to the appropriate congressional com-
11 mittees notice of the selection, including an identi-
12 fication of the facility selected.

13 (c) USE OF SUSTAINABLE AVIATION FUEL.—

14 (1) PLANS.—For each facility selected under
15 subsection (b), not later than one year after the se-
16 lection of the facility, the Secretary shall—

17 (A) develop a plan on how to implement,
18 by September 30, 2028, a target of exclusively
19 using at the facility aviation fuel that is blended
20 to contain not less than 10 percent sustainable
21 aviation fuel;

22 (B) submit the plan developed under sub-
23 paragraph (A) to the appropriate congressional
24 committees; and

1 (C) provide to the appropriate congres-
2 sional committees a briefing on such plan that
3 includes, at a minimum—

4 (i) a description of any operational,
5 infrastructure, or logistical requirements,
6 and recommendations, for the blending and
7 use of sustainable aviation fuel; and

8 (ii) a description of any stakeholder
9 engagement in the development of the
10 plan, including any consultations with
11 nearby commercial airport owners or oper-
12 ators.

13 (2) IMPLEMENTATION OF PLANS.—For each fa-
14 cility selected under subsection (b), during the pe-
15 riod beginning on a date that is not later than Sep-
16 tember 30, 2028, and for five years thereafter, the
17 Secretary shall require, in accordance with the re-
18 spective plan developed under paragraph (1), the ex-
19 clusive use at the facility of aviation fuel that is
20 blended to contain not less than 10 percent sustain-
21 able aviation fuel.

22 (d) CRITERIA FOR SUSTAINABLE AVIATION FUEL.—
23 Sustainable aviation fuel used under the pilot program
24 shall meet the following criteria:

1 (1) Such fuel shall be produced in the United
2 States from domestic feedstock sources.

3 (2) Such fuel shall constitute drop-in fuel that
4 meets all specifications and performance require-
5 ments of the Department of Defense and the Armed
6 Forces.

7 (e) WAIVER.—The Secretary may waive the use of
8 sustainable aviation fuel at a facility under the pilot pro-
9 gram if the Secretary—

10 (1) determines such use is not feasible due to
11 a lack of domestic availability of sustainable aviation
12 fuel or a national security contingency; and

13 (2) submits to the congressional defense com-
14 mittees notice of such waiver and the reasons for
15 such waiver.

16 (f) FINAL REPORT.—

17 (1) IN GENERAL.—At the conclusion of the
18 pilot program, the Assistant Secretary of Defense
19 for Energy, Installations, and Environment shall
20 submit to the appropriate congressional committees
21 a final report on the pilot program.

22 (2) ELEMENTS.—The report under paragraph
23 (1) shall include each of the following:

1 (A) An assessment of the effect of using
2 sustainable aviation fuel on the overall fuel
3 costs of blended fuel.

4 (B) A description of any operational, infra-
5 structure, or logistical requirements, and rec-
6 ommendations, for the blending and use of sus-
7 tainable aviation fuel, with a focus on scaling
8 up adoption of such fuel throughout the Armed
9 Forces.

10 (C) Recommendations with respect to how
11 military installations can leverage proximity to
12 commercial airports and other jet fuel con-
13 sumers to increase the rate of use of sustain-
14 able aviation fuel, for both military and non-
15 military use, including potential collaboration
16 on innovative financing or purchasing and
17 shared supply chain infrastructure.

18 (D) A description of the effects on per-
19 formance and operation of aircraft using sus-
20 tainable aviation fuel, including—

21 (i) if used, considerations of various
22 blending ratios and the associated benefits
23 thereof;

1 (ii) efficiency and distance improve-
2 ments of flights using sustainable aviation
3 fuel;

4 (iii) weight savings on large transpor-
5 tation aircraft and other types of aircraft
6 by using blended fuel with higher con-
7 centrations of sustainable aviation fuel;

8 (iv) maintenance benefits of using
9 sustainable aviation fuel, including with re-
10 spect to engine longevity;

11 (v) the effect of the use of sustainable
12 aviation fuel on emissions and air quality;

13 (vi) the effect of the use of sustain-
14 able aviation fuel on the environment and
15 on surrounding communities, including en-
16 vironmental justice factors that are created
17 by the demand for and use of sustainable
18 aviation fuel by the Department of De-
19 fense; and

20 (vii) benefits with respect to job cre-
21 ation in the sustainable aviation fuel pro-
22 duction and supply chain.

23 (g) DEFINITIONS.—In this section:

24 (1) The term “appropriate congressional com-
25 mittees” means the following:

1 (A) The Committee on Armed Services and
2 the Committee on Transportation and Infra-
3 structure of the House of Representatives.

4 (B) The Committee on Armed Services and
5 the Committee on Commerce, Science, and
6 Transportation of the Senate.

7 (2) The term “sustainable aviation fuel” has
8 the meaning given such term in section 40007(e) of
9 the Act titled ‘An Act to provide for reconciliation
10 pursuant to title II of S. Con. Res. 14’ (Public Law
11 117–169).

12 **SEC. 325. POLICY TO INCREASE DISPOSITION OF SPENT AD-**
13 **VANCED BATTERIES THROUGH RECYCLING.**

14 (a) POLICY REQUIRED.—Not later than one year
15 after the date of the enactment of this Act, the Assistant
16 Secretary of Defense for Energy, Installations, and Envi-
17 ronment, in coordination with the Director of the Defense
18 Logistics Agency, shall establish a policy to increase the
19 disposition of spent advanced batteries of the Department
20 of Defense through recycling (including by updating the
21 Department of Defense Manual 4160.21, titled “Defense
22 Material Disposition: Disposal Guidance and Procedures”,
23 or such successor document, accordingly), for the purpose
24 of supporting the reclamation and return of precious met-
25 als, rare earth metals, and elements of strategic impor-

1 tance (such as cobalt and lithium) into the supply chain
2 or strategic reserves of the United States.

3 (b) CONSIDERATIONS.—In developing the policy
4 under subsection (a), the Assistant Secretary shall con-
5 sider, at a minimum, the following recycling methods:

6 (1) Pyroprocessing.

7 (2) Hydroprocessing.

8 (3) Direct cathode recycling, relithiation, and
9 upcycling.

10 **SEC. 326. GUIDANCE AND TARGET GOAL RELATING TO FOR-**
11 **MERLY USED DEFENSE SITES PROGRAMS.**

12 (a) GUIDANCE RELATING TO SITE
13 PRIORITIZATION.—The Assistant Secretary of Defense for
14 Energy, Installations, and Environment shall issue guid-
15 ance setting forth how, in prioritizing sites for activities
16 funded under the “Environmental Restoration Account,
17 Formerly Used Defense Sites” account established under
18 section 2703(a)(5) of title 10, United States Code, the As-
19 sistant Secretary shall weigh the relative risk or other fac-
20 tors between Installation Restoration Program sites and
21 Military Munitions Response Program sites.

22 (b) TARGET GOAL FOR MILITARY MUNITIONS RE-
23 SPONSE PROGRAM.—The Assistant Secretary of Defense
24 for Energy, Installations, and Environment shall establish

1 a target goal for the completion of the cleanup of all Mili-
2 tary Munitions Response Program sites.

3 **SEC. 327. ANALYSIS AND PLAN FOR ADDRESSING HEAT IS-**
4 **LAND EFFECT ON MILITARY INSTALLATIONS.**

5 (a) **INSTALLATION ANALYSIS.**—Each Secretary of a
6 military department shall conduct an analysis of the mili-
7 tary installations under the jurisdiction of that Secretary
8 to assess the extent to which heat islands affect readiness,
9 infrastructure service life, and utilities costs. Each such
10 analysis shall contain each of the following:

11 (1) An analysis of how heat islands exacerbate
12 summer heat conditions and necessitate the in-
13 creased use of air conditioning on the installations,
14 including an estimate of the cost of such increased
15 usage with respect to both utilities costs and short-
16 ened service life of air conditioning units.

17 (2) An assessment of any readiness effects re-
18 lated to heat islands, including the loss of training
19 hours due to black flag conditions, and the cor-
20 responding cost of such effects.

21 (b) **PLAN.**—Based on the results of the analyses con-
22 ducted under subsection (a), the Secretaries of the mili-
23 tary departments shall jointly—

24 (1) develop a plan for mitigating the effects of
25 heat islands at the most severely affected installa-

1 tions, including by increasing tree coverage, install-
2 ing cool roofs or green roofs, and painting asphalt;
3 and

4 (2) promulgate best practices enterprise-wide
5 for cost avoidance and reduction of the effects of
6 heat islands.

7 (c) BRIEFING.—Not later than September 30, 2024,
8 the Secretaries of the military departments shall jointly
9 provide to the congressional defense committees a briefing
10 on—

11 (1) the findings of each analysis conducted
12 under subsection (a);

13 (2) the plan developed under subsection (b);
14 and

15 (3) such other matters as the Secretaries deter-
16 mine appropriate.

17 (d) HEAT ISLAND DEFINED.—The term “heat is-
18 land” means an area with a high concentration of struc-
19 tures (such as building, roads, and other infrastructure)
20 that absorb and re-emit the sun’s heat more than natural
21 landscapes such as forests or bodies of water.

1 **SEC. 328. LIMITATION ON REPLACEMENT OF NON-TAC-**
2 **TICAL VEHICLE FLEET OF DEPARTMENT OF**
3 **DEFENSE WITH ELECTRIC VEHICLES, AD-**
4 **VANCED-BIOFUEL-POWERED VEHICLES, OR**
5 **HYDROGEN-POWERED VEHICLES.**

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

15 (b) ELEMENTS.—The report described in this sub-
16 section shall include the following:

17 (1) A cost estimate for the procurement by the
18 Secretary of Defense, or through contract mecha-
19 nisms used by the Department (such as energy sav-
20 ings performance contracts), of electric non-tactical
21 vehicles to replace the existing non-tactical vehicle
22 fleet of the Department, which shall include—

23 (A) an estimated cost per unit and number
24 of units to be procured of each type of electric
25 non-tactical vehicle (such as trucks, buses, and
26 vans);

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

5 (C) a lifecycle cost comparison between
6 electric vehicles and combustion engine vehicles
7 of each type (such as an electric truck versus
8 a conventional truck);

9 (D) maintenance requirements of electric
10 vehicles compared to combustion engine vehi-
11 cles; and

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

17 (2) An assessment of the current and projected
18 supply chain shortfalls, including critical minerals,
19 for electric vehicles and combustion engine vehicles.

20 (3) An assessment of the security risks associ-
21 ated with data collection conducted with respect to
22 electric vehicles, combustion engine vehicles, and the
23 related computer systems for each.

24 (4) An assessment of the current range require-
25 ments for electric vehicles compared to combustion

1 engine vehicles and the average life of vehicles of the
2 Department necessary to maintain current readiness
3 requirements of the Department.

4 (5) An identification of components for electric
5 non-tactical vehicles, advanced-biofuel-powered vehi-
6 cles, hydrogen-powered vehicles, and combustion en-
7 gine vehicles that are currently being sourced from
8 the People's Republic of China.

9 (6) An assessment of the mid- and long-term
10 costs and benefits to the Department of falling be-
11 hind industry trends related to the adoption of alter-
12 native fuel vehicles including electric vehicles, hydro-
13 gen-powered vehicles, and advanced-biofuel-powered
14 vehicles.

15 (7) An assessment of the long-term availability
16 to the Department of internal combustion engines
17 and spare parts for such engines, including whether
18 or not such engines and spare parts will be manufac-
19 tured in the United States or repairable with parts
20 made in the United States and labor in the United
21 States.

22 (8) An assessment of the relative risks associ-
23 ated with parking and storing electric vehicles, hy-
24 drogen-powered vehicles, advanced-biofuel-powered

1 vehicles, and combustion engine vehicles inside park-
2 ing structures, including fire risk and water damage.

3 (c) ADDITIONAL PROHIBITION.—None of the funds
4 authorized to be appropriated by this Act or otherwise
5 made available for the Department of Defense may be ob-
6 ligated or expended to procure non-tactical vehicles that
7 are electric vehicles, advanced-biofuel-powered vehicles, or
8 hydrogen-powered vehicles, or any components or spare
9 parts associated with such vehicles, that are not in compli-
10 ance with subpart 22.15 of the Federal Acquisition Regu-
11 lation (or any successor regulations).

12 (d) DEFINITIONS.—In this section:

13 (1) The term “advanced-biofuel-powered vehi-
14 cle” includes a vehicle that uses a fuel described in
15 section 9001(3)(A) of the Farm Security and Rural
16 Investment Act of 2202 (7 U.S.C. 8101(3)(A)).

17 (2) The term “charging station” means a park-
18 ing space with electric vehicle supply equipment that
19 supplies electric energy for the recharging of electric
20 vehicles with at least a level two charger.

21 (3) The term “electric grid requirements”
22 means the power grid and infrastructure require-
23 ments needed to support plug-in electric vehicles and
24 vehicle-to-grid requirements.

1 (4) The term “electric non-tactical vehicle”
2 means a non-tactical vehicle that is an electric vehi-
3 cle.

4 (5) The terms “electric vehicle” includes—

5 (A) a plug-in hybrid electric vehicle that
6 uses a combination of electric and gas powered
7 engine that can use either gasoline or electricity
8 as a fuel source; and

9 (B) a plug-in electric vehicle that runs
10 solely on electricity and does not contain an in-
11 ternal combustion engine or gas tank.

12 (6) The term “hydrogen-powered vehicle”
13 means a vehicle that uses hydrogen as the main
14 source of motive power, either through a fuel cell or
15 internal combustion.

16 (7) The term “non-tactical vehicle” means a ve-
17 hicle other than a tactical vehicle.

18 (8) The term “tactical vehicle” means a motor
19 vehicle designed to military specification, or a com-
20 mercial design motor vehicle modified to military
21 specification, to provide direct transportation sup-
22 port of combat or tactical operations, or for the
23 training of personnel for such operations.

1 **Subtitle C—Red Hill Bulk Fuel**
2 **Storage Facility**

3 **SEC. 331. DEFUELING OF RED HILL BULK FUEL STORAGE**
4 **FACILITY.**

5 (a) **DEADLINE FOR COMPLETION OF DEFUELING.—**

6 (1) **IN GENERAL.—**The Secretary of Defense
7 shall complete the defueling of the Red Hill Bulk
8 Fuel Storage Facility in a safe and expeditious man-
9 ner by a deadline that is approved by the State of
10 Hawaii Department of Health.

11 (2) **REPORT.—**Not later than 30 days after the
12 date of the enactment of this Act, and quarterly
13 thereafter until the completion of the defueling of
14 the Red Hill Bulk Fuel Storage Facility, the Sec-
15 retary of Defense shall submit to the congressional
16 defense committees, and make publicly available on
17 an appropriate website of the Department of De-
18 fense, a report on the status of such defueling.

19 (b) **PLANNING AND IMPLEMENTATION OF**
20 **DEFUELING.—**The Secretary of Defense shall plan for
21 and implement the defueling of the Red Hill Bulk Fuel
22 Storage Facility in consultation with the Administrator of
23 the Environmental Protection Agency and the State of
24 Hawaii Department of Health.

1 (c) NOTIFICATION REQUIREMENT.—The Secretary of
2 Defense may not begin the process of defueling the Red
3 Hill Bulk Storage Facility until the date on which the Sec-
4 retary submits to the congressional defense committees a
5 notification that such defueling would not adversely affect
6 the ability of the Department of Defense to provide fuel
7 to support military operations in the area of responsibility
8 of the United States Indo-Pacific Command.

9 **SEC. 332. AUTHORIZATION OF CLOSURE OF UNDERGROUND**
10 **STORAGE TANK SYSTEM AT RED HILL BULK**
11 **FUEL STORAGE FACILITY.**

12 (a) AUTHORIZATION.—The Secretary of Defense may
13 close the underground storage tank system at the Red Hill
14 Bulk Fuel Storage Facility of the Department of Defense
15 located in Hawaii (in this section referred to as the “Facil-
16 ity”).

17 (b) PLAN FOR FACILITY CLOSURE AND POST-CLO-
18 SURE CARE.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the date of the enactment of this Act, the Secretary
21 of the Navy shall submit to the Committees on
22 Armed Services of the House of Representatives and
23 the Senate a plan for—

1 (A) the closure of the Facility, along with
2 a report on the cost projections for such clo-
3 sure;

4 (B) monitoring of the Facility following
5 closure;

6 (C) corrective actions to mitigate fuel re-
7 leases of groundwater at the Facility, including
8 resources necessary for the Secretary of the
9 Navy to conduct such actions at the Facility;

10 (D) coordination and communication with
11 applicable Federal and State regulatory au-
12 thorities, and surrounding communities, on re-
13 lease response and remediation activities con-
14 ducted by the Secretary of the Navy at the Fa-
15 cility;

16 (E) improvements to processes, procedures,
17 organization, training, leadership, education, fa-
18 cilities, and policy of the Department of De-
19 fense related to best practices for the remedi-
20 ation and closure of the Facility; and

21 (F) measures to ensure that future stra-
22 tegic level assets of the Department of Defense
23 are properly maintained and critical environ-
24 mental assets are protected.

1 (2) PREPARATION OF PLAN.—The Secretary of
2 the Navy shall prepare the plan required under
3 paragraph (1) in consultation with the following:

4 (A) The Environmental Protection Agency.

5 (B) The Hawaii Department of Health.

6 (C) The United States Geological Survey.

7 (D) Any other relevant Federal or State
8 agencies the Secretary considers appropriate.

9 (c) IDENTIFICATION OF POINT OF CONTACT AT DE-
10 PARTMENT OF DEFENSE.—Not later than 60 days after
11 the date of the enactment of this Act, to ensure clear and
12 consistent communication relating to defueling, closure,
13 and release response, the Secretary of Defense shall iden-
14 tify a single point of contact within the Office of the Sec-
15 retary of Defense to oversee and communicate with the
16 public and Members of Congress regarding the status of
17 the Facility.

18 (d) WATER MONITORING BRIEFING.—Not later than
19 60 days after the date of the enactment of this Act, the
20 Secretary of the Navy shall provide to the Committees on
21 Armed Services of the House of Representatives and the
22 Senate a briefing on the status of the ground water moni-
23 toring program—

24 (1) to monitor movement of the fuel plume in
25 the aquifer surrounding the Facility;

1 (2) to monitor long-term impacts to such acqui-
2 fer and local water bodies resulting from fuel re-
3 leases from the Facility; and

4 (3) to coordinate with the Agency for Toxic
5 Substances and Disease Registry of the Department
6 of Health and Human Services as the Agency con-
7 ducts a follow up to the previously conducted vol-
8 untary survey of individuals and entities potentially
9 impacted by fuel releases from the Facility.

10 **SEC. 333. REPORT ON BULK FUEL REQUIREMENTS APPLI-**
11 **CABLE TO UNITED STATES INDO-PACIFIC**
12 **COMMAND.**

13 (a) LIMITATION.—Of the funds authorized to be ap-
14 propriated by this Act or otherwise made available for fis-
15 cal year 2023 for the Office of the Secretary of Defense
16 for administration and service-wide activities, not more
17 than 90 percent may be obligated or expended until the
18 Secretary of Defense submits to the congressional defense
19 committees a report that includes the following elements:

20 (1) The bulk fuel requirements of the United
21 States Indo-Pacific Command associated with the
22 operational plans of the command that involve the
23 most stress on bulk fuel, disaggregated by theater
24 component commander, as such term is defined in

1 section 1513 of title 10, United States Code, imple-
2 menting the requirement.

3 (2) The hardening requirements of the United
4 States Indo-Pacific Command associated with the
5 distribution of bulk fuel to support the proposed
6 force laydown in the area of responsibility of such
7 command.

8 (3) A bulk fuels connector strategy to reposition
9 fuels within the area of responsibility of such com-
10 mand, which shall include a specific assessment of
11 the following:

12 (A) The overall bulk fuel requirements for
13 the force structure of the surface fleet tankers
14 of the Navy and any specific requirements asso-
15 ciated with the proposed force laydown specified
16 in paragraph (2).

17 (B) The intra-theater connector strategy of
18 the Department of Defense to logistically sup-
19 port theater-specific bulk fuel requirements.

20 (C) The bulk fuel requirements for light
21 amphibious warfare ships.

22 (4) An identification of the funding mechanisms
23 used, or proposed to be used, to meet each of the
24 requirements specified in paragraphs (1) through
25 (3), including programmed and unfunded require-

1 ments, and a description of any additional staffing
2 or resources necessary to meet such requirements.

3 (5) A risk assessment of the potential risk asso-
4 ciated with the denial of access to bulk fuel storage
5 facilities located in foreign countries, including a
6 specific assessment of clauses in contracts entered
7 into by the Director of the Defense Logistics Agency
8 that provide for surety of access to such storage fa-
9 cilities, taking into account the insurance sought
10 with respect to such surety and the anticipated pen-
11 alties for failing to provide such surety.

12 (b) INCLUSION IN SEPARATE REPORTS.—An element
13 listed in paragraphs (1) through (5) of subsection (a) shall
14 be deemed to be included in the report under subsection
15 (a) if included in a separate report submitted to the con-
16 gressional defense committees on or before the date of the
17 submission of the report under such subsection.

18 (c) FORM.—The report under subsection (a) shall be
19 submitted in an unclassified and publicly releasable form,
20 but may contain a classified annex.

21 **SEC. 334. PLACEMENT OF SENTINEL OR MONITORING**
22 **WELLS IN PROXIMITY TO RED HILL BULK**
23 **FUEL STORAGE FACILITY.**

24 (a) IN GENERAL.—Not later than April 1, 2023, the
25 Secretary of the Navy, in coordination with the Director

1 of the United States Geological Survey and the Adminis-
2 trator of the Environmental Protection Agency, shall sub-
3 mit to the congressional defense committees a report on
4 the placement of sentinel or monitoring wells in proximity
5 to the Red Hill Bulk Fuel Storage Facility for the purpose
6 of monitoring and tracking the movement of fuel that has
7 escaped the Facility. Such report shall include—

8 (1) the number and location of new wells that
9 have been established during the 12-month period
10 preceding the date of the submission of the report;

11 (2) an identification of any new wells proposed
12 to be established;

13 (3) an analysis of the need for any other wells;

14 (4) the proposed number and location of any
15 such additional wells; and

16 (5) the priority level of each proposed well
17 based on—

18 (A) the optimal locations for new wells;

19 and

20 (B) the capability of a proposed well to as-
21 sist in monitoring and tracking the movement
22 of fuel toward the Halawa shaft, the Halawa
23 Well, and the Aiea Well.

24 (b) QUARTERLY BRIEFINGS.—Not later than 30 days
25 after the submission of the report under subsection (a),

1 and every 90 days thereafter for 12 months, the Secretary
2 of the Navy shall provide to the congressional defense
3 committees a briefing on the progress of the Department
4 of the Navy toward installing the wells described in para-
5 graphs (2) and (3) of subsection (a).

6 **SEC. 335. STUDIES RELATING TO WATER NEEDS OF THE**
7 **ARMED FORCES ON OAHU.**

8 (a) STUDY ON FUTURE WATER NEEDS OF OAHU.—

9 (1) IN GENERAL.—Not later than July 31,
10 2023, the Secretary of Defense shall conduct a study
11 on how the Department of Defense may best address
12 the future water needs of the Armed Forces on the
13 island of Oahu. Such study shall include consider-
14 ation of—

15 (A) the construction of a new water treat-
16 ment plant or plants;

17 (B) the construction of a new well for use
18 by members of the Armed Forces and the civil-
19 ian population;

20 (C) the construction of a new well for the
21 exclusive use of members of the Armed Forces;

22 (D) transferring ownership and operation
23 of existing Department of Defense utilities to a
24 municipality or existing publicly owned utility;

1 (E) conveying certain Navy utilities to the
2 Honolulu Board of Water Supply; and

3 (F) any other water solutions the Sec-
4 retary of Defense determines appropriate.

5 (2) CONSULTATION.—In carrying out the study
6 under paragraph (1), the Secretary of Defense shall
7 consult with the Administrator of the Environmental
8 Protection Agency, the State of Hawaii, the Hono-
9 lulu Board of Water Supply, and any other entity
10 the Secretary of Defense determines appropriate.

11 (3) REPORT; BRIEFING.—Upon completion of
12 the study under paragraph (1), the Secretary of De-
13 fense shall—

14 (A) submit to the appropriate congres-
15 sional committees a report on the findings of
16 the study; and

17 (B) provide to the appropriate congres-
18 sional committees a briefing on such findings.

19 (b) HYDROLOGICAL STUDIES.—

20 (1) GROUNDWATER FLOW MODEL STUDY.—Not
21 later than July 31, 2023, the Secretary of the Navy,
22 in consultation with the Administrator of the Envi-
23 ronmental Protection Agency, the Director of the
24 United States Geological Survey, and the State of
25 Hawaii, shall commence the conduct of a new study,

1 or continue an existing study, to further refine the
2 modeling of groundwater flow in the area sur-
3 rounding the Red Hill Bulk Fuel Storage Facility.

4 Such study shall be designed to—

5 (A) seek to improve the understanding of
6 the direction and rate of groundwater flow and
7 dissolved fuel migration within the aquifers in
8 the area surrounding the facility;

9 (B) reflect site-specific data, including
10 available data of the heterogeneous subsurface
11 geologic system of such area; and

12 (C) address previously identified defi-
13 ciencies in existing groundwater flow models.

14 (2) DEADLINES FOR COMPLETION.—

15 (A) GROUNDWATER FLOW MODEL
16 STUDY.—The study under paragraph (1) shall
17 be completed by not later than one year after
18 the date of the enactment of this Act.

19 (B) SUBSEQUENT STUDY.—Not later than
20 one year after the date on which the study
21 under paragraph (1) is completed, the Secretary
22 of the Navy shall complete a subsequent study
23 to model contaminant fate and transport in the
24 area surrounding the Red Hill Bulk Fuel Stor-
25 age Facility.

1 (3) REPORTS; BRIEFINGS.—Upon completion of
2 a study under this subsection, the Secretary of the
3 Navy shall—

4 (A) submit to the congressional defense
5 committees a report on the findings of the
6 study; and

7 (B) provide to the congressional defense
8 committees a briefing on such findings.

9 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congress-
11 sional committees” means the following:

12 (1) The congressional defense committees.

13 (2) The Committee on Energy and Commerce
14 of the House of Representatives.

15 (3) The Committee on Environment and Public
16 Works of the Senate.

17 **SEC. 336. STUDY ON ALTERNATIVE USES FOR RED HILL**
18 **BULK FUEL STORAGE FACILITY.**

19 (a) STUDY REQUIRED.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date of the enactment of this Act, the Secretary
22 of Defense shall seek to enter into an agreement
23 with a federally funded research and development
24 center that meets the criteria specified in paragraph

25 (2) under which such center will conduct a study to

1 determine the range of feasible alternative Depart-
2 ment of Defense uses for the Red Hill Bulk Fuel
3 Storage Facility and provide to the Secretary a re-
4 port on the findings of the study. The conduct of
5 such study shall include—

6 (A) engagement with stakeholders;

7 (B) a review of historical alternative uses
8 of facilities with similar characteristics; and

9 (C) such other modalities as determined
10 necessary to appropriately identify alternative
11 use options, including data and information col-
12 lected from various stakeholders and through
13 site visits to physically inspect the facility.

14 (2) CRITERIA FOR FFRDC.—The federally fund-
15 ed research and development center with which the
16 Secretary seeks to enter into an agreement under
17 paragraph (1) shall meet the following criteria:

18 (A) A primary focus on studies and anal-
19 ysis.

20 (B) A record of conducting research and
21 analysis using a multidisciplinary approach.

22 (C) Demonstrated specific competencies
23 in—

24 (i) life cycle cost-benefit analysis;

1 (ii) military facilities and how such fa-
2 cilities support missions; and

3 (iii) the measurement of environ-
4 mental impacts.

5 (D) A strong reputation for publishing
6 publicly releasable analysis to inform public de-
7 bate.

8 (b) COST-BENEFIT ANALYSIS.—An agreement en-
9 tered into pursuant to subsection (a) shall specify that the
10 study conducted under the agreement will include a cost-
11 benefit analysis of the feasible Department of Defense al-
12 ternative uses considered under the study. Such cost-ben-
13 efit analysis shall cover each of the following for each such
14 alternative use:

15 (1) The design and construction costs.

16 (2) Life-cycle costs, including the operation and
17 maintenance costs of operating the facility, such as
18 annual operating costs, predicted maintenance costs,
19 and any disposal costs at the end of the useful life
20 of the facility.

21 (3) Any potential military benefits.

22 (4) Any potential benefits for the local econ-
23 omy, including any potential employment opportuni-
24 ties for members of the community.

1 (5) A determination of environmental impact
2 analysis requirements.

3 (6) The effects of the use on future mitigation
4 efforts.

5 (7) Any additional factors determined to be rel-
6 evant by the federally funded research and develop-
7 ment center in consultation with the Secretary.

8 (c) DEADLINE FOR COMPLETION.—An agreement en-
9 tered into pursuant to subsection (a) shall specify that the
10 study conducted under the agreement shall be completed
11 by not later than February 1, 2024.

12 (d) BRIEFING.—Upon completion of a study con-
13 ducted under an agreement entered into pursuant to sub-
14 section (a), the Secretary shall provide to the Committees
15 on Armed Services of the Senate and House of Represent-
16 atives a briefing on the findings of the study.

17 (e) PUBLIC AVAILABILITY.—

18 (1) FFRDC.—An agreement entered into pur-
19 suant to subsection (a) shall specify that the feder-
20 ally funded research and development center shall
21 make an unclassified version of the report provided
22 to the Secretary publicly available on an appropriate
23 website of the center.

24 (2) DEPARTMENT OF DEFENSE.—Upon receipt
25 of such report, the Secretary shall make an unclassi-

1 fied version of the report publicly available on an ap-
2 propriate website of the Department of Defense.

3 **SEC. 337. BRIEFING ON DEPARTMENT OF DEFENSE EF-**
4 **FORTS TO TRACK HEALTH IMPLICATIONS OF**
5 **FUEL LEAKS AT RED HILL BULK FUEL STOR-**
6 **AGE FACILITY.**

7 (a) BRIEFING.—Not later than 90 days after the date
8 of the enactment of this Act, the Secretary of Defense,
9 in consultation with the Secretary of Health and Human
10 Services, shall provide to the congressional defense com-
11 mittees a briefing on the efforts of the Secretary of De-
12 fense to appropriately track the health implications of fuel
13 leaks at the Red Hill Bulk Fuel Storage Facility for mem-
14 bers of the Armed Forces and dependents thereof, includ-
15 ing members of each Armed Force and dependents there-
16 of. The briefing shall include each of the following:

17 (1) A plan to coordinate with the Director of
18 the Centers for Disease Control and Prevention to
19 align such efforts with the public health assessment
20 and monitoring efforts of the Director.

21 (2) A description of any potential benefits of co-
22 ordinating and sharing data with the State of Ha-
23 waii Department of Health.

24 (3) An analysis of the extent to which data
25 from the State of Hawaii Department of Health and

1 data from other non-Department of Defense sources
2 can and should be used in any long-term health
3 study relating to fuel leaks at the Red Hill Bulk
4 Fuel Storage Facility.

5 (4) A description of the potential health impli-
6 cations of contaminants, including fuel, detected in
7 the drinking water distribution system at the Red
8 Hill Bulk Fuel Storage Facility during testing after
9 the fuel leaks at such facility that occurred in May
10 and November 2021, respectively.

11 (5) A description of any contaminants, includ-
12 ing fuel, detected in the water supply at the Red Hill
13 Bulk Fuel Storage Facility during the 12-month pe-
14 riod preceding the fuel leak at such facility that oc-
15 curred in November 2021.

16 (6) A description of any potential benefits of
17 broadening the tracing window to include indications
18 of contaminants, including fuel, in the drinking
19 water supply at the Red Hill Bulk Fuel Storage Fa-
20 cility prior to May 2021.

21 (b) ARMED FORCES DEFINED.—In this section, the
22 term “Armed Forces” has the meaning given that term
23 in section 101 of title 10, United States Code.

1 **Subtitle D—Treatment of**
2 **Perfluoroalkyl Substances and**
3 **Polyfluoroalkyl Substances**

4 **SEC. 341. DEPARTMENT OF DEFENSE RESEARCH RELATING**
5 **TO PERFLUOROALKYL OR**
6 **POLYFLUOROALKYL SUBSTANCES.**

7 (a) PUBLICATION OF INFORMATION.—

8 (1) IN GENERAL.—Beginning not later than
9 180 days after the date of the enactment of this Act,
10 Secretary of Defense shall publish on the publicly
11 available website established under section 331(b) of
12 the National Defense Authorization Act for Fiscal
13 Year 2020 (Public Law 116–92; 10 U.S.C. 2701
14 note) timely and regularly updated information on
15 the research efforts of the Department of Defense
16 relating to perfluoroalkyl substances or
17 polyfluoroalkyl substances, which shall include the
18 following:

19 (A) A description of any research collabo-
20 ration or data sharing by the Department with
21 the Department of Veterans Affairs, the Agency
22 for Toxic Substances and Disease Registry, or
23 any other agency (as defined in section 551 of
24 title 5, United States Code), State, academic in-

1 stitution, nongovernmental organization, or
2 other entity.

3 (B) Regularly updated information on re-
4 search projects supported or conducted by the
5 Department of Defense pertaining to the devel-
6 opment, testing, and evaluation of a fluorine-
7 free firefighting foam or any other alternative
8 to aqueous film forming foam that contains
9 perfluoroalkyl substances or polyfluoroalkyl sub-
10 stances, excluding any proprietary information
11 that is business confidential.

12 (C) Regularly updated information on re-
13 search projects supported or conducted by the
14 Department pertaining to the health effects of
15 perfluoroalkyl substances or polyfluoroalkyl sub-
16 stances, including information relating to the
17 impact of such substances on firefighters, vet-
18 erans, and military families, and excluding any
19 personally identifiable information.

20 (D) Regularly updated information on re-
21 search projects supported or conducted by the
22 Department pertaining to treatment options for
23 drinking water, surface water, ground water,
24 and the safe disposal of perfluoroalkyl sub-
25 stances or polyfluoroalkyl substances.

1 (E) Budget information, including specific
2 spending information for the research projects
3 relating to perfluoroalkyl substances or
4 polyfluoroalkyl substances that are supported or
5 conducted by the Department.

6 (F) Such other matters as may be relevant
7 to ongoing research projects supported or con-
8 ducted by the Department to address the use of
9 perfluoroalkyl substances or polyfluoroalkyl sub-
10 stances and the health effects of the use of such
11 substances.

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

16 (3) DEFINITIONS.—In this subsection:

17 (A) The term “military installation” in-
18 cludes active, inactive, and former military in-
19 stallations.

20 (B) The term “perfluoroalkyl substance”
21 means a man-made chemical of which all of the
22 carbon atoms are fully fluorinated carbon
23 atoms.

24 (C) The term “polyfluoroalkyl substance”
25 means a man-made chemical containing a mix

1 of fully fluorinated carbon atoms, partially
2 fluorinated carbon atoms, and nonfluorinated
3 carbon atoms.

4 (b) INCLUSION OF RESEARCH DUTIES IN
5 PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL
6 SUBSTANCES TASK FORCE.—Section 2714(e) of title 10,
7 United States Code, is amended by adding at the end the
8 following new paragraphs:

9 “(5) Supporting research efforts relating to
10 perfluoroalkyl substances or polyfluoroalkyl sub-
11 stances.

12 “(6) Establishing practices to ensure the timely
13 and complete dissemination of research findings and
14 related data relating to perfluoroalkyl substances or
15 polyfluoroalkyl substances to the general public.”.

16 **SEC. 342. INCREASE OF TRANSFER AUTHORITY FOR FUND-**
17 **ING OF STUDY AND ASSESSMENT ON HEALTH**
18 **IMPLICATIONS OF PER- AND**
19 **POLYFLUOROALKYL SUBSTANCES CONTAMI-**
20 **NATION IN DRINKING WATER BY AGENCY**
21 **FOR TOXIC SUBSTANCES AND DISEASE REG-**
22 **ISTRY.**

23 Section 316(a)(2)(B) of the National Defense Au-
24 thorization Act for Fiscal Year 2018 (Public Law 115–
25 91; 131 Stat. 1350), as amended by section 315(a) of the

1 John S. McCain National Defense Authorization Act for
2 Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1713),
3 section 321 of the National Defense Authorization Act for
4 Fiscal Year 2020 (Public Law 116–92; 133 Stat. 1307),
5 section 337 of the William M. (Mac) Thornberry National
6 Defense Authorization Act for Fiscal Year 2021 (Public
7 Law 116–283; 134 Stat. 3533), and section 342 of the
8 National Defense Authorization Act for Fiscal Year 2022
9 (Public Law 117–81; 135 Stat. 1643), is further amend-
10 ed—

11 (1) in clause (ii), by striking “2023” and in-
12 serting “2022”; and

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

15 “(iii) Without regard to section 2215 of
16 title 10, United States Code, the Secretary of
17 Defense may transfer not more than
18 \$20,000,000 during fiscal year 2023 to the Sec-
19 retary of Health and Human Services to pay
20 for the study and assessment required by this
21 section.”.

1 **SEC. 343. PRIZES FOR DEVELOPMENT OF NON-PFAS-CON-**
2 **TAINING TURNOUT GEAR.**

3 Section 330 of the National Defense Authorization
4 Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat.
5 3528; 10 U.S.C. 2661 note prec.) is amended—

6 (1) in subsection (a)—

7 (A) by striking “of a non-PFAS-con-
8 taining” and inserting “of the following:”

9 “(1) A non-PFAS-containing”; and

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

12 “(2) Covered personal protective firefighting
13 equipment that does not contain an intentionally
14 added perfluoroalkyl substance or polyfluoroalkyl
15 substance.”; and

16 (2) by amending subsection (f) to read as fol-
17 lows:

18 “(f) **DEFINITIONS.**—In this section:

19 “(1) The term ‘perfluoroalkyl substance’ means
20 a man-made chemical of which all of the carbon
21 atoms are fully fluorinated carbon atoms.

22 “(2) The term ‘polyfluoroalkyl substance’
23 means a man-made chemical containing at least one
24 fully fluorinated carbon atom and at least one non-
25 fully fluorinated carbon atom.

1 “(3) The term ‘covered personal protective fire-
2 fighting equipment’ means the following:

3 “(A) Turnout gear jacket or coat.

4 “(B) Turnout gear pants.

5 “(C) Turnout coveralls.

6 “(D) Any other personal protective fire-
7 fighting equipment, as determined by the Sec-
8 retary of Defense, in consultation with the Ad-
9 ministrator of the United States Fire Adminis-
10 tration.”.

11 **SEC. 344. MODIFICATION OF LIMITATION ON DISCLOSURE**
12 **OF RESULTS OF TESTING FOR**
13 **PERFLUOROALKYL OR POLYFLUOROALKYL**
14 **SUBSTANCES ON PRIVATE PROPERTY.**

15 Section 345(a)(2) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2022 (Public Law 117–81; 10
17 U.S.C. 2715 note) is amended by inserting “personally
18 identifiable information in connection with” after “pub-
19 licly disclose”.

1 **SEC. 345. RESTRICTION ON PROCUREMENT OR PUR-**
2 **CHASING BY DEPARTMENT OF DEFENSE OF**
3 **TURNOUT GEAR FOR FIREFIGHTERS CON-**
4 **TAINING PERFLUOROALKYL SUBSTANCES OR**
5 **POLYFLUOROALKYL SUBSTANCES.**

6 (a) PROHIBITION ON PROCUREMENT AND PUR-
7 CHASING.—Subject to subsection (d), beginning on Octo-
8 ber 1, 2026, the Secretary of Defense may not enter into
9 a contract to procure or purchase covered personal protec-
10 tive firefighting equipment for use by Federal or civilian
11 firefighters if such equipment contains an intentionally
12 added perfluoroalkyl substance or polyfluoroalkyl sub-
13 stance.

14 (b) IMPLEMENTATION.—

15 (1) INCLUSION IN CONTRACTS.—The Secretary
16 of Defense shall include the prohibition under sub-
17 section (a) in any contract entered into by the De-
18 partment of Defense to procure covered personal
19 protective firefighting equipment for use by Federal
20 or civilian firefighters.

21 (2) NO OBLIGATION TO TEST.—In carrying out
22 the prohibition under subsection (a), the Secretary
23 shall not have an obligation to test covered personal
24 protective firefighting equipment to confirm the ab-
25 sence of perfluoroalkyl substances or polyfluoroalkyl
26 substances.

1 (c) EXISTING INVENTORY.—Nothing in this section
2 shall impact existing inventories of covered personal pro-
3 tective firefighting equipment.

4 (d) AVAILABILITY OF ALTERNATIVES.—

5 (1) IN GENERAL.—The requirement under sub-
6 section (a) shall be subject to the availability of suf-
7 ficiently protective covered personal protective fire-
8 fighting equipment that does not contain inten-
9 tionally added perfluoroalkyl substances or
10 polyfluoroalkyl substances.

11 (2) EXTENSION OF EFFECTIVE DATE.—If the
12 Secretary of Defense determines that no sufficiently
13 protective covered personal protective firefighting
14 equipment that does not contain intentionally added
15 perfluoroalkyl substances or polyfluoroalkyl sub-
16 stances is available, the deadline under subsection
17 (a) shall be extended until the Secretary determines
18 that such covered personal protective firefighting
19 equipment is available.

20 (e) DEFINITIONS.—In this section:

21 (1) The term “covered personal protective fire-
22 fighting equipment” means—

23 (A) any product that provides protection to
24 the upper and lower torso, arms, legs, head,
25 hands, and feet; or

1 (B) any other personal protective fire-
2 fighting equipment, as determined by the Sec-
3 retary of Defense.

4 (2) The term “perfluoroalkyl substance” means
5 a man-made chemical of which all of the carbon
6 atoms are fully fluorinated carbon atoms.

7 (3) The term “polyfluoroalkyl substance”
8 means a man-made chemical containing at least one
9 fully fluorinated carbon atom and at least one non-
10 fully fluorinated carbon atom.

11 **SEC. 346. ANNUAL REPORT ON PFAS CONTAMINATION AT**
12 **CERTAIN MILITARY INSTALLATIONS FROM**
13 **SOURCES OTHER THAN AQUEOUS FILM-**
14 **FORMING FOAM.**

15 Not later than one year after the date of the enact-
16 ment of this Act, and annually thereafter for the following
17 four years, the Under Secretary of Defense for Acquisition
18 and Sustainment shall submit to the congressional defense
19 committees a report on any known or suspected contami-
20 nation on or around military installations located in the
21 United States resulting from the release of any
22 perfluoroalkyl substance or polyfluoroalkyl substance orig-
23 inating from a source other than aqueous film-forming
24 foam.

1 **SEC. 347. REPORT ON CRITICAL PFAS USES; BRIEFINGS ON**
2 **DEPARTMENT OF DEFENSE PROCUREMENT**
3 **OF CERTAIN ITEMS CONTAINING PFOS OR**
4 **PFOA.**

5 (a) IDENTIFICATION OF CRITICAL USES.—Not later
6 than June 1, 2023, the Secretary of Defense, in consulta-
7 tion with the Defense Critical Supply Chain Task Force
8 and the Chemical and Material Risk Management Pro-
9 gram of the Department of Defense, shall submit to the
10 Committees on Armed Services of the House of Represent-
11 atives and the Senate a report outlining the uses of
12 perfluoroalkyl substances and polyfluoroalkyl substances
13 that are critical to the national security of the United
14 States, with a focus on such critical uses in—

15 (1) the sectors outlined in the February 2022
16 report of the Department of Defense titled “Secur-
17 ing Defense-Critical Supply Chains”; and

18 (2) sectors of strategic importance for domestic
19 production and investment to build supply chain re-
20 siliance, including kinetic capabilities, energy storage
21 and batteries, and microelectronics and semiconduc-
22 tors.

23 (b) ANNUAL BRIEFINGS.—Not later than 270 days
24 after the date of the enactment of this Act, and annually
25 thereafter, the Secretary of Defense shall provide to the
26 Committees on Armed Services of the House of Represent-

1 atives and the Senate a briefing that includes a description
2 of each of the following:

3 (1) Steps taken to identify covered items pro-
4 cured by the Department of Defense that contain
5 perfluorooctane sulfonate (PFOS) or
6 perfluorooctanoic acid (PFOA).

7 (2) Steps taken to identify products and ven-
8 dors of covered items that do not contain PFOS or
9 PFOA.

10 (3) Steps taken to limit the procurement by the
11 Department of covered items that contain PFOS or
12 PFOA.

13 (4) Steps the Secretary intends to take to limit
14 the procurement of covered items that contain
15 PFOS or PFOA.

16 (c) COVERED ITEM DEFINED.—In this section, the
17 term “covered item” means—

18 (1) nonstick cookware or cooking utensils for
19 use in galleys or dining facilities; and

20 (2) upholstered furniture, carpets, and rugs
21 that have been treated with stain-resistant coatings.

1 **Subtitle E—Logistics and**
2 **Sustainment**

3 **SEC. 351. RESOURCES REQUIRED FOR ACHIEVING MATE-**
4 **RIEL READINESS METRICS AND OBJECTIVES**
5 **FOR MAJOR DEFENSE ACQUISITION PRO-**
6 **GRAMS.**

7 (a) IN GENERAL.—Section 118 of title 10, United
8 States Code, is amended:

9 (1) in subsection (d)(2), by striking “objec-
10 tives” and inserting “objectives, such as infrastruc-
11 ture, workforce, or supply chain considerations”;

12 (2) redesignating subsection (e) as subsection
13 (f); and

14 (3) inserting after subsection (d) the following
15 new subsection (e):

16 “(e) FUNDING ESTIMATES.—Not later than five days
17 after the date on which the Secretary of Defense submits
18 to Congress the materials in support of the budget of the
19 President for a fiscal year, the Director of Cost Assess-
20 ment and Performance Evaluation shall submit to the con-
21 gressional defense committees a comprehensive estimate
22 of the funds necessary to meet the materiel readiness ob-
23 jectives required by subsection (c) through the period cov-
24 ered by the most recent future-years defense program. At
25 a minimum, the Director shall provide, for each major

1 weapon system, by designated mission design series, vari-
2 ant, or class, a comprehensive estimate of the funds nec-
3 essary to meet such objectives that—

4 “(1) have been obligated by subactivity group
5 within the operation and maintenance accounts for
6 the second fiscal year preceding the budget year;

7 “(2) the Director estimates will have been obli-
8 gated by subactivity group within the operation and
9 maintenance accounts by the end of the fiscal year
10 preceding the budget year; and

11 “(3) have been budgeted and programmed
12 across the future years defense program within the
13 operation and maintenance accounts by subactivity
14 group.”.

15 (b) PHASED IMPLEMENTATION.—The Director of
16 Cost Assessment and Performance Evaluation may meet
17 the requirements of subsection (e) of section 118 of title
18 10, United States Code, as added by subsection (a),
19 through a phased submission of the funding estimates re-
20 quired under such subsection. In conducting a phased im-
21 plementation, the Director shall ensure that—

22 (1) for the budget request for fiscal year 2024,
23 funding estimates are provided for a representative
24 sample by military department of at least one-third
25 of the major weapon systems;

1 (2) for the budget request for fiscal year 2025,
2 funding estimates are provided for an additional
3 one-third of the major weapon systems; and

4 (3) full implementation for all major weapons
5 systems is completed not later than five days after
6 the date on which the Secretary of Defense submits
7 to Congress the materials in support of the budget
8 of the President for fiscal year 2026.

9 **SEC. 352. ANNUAL PLAN FOR MAINTENANCE AND MOD-**
10 **ERNIZATION OF NAVAL VESSELS.**

11 (a) ANNUAL PLAN.—Section 231 of title 10, United
12 States Code, is amended—

13 (1) in the heading, by inserting “, **mainte-**
14 **nance, and modernization**” after “**con-**
15 **struction**”;

16 (2) by redesignating subsections (d) through (f)
17 as subsections (e) through (g), respectively;

18 (3) by inserting after subsection (c) the fol-
19 lowing new subsection:

20 “(d) ANNUAL PLAN FOR MAINTENANCE AND MOD-
21 ERNIZATION OF NAVAL VESSELS.—In addition to the plan
22 included under subsection (a)(1), the Secretary of Defense
23 shall include with the defense budget materials for a fiscal
24 year each of the following:

1 “(1) A plan for the maintenance and mod-
2 ernization of naval vessels that includes the fol-
3 lowing:

4 “(A) A forecast of the maintenance and
5 modernization requirements for both the naval
6 vessels in the inventory of the Navy and the
7 vessels required to be delivered under the naval
8 vessel construction plan under subsection
9 (a)(1).

10 “(B) A description of the initiatives of the
11 Secretary of the Navy to ensure that activities
12 key to facilitating the maintenance and mod-
13 ernization of naval vessels (including with re-
14 spect to increasing workforce and industrial
15 base capability and capacity, shipyard level-
16 loading, and facility improvements) receive suf-
17 ficient resourcing, and are including in appro-
18 priate planning, to facilitate the requirements
19 specified in subparagraph (A).

20 “(2) A certification by the Secretary that both
21 the budget for that fiscal year and the future-years
22 defense program submitted to Congress in relation
23 to such budget under section 221 of this title pro-
24 vide for funding for the maintenance and moderniza-
25 tion of naval vessels at a level that is sufficient for

1 such maintenance and modernization in accordance
2 with the plan under paragraph (1).”; and

3 (4) in subsection (f), as redesignated by para-
4 graph (2), by inserting “ and the plan and certifi-
5 cation under subsection (d)” after “subsection (a)”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 9 of title 10, United States
8 Code, is amended by striking the item relating to section
9 231 and inserting the following new item:

“231. Budgeting for construction, maintenance, and modernization of naval ves-
sels: annual plan and certification.”.

10 **SEC. 353. INCLUSION OF INFORMATION REGARDING JOINT**
11 **MEDICAL ESTIMATES IN READINESS RE-**
12 **PORTS.**

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

15 (1) by redesignating paragraph (11) as para-
16 graph (12); and

17 (2) by inserting after paragraph (10) the fol-
18 lowing new paragraph:

19 “(11) A summary of the joint medical estimate
20 under section 732(b)(1) of the John S. McCain Na-
21 tional Defense Authorization Act for Fiscal Year
22 2019 (Public Law 115–232; 132 Stat. 1817) pre-
23 pared by the Joint Staff Surgeon, with a mitigation
24 plan to correct any readiness problem or deficiency

1 and the timeline, cost, and any legislative action re-
2 quired to correct any such problem or deficiency.”.

3 **SEC. 354. INAPPLICABILITY OF ADVANCE BILLING DOLLAR**
4 **LIMITATION FOR RELIEF EFFORTS FOL-**
5 **LOWING MAJOR DISASTERS OR EMER-**
6 **GENCIES.**

7 Section 2208(l)(3) of title 10, United States Code,
8 is amended—

9 (1) by striking “The total” and inserting “(A)
10 Except as provided in subparagraph (B), the total”;
11 and

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

14 “(B) The dollar limitation under subparagraph (A)
15 shall not apply with respect to advance billing for relief
16 efforts following a declaration of a major disaster or emer-
17 gency under the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5121 et seq.).”.

19 **SEC. 355. REPEAL OF COMPTROLLER GENERAL REVIEW ON**
20 **TIME LIMITATIONS ON DURATION OF PUB-**
21 **LIC-PRIVATE COMPETITIONS.**

22 Section 322(c) of the National Defense Authorization
23 Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat.
24 2252) is repealed.

1 **SEC. 356. IMPLEMENTATION OF COMPTROLLER GENERAL**
2 **RECOMMENDATIONS REGARDING SHIPYARD**
3 **INFRASTRUCTURE OPTIMIZATION PLAN OF**
4 **THE NAVY.**

5 (a) IN GENERAL.—Not later than March 1, 2023, the
6 Secretary of the Navy shall—

7 (1) develop metrics for assessing progress of the
8 Secretary toward improved shipyard capacity and
9 performance in carrying out the Shipyard Infra-
10 structure Optimization Plan of the Navy, including
11 by measuring the effectiveness of capital invest-
12 ments;

13 (2) ensure that the shipyard optimization pro-
14 gram office of the Navy—

15 (A) includes all costs, such as inflation,
16 program office activities, utilities, roads, envi-
17 ronmental remediation, historic preservation,
18 and alternative workspace when developing a
19 detailed cost estimate; and

20 (B) uses cost estimating best practices in
21 developing a detailed cost estimate, including—

22 (i) a program baseline;

23 (ii) a work breakdown structure;

24 (iii) a description of the methodology
25 and key assumptions;

26 (iv) a consideration of inflation;

1 (v) a full assessment of risk and un-
2 certainty; and

3 (vi) a sensitivity analysis; and

4 (3) obtain independent cost estimates for
5 projects under the shipyard optimization program
6 that are estimated to exceed \$250,000,000, to vali-
7 date the cost estimates of the Navy developed for
8 such projects pursuant to paragraph (2) and inform
9 the prioritization of projects under such program.

10 (b) BRIEFING.—If the Secretary of the Navy is un-
11 able to implement the requirements under subsection (a)
12 by March 1, 2023, the Secretary shall brief the Commit-
13 tees on Armed Services of the Senate and the House of
14 Representatives before such date on—

15 (1) the current progress of the Secretary to-
16 ward implementing those requirements;

17 (2) any hindrance to implementing those re-
18 quirements; and

19 (3) any additional resources necessary to imple-
20 ment those requirements.

21 **SEC. 357. LIMITATION ON AVAILABILITY OF FUNDS FOR**
22 **MILITARY INFORMATION SUPPORT OPER-**
23 **ATIONS.**

24 Of the funds authorized to be appropriated by this
25 Act or otherwise made available for Operation and Mainte-

1 nance, Defense-Wide, for military information support op-
2 erations, not more than 75 percent may be obligated or
3 expended until the Secretary of Defense submits to the
4 congressional defense committees a plan for—

5 (1) appropriately scoping and tailoring mes-
6 saging activities to foreign target audiences;

7 (2) ensuring messages serve a valid military
8 purpose;

9 (3) effectively managing risk associated with
10 web-based military information support operations;

11 (4) maintaining alignment with policies and
12 procedures of the Department of Defense;

13 (5) adequately overseeing and approving the
14 work of contractors;

15 (6) ensuring alignment with policy guidance
16 and procedures of the Department; and

17 (7) coordinating activities with the Global En-
18 gagement Center of the Department of State and
19 other relevant non-Department of Defense entities.

20 **SEC. 358. NOTIFICATION OF MODIFICATION TO POLICY RE-**
21 **GARDING RETENTION RATES FOR NAVY SHIP**
22 **REPAIR CONTRACTS.**

23 (a) NOTIFICATION.—The Secretary of the Navy may
24 not modify the general policy of the Department of the
25 Navy regarding retention rates for contracts for Navy ship

1 repair until a period of 15 days has elapsed following the
2 date on which the Assistant Secretary of the Navy for Re-
3 search, Development, and Acquisition submits to the con-
4 gressional defense committees a notification that includes,
5 with respect to such modification, the following informa-
6 tion:

7 (1) An identification of any considerations that
8 informed the decision to so modify.

9 (2) A description of the desired effect of the
10 modification on the Navy ship repair industrial base.

11 (b) TERMINATION.—This section, and the require-
12 ments thereof, shall terminate on September 30, 2025.

13 **SEC. 359. RESEARCH AND ANALYSIS ON CAPACITY OF PRI-**
14 **VATE SHIPYARDS IN UNITED STATES AND EF-**
15 **FECT OF THOSE SHIPYARDS ON NAVAL**
16 **FLEET READINESS.**

17 (a) IN GENERAL.—Not later than 60 days after the
18 date of the enactment of this Act, the Secretary of the
19 Navy shall seek to enter into an agreement with a non-
20 profit entity or a federally funded research and develop-
21 ment center to conduct research and analysis regarding
22 the capacity and capability of private shipyards in the
23 United States to repair, maintain, and modernize surface
24 combatants and support ships of the Navy to ensure fleet
25 readiness.

1 (b) ELEMENTS.—The research and analysis con-
2 ducted under subsection (a) shall include the following:

3 (1) An assessment of the maintenance needs of
4 the Navy during the five-year period preceding the
5 date of the enactment of this Act, including the fre-
6 quency of unplanned maintenance and the average
7 time it takes to repair ships.

8 (2) An assessment of the projected maintenance
9 needs of the Navy during the 10-year period fol-
10 lowing such date of enactment.

11 (3) An assessment of whether current private
12 shipyards in the United States have the capacity to
13 meet current and anticipated needs of the Navy to
14 maintain and repair ships, including whether there
15 are adequate ship repair facilities and a sufficiently
16 trained workforce.

17 (4) An identification of barriers limiting the
18 success of intermediate-level and depot-level mainte-
19 nance availabilities, including constraints of adding
20 private depot capacity and capability.

21 (5) Recommendations based on the findings of
22 paragraphs (1) through (4) regarding actions the
23 Secretary of the Navy can take to ensure there is an
24 industrial base of private ship repair facilities to
25 meet the needs of the Navy and ensure fleet readi-

1 ness, including whether the Secretary should insti-
2 tute a new force generation model, establish addi-
3 tional homeport facilities, or establish new hub-type
4 maintenance facilities.

5 (c) INPUT FROM PRIVATE SHIPYARDS.—In con-
6 ducting research and analysis under subsection (a), the
7 nonprofit entity or federally funded research and develop-
8 ment center with which the Secretary of the Navy enters
9 into an agreement under subsection (a) shall consult with
10 private shipyards regarding—

11 (1) the fleet maintenance needs of surface com-
12 batant and support ships of the Navy;

13 (2) private shipyard capacity, including work-
14 force; and

15 (3) additional investment in private shipyards
16 necessary to meet the needs of the Navy.

17 (d) REPORT.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the enactment of this Act, the non-
20 profit entity or federally funded research and devel-
21 opment center with which the Secretary of the Navy
22 enters into an agreement under subsection (a) shall
23 submit to the Secretary a report on the results of
24 the research and analysis undertaken under such
25 subsection.

1 (2) SUBMISSION TO CONGRESS.—Not later than
2 30 days after the Secretary receives the report under
3 paragraph (1), the Secretary shall submit to the
4 congressional defense committees a copy of the re-
5 port.

6 **SEC. 360. INDEPENDENT STUDY RELATING TO FUEL DIS-**
7 **TRIBUTION LOGISTICS ACROSS UNITED**
8 **STATES INDO-PACIFIC COMMAND.**

9 (a) STUDY.—Not later than 30 days after the date
10 of the enactment of this Act, the Secretary of Defense
11 shall seek to enter into a contract with a federally funded
12 research and development center that meets the criteria
13 under subsection (b) to conduct a study on fuel distribu-
14 tion logistics in the area of responsibility of the United
15 States Indo-Pacific Command.

16 (b) CRITERIA FOR FFRDC.—The criteria under this
17 subsection are the following:

18 (1) A primary focus on the conduct of studies
19 and analysis.

20 (2) A demonstrated record of conducting re-
21 search and analysis using a multidisciplinary ap-
22 proach.

23 (3) A strong reputation for publishing publicly
24 releasable analysis to inform public debate.

1 (c) IDA STRATEGIC FUEL ASSESSMENT.—In con-
2 ducting the study pursuant to a contract under subsection
3 (a), the federally funded research and development center
4 shall use the results of the July 1, 2020, report of the
5 Institute for Defense Analyses titled “INDOPACOM
6 Strategic Fuel Assessment” as a baseline to inform its
7 analysis of fuel distribution logistics in the area of respon-
8 sibility of the United States Indo-Pacific Command.

9 (d) ELEMENTS.—A contract under subsection (a)
10 shall provide that a study conducted under the contract
11 shall include, with respect to the area of responsibility of
12 the United States Indo-Pacific Command, the following:

13 (1) An evaluation of the vulnerabilities associ-
14 ated with the production, refinement, and distribu-
15 tion of fuel by the Armed Forces during periods of
16 conflict and in contested logistics environments with-
17 in the area, including with respect to the capability
18 of the Armed Forces to sustain operational flights
19 by aircraft and joint force distributed operations.

20 (2) An assessment of potential adversary capa-
21 bilities to disrupt such fuel distribution in the area
22 through a variety of means, including financial
23 means, cyber means, and conventional kinetic at-
24 tacks.

1 (3) An assessment of any gaps in the capability
2 or capacity of inter- or intra-theater fuel distribu-
3 tion, including any gaps relating to storage, transfer
4 platforms, manning for platforms, command and
5 control, or fuel handling.

6 (4) An evaluation of the positioning of defense
7 fuel support points in the area, including with re-
8 spect to operational suitability and vulnerability to a
9 variety of kinetic threats.

10 (5) An assessment of the readiness of allies and
11 partners of the United States to support the supply,
12 storage, and distribution of fuel by the Armed
13 Forces in the area, including a review of any rel-
14 evant security cooperation agreements entered into
15 between the United States and such allies and part-
16 ners.

17 (6) An assessment of potential actions to miti-
18 gate any vulnerabilities identified pursuant to the
19 study.

20 (e) REPORT.—

21 (1) SUBMISSION TO SECRETARY OF DE-
22 FENSE.—

23 (A) IN GENERAL.—A contract under sub-
24 section (a) shall provide that a study conducted
25 under the contract shall require that the feder-

1 ally funded research and development center
2 submit to the Secretary a report containing the
3 findings of such study.

4 (B) FORM.—The report under subpara-
5 graph (A) shall be submitted in an unclassified
6 and publicly releasable form, but may include a
7 classified annex.

8 (2) SUBMISSION TO CONGRESS.—Not later than
9 30 days after the date on which the Secretary re-
10 ceives the report under paragraph (1)(A), the Sec-
11 retary shall submit to the appropriate congressional
12 committees a copy of such report, submitted without
13 change.

14 (f) DEFINITIONS.—In this section:

15 (1) The term “appropriate congressional com-
16 mittees” means—

17 (A) the congressional defense committees;

18 (B) the Committee on Transportation and
19 Infrastructure of the House of Representatives;
20 and

21 (C) the Committee on Commerce, Science,
22 and Transportation of the Senate.

23 (2) The term “contested logistics environment”
24 has the meaning given such term in section 2926 of
25 title 10, United States Code.

1 **SEC. 361. QUARTERLY BRIEFINGS ON EXPENDITURES FOR**
2 **ESTABLISHMENT OF FUEL DISTRIBUTION**
3 **POINTS IN UNITED STATES INDO-PACIFIC**
4 **COMMAND AREA OF RESPONSIBILITY.**

5 (a) QUARTERLY BRIEFINGS.—On a quarterly basis
6 until the date that is two years after the date of the enact-
7 ment of this Act, the Commander of United States Indo-
8 Pacific Command shall provide to the congressional de-
9 fense committees briefings on the use of the funds de-
10 scribed in subsection (c).

11 (b) CONTENTS OF BRIEFINGS.—Each briefing under
12 subsection (a) shall include an expenditure plan for the
13 establishment of fuel distribution points in the area of re-
14 sponsibility of United States Indo-Pacific Command relat-
15 ing to the defueling and closure of the Red Hill Bulk Fuel
16 Storage Facility.

17 (c) FUNDS DESCRIBED.—The funds described in this
18 subsection are the amounts authorized to be appropriated
19 or otherwise made available for fiscal year 2023 for Mili-
20 tary Construction, Defense-wide for Planning and Design
21 for United States Indo-Pacific Command.

1 **Subtitle F—Matters Relating to De-**
2 **pots and Ammunition Produc-**
3 **tion Facilities**

4 **SEC. 371. BUDGETING FOR DEPOT AND AMMUNITION PRO-**
5 **DUCTION FACILITY MAINTENANCE AND RE-**
6 **PAIR: ANNUAL REPORT.**

7 Chapter 9 of title 10, United States Code, is amended
8 by adding at the end the following new section (and con-
9 forming the table of sections at the beginning of such
10 chapter accordingly):

11 **“§ 239d. Budgeting for depot and ammunition pro-**
12 **duction facility maintenance and repair:**
13 **annual report**

14 “(a) ANNUAL REPORT.—The Secretary of Defense,
15 in coordination with the Secretaries of the military depart-
16 ments, shall include with the defense budget materials for
17 each fiscal year a report regarding the maintenance and
18 repair of covered facilities.

19 “(b) ELEMENTS.—Each report required under sub-
20 section (a) shall include, at a minimum, the following
21 (disaggregated by military department):

22 “(1) With respect to each of the three fiscal
23 years preceding the fiscal year covered by the de-
24 fense budget materials with which the report is in-
25 cluded, revenue data for that fiscal year for the

1 maintenance, repair, and overhaul workload funded
2 at all the depots of the military department.

3 “(2) With respect to the fiscal year covered by
4 the defense budget materials with which the report
5 is included and each of the two fiscal years prior, an
6 identification of the following:

7 “(A) The amount of appropriations budg-
8 eted for that fiscal year for depots, further
9 disaggregated by the type of appropriation.

10 “(B) The amount budgeted for that fiscal
11 year for working-capital fund investments by
12 the Secretary of the military department for the
13 capital budgets of the covered depots of the
14 military department, shown in total and further
15 disaggregated by whether the investment relates
16 to the efficiency of depot facilities, work envi-
17 ronment, equipment, equipment (non-capital in-
18 vestment program), or processes.

19 “(C) The total amount required to be in-
20 vested by the Secretary of the military depart-
21 ment for that fiscal year for the capital budgets
22 of covered depots pursuant to section 2476(a)
23 of this title.

24 “(D) A comparison of the budgeted
25 amount identified under subparagraph (B) with

1 the total required amount identified under sub-
2 paragraph (C).

3 “(E) For each covered depot of the mili-
4 tary department, of the total required amount
5 identified under subparagraph (C), the percent-
6 age of such amount allocated, or projected to be
7 allocated, to the covered depot for that fiscal
8 year.

9 “(3) For each covered facility of the military
10 department, the following:

11 “(A) Information on the average facility
12 condition, average critical facility condition, res-
13 toration and maintenance project backlog, and
14 average equipment age, including a description
15 of any changes in such metrics from previous
16 years.

17 “(B) Information on the status of the im-
18 plementation at the covered facility of the plans
19 and strategies of the Department of Defense re-
20 lating to covered facility improvement, includ-
21 ing, as applicable, the implementation of the
22 strategy required under section 359 of the Na-
23 tional Defense Authorization Act for Fiscal
24 Year 2020 (Public Law 116–92; 133 Stat.
25 1323; 10 U.S.C. 2460 note).

1 “(c) DEFINITIONS.—In this section:

2 “(1) The term ‘ammunition production facility’
3 means an ammunition organic industrial base pro-
4 duction facility.

5 “(2) The terms ‘budget’ and ‘defense budget
6 materials’ have the meaning given those terms in
7 section 234 of this title.

8 “(3) The term ‘covered depot’ has the meaning
9 given that term in section 2476 of this title.

10 “(4) The term ‘covered facility’ means a cov-
11 ered depot or an ammunition production facility.”.

12 **SEC. 372. EXTENSION OF AUTHORIZATION OF DEPOT**
13 **WORKING CAPITAL FUNDS FOR UNSPECIFIED**
14 **MINOR MILITARY CONSTRUCTION.**

15 Section 2208(u)(4) of title 10, United States Code,
16 is amended by striking “2023” and inserting “2025”.

17 **SEC. 373. FIVE-YEAR PLANS FOR IMPROVEMENTS TO**
18 **DEPOT AND AMMUNITION PRODUCTION FA-**
19 **CILITY INFRASTRUCTURE.**

20 Chapter 146 of title 10, United States Code, is
21 amended by inserting after section 2742 the following new
22 section (and conforming the table of sections at the begin-
23 ning of such chapter accordingly):

1 **“§ 2473. Annual five-year plans on improvement of**
2 **depot infrastructure**

3 “(a) SUBMISSION.—As part of the annual budget
4 submission of the President under section 1105(a) of title
5 31, each Secretary of a military department shall submit
6 to the congressional defense committees a plan describing
7 the objectives of that Secretary to improve depot infra-
8 structure during the five fiscal years following the fiscal
9 year for which such budget is submitted.

10 “(b) ELEMENTS.—Each plan submitted by a Sec-
11 retary of a military department under subsection (a) shall
12 include the following:

13 “(1) With respect to the five-year period cov-
14 ered by the plan, an identification of the major lines
15 of effort, milestones, and specific goals of the Sec-
16 retary over such period relating to the improvement
17 of depot infrastructure and a description of how
18 such goals support the goals outlined in section
19 359(b)(1)(B) of the National Defense Authorization
20 Act for Fiscal Year 2020 (Public Law 116–92; 133
21 Stat. 1324; 10 U.S.C. 2476 note).

22 “(2) The estimated costs of necessary depot in-
23 frastructure improvements and a description of how
24 such costs would be addressed by the Department of
25 Defense budget request submitted during the same

1 year as the plan and the applicable future-years de-
2 fense program.

3 “(3) Information regarding the plan of the Sec-
4 retary to initiate such environmental and engineer-
5 ing studies as may be necessary to carry out planned
6 depot infrastructure improvements.

7 “(4) Detailed information regarding how depot
8 infrastructure improvement projects will be paced
9 and sequenced to ensure continuous operations.

10 “(c) INCORPORATION OF RESULTS-ORIENTED MAN-
11 AGEMENT PRACTICES.—Each plan under subsection (a)
12 shall incorporate the leading results-oriented management
13 practices identified in the report of the Comptroller Gen-
14 eral of the United States titled ‘Actions Needed to Im-
15 prove Poor Conditions of Facilities and Equipment that
16 Affect Maintenance Timeliness and Efficiency’ (GAO–19–
17 242), or any successor report, including—

18 “(1) analytically based goals;

19 “(2) results-oriented metrics;

20 “(3) the identification of required resources,
21 risks, and stakeholders; and

22 “(4) regular reporting on progress to decision
23 makers.”.

1 **SEC. 374. MODIFICATION TO MINIMUM CAPITAL INVEST-**
2 **MENT FOR CERTAIN DEPOTS.**

3 (a) MODIFICATION.—Section 2476 of title 10, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) by striking “Each fiscal year” and in-
7 serting “(1) Each fiscal year”;

8 (B) by striking “six” and inserting
9 “eight”; and

10 (C) by inserting after paragraph (1), as
11 designated by subparagraph (A), the following
12 new paragraph:

13 “(2) Of the amount required to be invested in the
14 capital budgets of the covered depots of a military depart-
15 ment under paragraph (1) for each fiscal year—

16 “(A) 75 percent shall be used for the mod-
17 ernization or improvement of the efficiency of depot
18 facilities, equipment, work environment, or processes
19 in direct support of depot operations; and

20 “(B) 25 percent shall be used for the
21 sustainment, restoration, and modernization (as
22 such terms are defined in the Department of De-
23 fense Financial Management Regulation 7000.14–R,
24 or successor regulation) of existing facilities or infra-
25 structure.”;

1 (2) in subsection (b), by striking “, but does
2 not include funds spent for sustainment of existing
3 facilities, infrastructure, or equipment”;

4 (3) by redesignating subsections (e) through (e)
5 as subsections (d) through (f);

6 (4) by inserting after subsection (b) the fol-
7 lowing new subsection:

8 “(c) COMPLIANCE WITH CERTAIN REQUIREMENTS
9 RELATING TO PERSONNEL AND TOTAL FORCE MANAGE-
10 MENT.—In identifying amounts to invest pursuant to the
11 requirement under subsection (a)(1), the Secretary of a
12 military department shall comply with all applicable re-
13 quirements of sections 129 and 129a of this title.”; and

14 (5) in subsection (e)(2), as redesignated by
15 paragraph (3), by adding at the end the following
16 new subparagraph:

17 “(F) A table enumerating, for the period cov-
18 ered by the report, the amounts invested to meet the
19 requirement under subsection (a)(1), disaggregated
20 by funding source and whether the amount is allo-
21 cated pursuant to subparagraph (A) or subpara-
22 graph (B) of subsection (a)(2).”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

24 (1) IN GENERAL.—Such section is further
25 amended in subsections (d) and (e), as redesignated

1 by subsection (a)(3), by striking “subsection (a)”
2 and inserting “subsection (a)(1)” each place it ap-
3 pears.

4 (2) ADDITIONAL TECHNICAL AND CONFORMING
5 AMENDMENTS.—Section 2861(b) of title 10, United
6 States Code, is amended—

7 (A) by striking “subsection (e) of section
8 2476” and inserting “subsection (f) of section
9 2476”; and

10 (B) by striking “subsection (a) of such sec-
11 tion” and inserting “subsection (a)(1) of such
12 section”.

13 (c) APPLICABILITY.—The amendments made by this
14 section shall apply with respect to fiscal years beginning
15 on or after October 1, 2023.

16 **SEC. 375. CONTINUATION OF REQUIREMENT FOR BIENNIAL**
17 **REPORT ON CORE DEPOT-LEVEL MAINTEN-**
18 **NANCE AND REPAIR.**

19 (a) IN GENERAL.—Section 1080(a) of the National
20 Defense Authorization Act for Fiscal Year 2016 (Public
21 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
22 not apply to the report required to be submitted to Con-
23 gress under section 2464(d) of title 10, United States
24 Code.

1 (b) CONFORMING REPEAL.—Section 1061(c) of the
2 National Defense Authorization Act for Fiscal Year 2017
3 (Public Law 114–328; 130 Stat. 2401; 10 U.S.C. 111
4 note) is amended by striking paragraph (45).

5 **SEC. 376. CONTINUATION OF REQUIREMENT FOR ANNUAL**
6 **REPORT ON FUNDS EXPENDED FOR PER-**
7 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**
8 **AND REPAIR WORKLOADS.**

9 (a) IN GENERAL.—Section 1080(a) of the National
10 Defense Authorization Act for Fiscal Year 2016 (Public
11 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
12 not apply to the report required to be submitted to Con-
13 gress under section 2466(d) of title 10, United States
14 Code.

15 (b) CONFORMING REPEAL.—Section 1061(c) of the
16 National Defense Authorization Act for Fiscal Year 2017
17 (Public Law 114–328; 130 Stat. 2401; 10 U.S.C. 111
18 note) is amended by striking paragraph (46).

19 **SEC. 377. CLARIFICATION OF CALCULATION FOR CERTAIN**
20 **WORKLOAD CARRYOVER OF DEPARTMENT**
21 **OF THE ARMY.**

22 For purposes of calculating the amount of workload
23 carryover with respect to the depots and arsenals of the
24 Department of the Army, the Secretary of Defense shall
25 authorize the Secretary of the Army to use a calculation

1 for such carryover that applies a material end of period
2 exclusion.

3 **Subtitle G—Other Matters**

4 **SEC. 381. ANNUAL REPORTS BY DEPUTY SECRETARY OF** 5 **DEFENSE ON ACTIVITIES OF JOINT SAFETY** 6 **COUNCIL.**

7 Section 184(k) of title 10, United States Code is
8 amended—

9 (1) by striking “REPORT.—The Chair” and in-
10 sserting “REPORTS.—(1) The Chair”; and

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

13 “(2) Not later than March 31, 2023, and not later
14 than December 31 of each year thereafter, the Deputy
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a report containing—

17 “(A) a summary of the goals and priorities of
18 the Deputy Secretary for the year following the date
19 of the submission of the report with respect to the
20 activities of the Council; and

21 “(B) an assessment by the Deputy Secretary of
22 the activities of the Council carried out during the
23 year preceding the date of such submission.”.

1 **SEC. 382. ACCOUNTABILITY FOR DEPARTMENT OF DE-**
2 **FENSE CONTRACTORS USING MILITARY**
3 **WORKING DOGS.**

4 (a) IN GENERAL.—Chapter 50 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section (and conforming the table of sections
7 at the beginning of such chapter accordingly):

8 **“§ 995. Accountability for contractors using military**
9 **working dogs**

10 “(a) ANNUAL REPORTING REQUIREMENT FOR CON-
11 TRACTORS.—Each covered contract shall specify that the
12 contractor is required to submit to the Under Secretary
13 of Defense (Comptroller), on an annual basis for the dura-
14 tion of the covered contract, a report containing an identi-
15 fication of—

16 “(1) the number of military working dogs that
17 are in the possession of the covered contractor and
18 located outside of the continental United States in
19 support of a military operation, if any; and

20 “(2) the primary location of any such military
21 working dogs.

22 “(b) COVERED CONTRACT DEFINED.—In this section
23 the term ‘covered contract’ means a contract that the Sec-
24 retary of Defense determines involves military working
25 dogs.”.

1 (b) APPLICABILITY.—Section 995 of title 10, United
2 States Code, as added by subsection (a), shall apply with
3 respect to a contract entered into on or after the date of
4 the enactment of this Act.

5 (c) BRIEFING REQUIREMENT.—Not later than March
6 1, 2023, and annually thereafter for each of the subse-
7 quent three years, the Secretary of Defense shall provide
8 to the congressional defense committees a briefing on the
9 implementation of section 995 of title 10, United States
10 Code, as added by subsection (a).

11 (d) DEADLINE FOR GUIDANCE.—Not later than 180
12 days after the date of the enactment of this Act, the Under
13 Secretary of Defense (Comptroller) shall issue the guid-
14 ance on the annual reporting requirement under section
15 995 of title 10, United States Code, as added by sub-
16 section (a).

17 (e) REGULATIONS TO PROHIBIT ABANDONMENT.—
18 Not later than two years after the date of the enactment
19 of this Act, the Secretary of Defense shall issue regula-
20 tions to prohibit the abandonment of military working
21 dogs used in support of a military operation outside of
22 the continental United States.

1 **SEC. 383. MEMBERSHIP OF COAST GUARD ON JOINT SAFE-**
2 **TY COUNCIL.**

3 Section 184(b)(1) of title 10, United States Code, is
4 amended—

5 (1) by redesignating subparagraph (D) as sub-
6 paragraph (E); and

7 (2) by inserting after subparagraph (C) the fol-
8 lowing new subparagraph:

9 “(D) During periods in which the Coast Guard
10 is not operating as a service in the Department of
11 the Navy, an officer of the Coast Guard, appointed
12 by the Secretary of Homeland Security.”.

13 **SEC. 384. INCLUSION IN REPORT ON UNFUNDED PRIOR-**
14 **ITIES NATIONAL GUARD RESPONSIBILITIES**
15 **IN CONNECTION WITH NATURAL AND MAN-**
16 **MADE DISASTERS.**

17 (a) **IN GENERAL.**—In the report required under sec-
18 tion 222a of title 10, United States Code, for fiscal year
19 2024, the officer specified under subsection (b)(7) of such
20 section shall include as part of the National Guard un-
21 funded priorities described in subsection (c)(3) of such
22 section unfunded priorities that relate to non-Federal Na-
23 tional Guard responsibilities in connection with natural
24 and man-made disasters.

25 (b) **TECHNICAL AMENDMENT.**—Section 222a(c)(3)
26 of title 10, United States Code, is amended by striking

1 “subsection (b)(6)” both places it appears and inserting
2 “subsection (b)(7)”.

3 **SEC. 385. SUPPORT FOR TRAINING OF NATIONAL GUARD**
4 **PERSONNEL ON WILDFIRE PREVENTION AND**
5 **RESPONSE.**

6 Section 351 of the National Defense Authorization
7 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
8 1367; 32 U.S.C. 501 note) is amended to read as follows:

9 **“SEC. 351. TRAINING OF NATIONAL GUARD PERSONNEL ON**
10 **WILDFIRE PREVENTION AND RESPONSE.**

11 “The Secretary of the Army and the Secretary of the
12 Air Force, in consultation with the Chief of the National
13 Guard Bureau, may provide support for the training of
14 appropriate personnel of the National Guard on wildfire
15 prevention and response. In carrying out this section, the
16 Secretaries—

17 “(1) shall give a preference to personnel as-
18 signed to military installations with the highest wild-
19 fire suppression needs, as determined by the Secre-
20 taries; and

21 “(2) may consult with the Executive Board of
22 the National Interagency Fire Center.”.

1 **SEC. 386. INTERAGENCY COLLABORATION AND EXTENSION**
2 **OF PILOT PROGRAM ON MILITARY WORKING**
3 **DOGS AND EXPLOSIVES DETECTION.**

4 (a) EXTENSION OF PILOT PROGRAM.—Section
5 381(b) of the National Defense Authorization Act for Fis-
6 cal Year 2022 (Public Law 117–81; 135 Stat. 1672; 10
7 U.S.C. 3062 note) is amended by striking “2024” and in-
8 serting “2025”.

9 (b) REVIEW OF RESEARCH EFFORTS OF DEPART-
10 MENT OF DEFENSE AND DEPARTMENT OF HOMELAND
11 SECURITY.—

12 (1) REVIEW.—The Secretary of Defense, in co-
13 ordination with the Secretary of Homeland Security,
14 shall conduct a review of the recent and ongoing re-
15 search, testing, and evaluation efforts of the Depart-
16 ment of Defense and the Department of Homeland
17 Security, respectively, regarding explosives detection
18 working dogs.

19 (2) MATTERS.—The review under paragraph
20 (1) shall include an analysis of the following:

21 (A) Any recent or ongoing research efforts
22 of the Department of Defense or the Depart-
23 ment of Homeland Security, respectively, relat-
24 ing to explosives detection working dogs, and
25 any similarities between such efforts.

1 (B) Any recent or ongoing veterinary re-
2 search efforts of the Department of Defense or
3 the Department of Homeland Security, respec-
4 tively, relating to working dogs, canines, or
5 other areas that may be relevant to the im-
6 provement of the breeding, health, performance,
7 or training of explosives detection working dogs.

8 (C) Any research areas relating to explo-
9 sives detection working dogs in which there is
10 a need for ongoing research but no such ongo-
11 ing research is being carried out by either the
12 Secretary of Defense or the Secretary of Home-
13 land Security, particularly with respect to the
14 health, domestic breeding, and training of ex-
15 plosives detection working dogs.

16 (D) How the recent and ongoing research
17 efforts of the Department of Defense and the
18 Department of Homeland Security, respectively,
19 may improve the domestic breeding of working
20 dogs, including explosives detection working
21 dogs, and the health outcomes and performance
22 of such domestically bred working dogs, includ-
23 ing through coordination with academic or in-
24 dustry partners with experience in research re-
25 lating to working dogs.

1 (E) Potential opportunities for the Sec-
2 retary of Defense to collaborate with the Sec-
3 retary of Homeland Security on research relat-
4 ing to explosives detection working dogs.

5 (F) Any research partners of the Depart-
6 ment of Defense or the Department of Home-
7 land Security, or both, that may be beneficial in
8 assisting with the research efforts and areas de-
9 scribed in this subsection.

10 (c) PLAN REQUIRED.—Not later than 180 days of
11 the date of the enactment of this Act, the Secretary of
12 Defense, in coordination with the Secretary of Homeland
13 Security, shall submit to the appropriate congressional
14 committees a plan for the Secretary of Defense to collabo-
15 rate, as appropriate, with the Secretary of Homeland Se-
16 curity on research relating to explosives detection working
17 dogs and other relevant matters. Such plan shall include
18 the following:

19 (1) An analysis of potential opportunities for
20 collaboration between the Secretary of Defense and
21 the Secretary of Homeland Security on the research
22 efforts and areas described in subsection (a)(2).

23 (2) An identification of specific programs or
24 areas of research for such collaboration.

1 (3) An identification of any additional agree-
2 ments or authorities necessary for the Secretaries to
3 carry out such collaboration.

4 (4) An identification of additional funding nec-
5 essary to carry out such collaboration.

6 (5) An analysis of potential coordination on the
7 research efforts and areas described in subsection
8 (a)(2) with academic and industry partners with ex-
9 perience in research relating to working dogs, in-
10 cluding an identification of potential opportunities
11 for such coordination in carrying out the collabora-
12 tion described in paragraph (1).

13 (6) A proposed timeline for the Secretary of
14 Defense to engage in such collaboration, including
15 specific proposed deadlines.

16 (7) A description of how programs carried out
17 pursuant to this section seek to address the health
18 and welfare issues identified by the Comptroller
19 General of the United States in the report titled
20 “Working Dogs: Federal Agencies Need to Better
21 Address Health and Welfare” published on October
22 19, 2022 (GAO-23-104489).

23 (8) Any other matters the Secretary of Defense
24 considers appropriate.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “appropriate congressional com-
2 mittees” means the following:

3 (A) The congressional defense committees.

4 (B) The Committee on Homeland Security
5 of the House of Representatives.

6 (C) The Committee on Homeland Security
7 and Governmental Affairs of the Senate.

8 (2) The term “explosives detection working
9 dog” means a canine that, in connection with the
10 work duties of the canine performed for a Federal
11 department or agency, is certified and trained to de-
12 tect odors indicating the presence of explosives in a
13 given object or area, in addition to the performance
14 of such other duties for the Federal department or
15 agency as may be assigned.

16 **SEC. 387. AMENDMENT TO THE SIKES ACT.**

17 (a) USE OF NATURAL FEATURES.—Section
18 101(a)(3)(A) of the Sikes Act (16 U.S.C. 670a(a)(3)(A))
19 is amended—

20 (1) by redesignating clauses (ii) and (iii) as
21 clauses (iii) and (iv), respectively; and

22 (2) by inserting after clause (i) the following:

23 “(ii) the use of natural and nature-based
24 features to maintain or improve military instal-
25 lation resilience;”.

1 (b) EXPANDING AND MAKING PERMANENT THE PRO-
2 GRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILI-
3 TARY INSTALLATIONS.—Section 101(g) of the Sikes Act
4 (16 U.S.C. 670a(g)) is amended—

5 (1) by striking the header and inserting “PRO-
6 GRAM FOR INVASIVE SPECIES MANAGEMENT FOR
7 MILITARY INSTALLATIONS”; and

8 (2) in paragraph (1)—

9 (A) by striking “During fiscal years 2009
10 through 2014, the” and inserting “The”; and

11 (B) by striking “in Guam”.

12 **SEC. 388. NATIONAL STANDARDS FOR FEDERAL FIRE PRO-**
13 **TECTION AT MILITARY INSTALLATIONS.**

14 (a) STANDARDS REQUIRED.—Beginning not later
15 than one year after the date of the enactment of this Act,
16 the Secretary of Defense shall ensure that—

17 (1) members of the Armed Forces and employ-
18 ees of Defense Agencies who provide fire protection
19 services to military installations comply with the na-
20 tional consensus standards developed by the Na-
21 tional Fire Protection Association;

22 (2) the minimum staffing requirement for any
23 firefighting vehicle responding to a structural build-
24 ing emergency at a military installation is not less
25 than four firefighters per vehicle; and

1 (3) the minimum staffing requirement for any
2 firefighting vehicle responding to an aircraft or air-
3 field incident at a military installation is not less
4 than three firefighters per vehicle.

5 (b) REPORTS REQUIRED.—Not later than 180 days
6 after the date of the enactment of this Act, each Secretary
7 of a military department shall submit to the Committees
8 on Armed Services of the House of Representatives and
9 the Senate a report that—

10 (1) details each instance in which the standards
11 of that military department deviate from the na-
12 tional consensus standards specified in subsection
13 (a)(1), and at what military installation;

14 (2) includes, for each military installation under
15 the jurisdiction of that Secretary, a detailed descrip-
16 tion of response times for emergency services and
17 firefighting vehicle staffing levels; and

18 (3) includes an assessment of the feasibility of
19 requiring compliance with the national consensus
20 standards specified in subsection (a)(1) in accord-
21 ance with such subsection at each military installa-
22 tion under the jurisdiction of that Secretary (without
23 exception), the cost of requiring such compliance,
24 and the estimated timeline for that Secretary to im-
25 plement such requirement.

1 (c) DEFINITIONS.—In this section:

2 (1) The terms “Armed Forces” and “Defense
3 Agency” have the meanings given such terms in sec-
4 tion 101 of title 10, United States Code.

5 (2) The term “firefighter” has the meaning
6 given that term in section 707(b) of the National
7 Defense Authorization Act for Fiscal Year 2020
8 (Pub. L. 116–92; 10 U.S.C. 1074m note).

9 (3) The term “military installation” has the
10 meaning given that term in section 2801 of title 10,
11 United States Code.

12 **SEC. 389. PILOT PROGRAMS FOR TACTICAL VEHICLE SAFE-**
13 **TY DATA COLLECTION.**

14 (a) IN GENERAL.—Not later than October 1, 2023,
15 the Secretary of the Army and the Secretary of the Navy
16 shall each initiate a pilot program to evaluate the utility
17 of using data recorders to monitor, assess, and improve
18 readiness and the safe operation of military tactical vehi-
19 cles in the Army and the Marine Corps, respectively.

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

23 (c) REQUIREMENTS.—In carrying out a pilot pro-
24 gram under this section, the Secretary of the Army and
25 the Secretary of the Navy each shall—

1 (1) select not fewer than one military installa-
2 tion in the United States under the jurisdiction of
3 the Secretary that contains the necessary forces,
4 equipment, and maneuver training ranges to collect
5 data on drivers and military tactical vehicles during
6 training and routine operation at which to carry out
7 the pilot program;

8 (2) install data recorders on a sufficient num-
9 ber of each type of military tactical vehicle specified
10 in subsection (d) to gain statistically significant re-
11 sults;

12 (3) select a data recorder capable of collecting
13 and exporting telemetry data, event data, and driver
14 identification data during operation and accidents;

15 (4) establish and maintain a data repository for
16 operation and event data captured by the data re-
17 corder; and

18 (5) establish processes to leverage operation
19 and event data to improve individual vehicle operator
20 performance, identify installation hazards that
21 threaten safe vehicle operation, and identify vehicle-
22 type specific operating conditions that increase the
23 risk of accidents or mishaps.

1 (d) MILITARY TACTICAL VEHICLES SPECIFIED.—

2 Military tactical vehicles specified in this subsection are
3 the following:

4 (1) High Mobility Multipurpose Wheeled Vehi-
5 cles.

6 (2) Family of Medium Tactical Vehicles.

7 (3) Medium Tactical Vehicle Replacements.

8 (4) Heavy Expanded Mobility Tactical Trucks.

9 (5) Light Armored Vehicles.

10 (6) Stryker armored combat vehicles.

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

14 (e) CYBER RISK EXEMPTION.—The Secretary of the
15 Army or the Secretary of the Navy, as the case may be,
16 may exempt from a pilot program under this section a
17 military tactical vehicle specified under subsection (d) if
18 that Secretary submits to the Committees on Armed Serv-
19 ices of the House of Representatives and the Senate a cer-
20 tification that, with respect to inclusion of the military tac-
21 tical vehicle, there is a high potential of cyber risk as a
22 result of the absence of a cross-domain solution capable
23 of segregating classified and unclassified data.

24 (f) IMPLEMENTATION PLAN.—Not later than 180
25 days after the date of the enactment of this Act, the Sec-

1 retary of the Army and the Secretary of the Navy shall
2 each—

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

5 (2) provide to the congressional defense com-
6 mittees a briefing on those plans and the estimated
7 cost of implementing those plans.

8 (g) REPORT REQUIRED.—Not later than December
9 15, 2024, the Secretary of the Army and the Secretary
10 of the Navy shall each submit to the congressional defense
11 committees a report on the respective pilot programs car-
12 ried out under this section by the Secretaries, including—

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

17 (2) adjustments made, or to be made, to the
18 implementation plans developed under subsection (f);
19 and

20 (3) any other matters determined appropriate
21 by the Secretaries.

22 (h) ASSESSMENT REQUIRED.—Not later than De-
23 cember 15, 2025, the Secretary of the Army and the Sec-
24 retary of the Navy shall jointly submit to the congressional

1 defense committees an assessment of the pilot programs
2 carried out under this section, including—

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

7 (2) an assessment of the utility of establishing
8 an enduring program to use data recorders to mon-
9 itor, assess, and improve readiness and the safe op-
10 eration of military tactical vehicles;

11 (3) an assessment of the scope, size, and esti-
12 mated cost of such an enduring program; and

13 (4) such other matters as the Secretary of the
14 Army and the Secretary of the Navy determine ap-
15 propriate.

16 **SEC. 390. REQUIREMENTS RELATING TO REDUCTION OF**
17 **OUT-OF-POCKET COSTS OF MEMBERS OF THE**
18 **ARMED FORCES FOR UNIFORM ITEMS.**

19 (a) **TRACKING REQUIREMENT.**—The Secretary of
20 Defense shall take such steps as may be necessary to track
21 the expected useful life of uniform items for officers and
22 enlisted members of the Armed Forces, for the purposes
23 of—

24 (1) estimating the rate at which such uniform
25 items are replaced;

1 (2) determining the resulting out-of-pocket
2 costs for such members over time;

3 (3) determining the necessity of establishing a
4 uniform replacement allowance for officers of the
5 Armed Forces, based on the replacement rate esti-
6 mated pursuant to paragraph (1) and the out-of-
7 pocket costs determined pursuant to paragraph (2);
8 and

9 (4) determining the adequacy of the uniform al-
10 lowance for enlisted members of the Armed Forces.

11 (b) REPORT.—Not later than 120 days after the date
12 of the enactment of this Act, the Secretary of Defense
13 shall submit to the congressional defense committees a re-
14 port on the expected useful life of required uniform items
15 for members of the Armed Forces, projected changes to
16 such required uniform items, and related costs anticipated
17 by the Secretary (disaggregated by Armed Force). Such
18 report shall include—

19 (1) pricing information for each such item, in-
20 cluding items that are not considered uniquely mili-
21 tary; and

22 (2) an assessment of the necessity of estab-
23 lishing a uniform replacement allowance for officers
24 of the Armed Forces, as determined pursuant to
25 subsection (a)(3).

1 **SEC. 391. IMPLEMENTATION OF RECOMMENDATIONS RE-**
2 **LATING TO ANIMAL FACILITY SANITATION**
3 **AND PLAN FOR HOUSING AND CARE OF**
4 **HORSES.**

5 (a) IMPLEMENTATION BY SECRETARY OF THE ARMY
6 OF CERTAIN RECOMMENDATIONS RELATING TO ANIMAL
7 FACILITY SANITATION.—Not later than March 1, 2023,
8 the Secretary of the Army shall implement the rec-
9 ommendations contained in the memorandum of the De-
10 partment of the Army dated February 25, 2022, the sub-
11 ject of which is “Animal Facility Sanitation Inspection
12 Findings for the Fort Myer Caisson Barns/Paddocks and
13 the Fort Belvoir Caisson Pasture Facility” (MHCB–RN).

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

16 (1) IN GENERAL.—Not later than March 1,
17 2023, the Secretary of the Army shall submit to
18 Congress a plan for the housing and care of all
19 horses within the care of the 3rd United States In-
20 fantry (commonly known as the “Old Guard”).

21 (2) ELEMENTS.—The plan required by para-
22 graph (1) shall include—

23 (A) a description of each modification
24 planned or underway at the Fort Myer Caisson
25 Barns/Paddocks, the Fort Belvoir Caisson Pas-
26 ture Facility, and any other facility or location

1 under consideration for stabling of the horses
2 described in paragraph (1);

3 (B) an identification of adequate space at
4 Fort Myer, Virginia, to properly care for the
5 horses described in paragraph (1);

6 (C) a prioritization of the allotment of the
7 space identified under subparagraph (B) over
8 other functions of Fort Myer that could be
9 placed elsewhere;

10 (D) projected timelines and resource re-
11 quirements to execute the plan; and

12 (E) a description of—

13 (i) immediate remedies for the unsani-
14 tary and unsafe conditions present at the
15 locations described in subparagraph (A);
16 and

17 (ii) how long-term quality of life im-
18 provements will be provided for the horses
19 described in paragraph (1).

20 **SEC. 392. CONTINUED DESIGNATION OF SECRETARY OF**
21 **THE NAVY AS EXECUTIVE AGENT FOR NAVAL**
22 **SMALL CRAFT INSTRUCTION AND TECHNICAL**
23 **TRAINING SCHOOL.**

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

1 (1) to perform the responsibilities of the De-
2 partment of Defense executive agent for the Naval
3 Small Craft Instruction and Technical Training
4 School pursuant to section 352(b) of title 10, United
5 States Code; and

6 (2) to provide such support as may be nec-
7 essary for the continued operation of such school.

8 **SEC. 393. PROHIBITION ON USE OF FUNDS FOR RETIRE-**
9 **MENT OF LEGACY MARITIME MINE COUNTER-**
10 **MEASURES PLATFORMS.**

11 (a) PROHIBITION.—Except as provided in subsection
12 (b), the Secretary of the Navy may not obligate or expend
13 funds to discontinue or prepare to discontinue, including
14 by making a substantive reduction in training and oper-
15 ational employment, any element of the Marine Mammal
16 Program of the Navy, that has been used, or is currently
17 being used, for—

18 (1) port security at Navy bases, known as
19 Mark-6 systems; or

20 (2) mine search capabilities, known as Mark-7
21 systems.

22 (b) WAIVER.—The Secretary of the Navy may waive
23 the prohibition under subsection (a) if the Secretary, with
24 the concurrence of the Director of Operational Test and

1 Evaluation, certifies in writing to the congressional de-
2 fense committees that the Secretary has—

3 (1) identified a replacement capability and the
4 necessary quantity of such capability to meet all
5 operational requirements currently being met by the
6 Marine Mammal Program, including a detailed ex-
7 planation of such capability and quantity;

8 (2) achieved initial operational capability of all
9 capabilities referred to in paragraph (1), including a
10 detailed explanation of such achievement; and

11 (3) deployed a sufficient quantity of capabilities
12 referred to in paragraph (1) that have achieved ini-
13 tial operational capability to continue to meet or ex-
14 ceed all operational requirements currently being
15 met by Marine Mammal Program, including a de-
16 tailed explanation of such deployment.

17 **TITLE IV—MILITARY**
18 **PERSONNEL AUTHORIZATION**

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. End strength level matters.
- Sec. 403. Additional authority to vary Space Force end strength.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for reserves on active duty in support of the Reserves.
- Sec. 413. End strengths for military technicians (dual status).
- Sec. 414. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

- Sec. 421. Military personnel.

1 **Subtitle A—Active Forces**

2 **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

3 The Armed Forces are authorized strengths for active
4 duty personnel as of September 30, 2023, as follows:

5 (1) The Army, 452,000.

6 (2) The Navy, 354,000.

7 (3) The Marine Corps, 177,000.

8 (4) The Air Force, 325,344.

9 (5) The Space Force, 8,600.

10 **SEC. 402. END STRENGTH LEVEL MATTERS.**

11 (a) **STRENGTH LEVELS TO SUPPORT NATIONAL DE-**
12 **FENSE STRATEGY.—**

13 (1) **REPEAL.—**Section 691 of title 10, United
14 States Code, is repealed.

15 (2) **TABLE OF SECTIONS.—**The table of sections
16 at the beginning of chapter 39 of such title is
17 amended by striking the item relating to section
18 691.

19 (b) **CERTAIN ACTIVE-DUTY AND SELECTED RESERVE**
20 **STRENGTHS.—**Section 115 of such title is amended—

21 (1) in subsection (f), by striking “increase”
22 each place it appears and inserting “vary”; and

23 (2) in subsection (g)—

1 (A) in paragraph (1), by striking subpara-
2 graphs (A) and (B) and inserting the following
3 new subparagraphs:

4 “(A) vary the end strength pursuant to sub-
5 section (a)(1)(A) for a fiscal year for the armed
6 force or forces under the jurisdiction of that Sec-
7 retary by a number not equal to more than two per-
8 cent of such authorized end strength; and

9 “(B) vary the end strength pursuant to sub-
10 section (a)(2) for a fiscal year for the Selected Re-
11 serve of the reserve component of the armed force
12 or forces under the jurisdiction of that Secretary by
13 a number equal to not more than one percent of
14 such authorized end strength.”;

15 (B) in paragraph (2), by striking “in-
16 crease” each place it appears and inserting
17 “variance”; and

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

20 “(3) The Secretary of the military department con-
21 cerned shall promptly notify the congressional defense
22 committees if such Secretary exceeds a variance under
23 paragraph (1), and at least once every 90 days thereafter
24 for so long as such end strength is outside such variance.

25 Each such notification shall include the following:

1 “(A) Modified projected end strengths for active
2 and reserve components of the armed force or forces
3 for which such Secretary exceeds such variance.

4 “(B) An identification of any budgetary effects
5 projected as a result of such modified end strength
6 projections.

7 “(C) An explanation of any effects on readiness
8 resulting from such modified end strength projec-
9 tions.”.

10 **SEC. 403. ADDITIONAL AUTHORITY TO VARY SPACE FORCE**
11 **END STRENGTH.**

12 (a) IN GENERAL.—Notwithstanding section 115(g)
13 of title 10, United States Code, upon determination by the
14 Secretary of the Air Force that such action would enhance
15 manning and readiness in essential units or in critical spe-
16 cialties, the Secretary may vary the end strength author-
17 ized by Congress for each fiscal year as follows:

18 (1) Increase the end strength authorized pursu-
19 ant to section 115(a)(1)(A) of such title for a fiscal
20 year for the Space Force by a number equal to not
21 more than 5 percent of such authorized end
22 strength.

23 (2) Decrease the end strength authorized pur-
24 suant to section 115(a)(1)(A) of such title for a fis-
25 cal year for the Space Force by a number equal to

1 not more than 10 percent of such authorized end
2 strength.

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

5 **Subtitle B—Reserve Forces**

6 **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

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

10 (1) The Army National Guard of the United
11 States, 325,000.

12 (2) The Army Reserve, 177,000.

13 (3) The Navy Reserve, 57,000.

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

15 (5) The Air National Guard of the United
16 States, 108,400.

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

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

19 (b) END STRENGTH REDUCTIONS.—The end
20 strengths prescribed by subsection (a) for the Selected Re-
21 serve of any reserve component shall be proportionately
22 reduced by—

23 (1) the total authorized strength of units orga-
24 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other
2 than for training) at the end of the fiscal year; and

3 (2) the total number of individual members not
4 in units organized to serve as units of the Selected
5 Reserve of such component who are on active duty
6 (other than for training or for unsatisfactory partici-
7 pation in training) without their consent at the end
8 of the fiscal year.

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

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

19 Within the end strengths prescribed in section
20 411(a), the reserve components of the Armed Forces are
21 authorized, as of September 30, 2023, the following num-
22 ber of Reserves to be serving on full-time active duty or
23 full-time duty, in the case of members of the National
24 Guard, for the purpose of organizing, administering, re-
25 cruiting, instructing, or training the reserve components:

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

3 (2) The Army Reserve, 16,511.

4 (3) The Navy Reserve, 10,077.

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

6 (5) The Air National Guard of the United
7 States, 25,333.

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

9 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**

10 **(DUAL STATUS).**

11 (a) IN GENERAL.—The minimum number of military
12 technicians (dual status) as of the last day of fiscal year
13 2023 for the reserve components of the Army and the Air
14 Force (notwithstanding section 129 of title 10, United
15 States Code) shall be the following:

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

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

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

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

22 (b) LIMITATION ON NUMBER OF TEMPORARY MILI-
23 TARY TECHNICIANS (DUAL STATUS).—The number of
24 temporary military technicians (dual-status) employed
25 under the authority of subsection (a) may not exceed 25

1 percent of the total authorized number specified in such
2 subsection.

3 (c) LIMITATION.—Under no circumstances may a
4 military technician (dual status) employed under the au-
5 thority of this section be coerced by a State into accepting
6 an offer of realignment or conversion to any other military
7 status, including as a member of the Active, Guard, and
8 Reserve program of a reserve component. If a military
9 technician (dual status) declines to participate in such re-
10 alignment or conversion, no further action will be taken
11 against the individual or the individual’s position.

12 **SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
13 **THORIZED TO BE ON ACTIVE DUTY FOR**
14 **OPERATIONAL SUPPORT.**

15 During fiscal year 2023, the maximum number of
16 members of the reserve components of the Armed Forces
17 who may be serving at any time on full-time operational
18 support duty under section 115(b) of title 10, United
19 States Code, is the following:

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

22 (2) The Army Reserve, 13,000.

23 (3) The Navy Reserve, 6,200.

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

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

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

4 **Subtitle C—Authorization of**
5 **Appropriations**

6 **SEC. 421. MILITARY PERSONNEL.**

7 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
8 are hereby authorized to be appropriated for fiscal year
9 2023 for the use of the Armed Forces and other activities
10 and agencies of the Department of Defense for expenses,
11 not otherwise provided for, for military personnel, as spec-
12 ified in the funding table in section 4401.

13 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
14 thorization of appropriations in subsection (a) supersedes
15 any other authorization of appropriations (definite or in-
16 definite) for such purpose for fiscal year 2023.

17 **TITLE V—MILITARY PERSONNEL**
18 **POLICY**

Subtitle A—Officer Personnel Policy

- Sec. 501. Authorized strengths for Space Force officers on active duty in grades of major, lieutenant colonel, and colonel.
- Sec. 502. Distribution of commissioned officers on active duty in general officer and flag officer grades.
- Sec. 503. Redistribution of Naval officers serving on active duty in the grades of O-8 and O-9.
- Sec. 504. Authorized strength after December 31, 2022: general officers and flag officers on active duty.
- Sec. 505. Extension of grade retention for certain officers awaiting retirement.
- Sec. 506. Exclusion of officers serving as lead special trial counsel from limitations on authorized strengths for general and flag officers.
- Sec. 507. Constructive service credit for certain officers of the Armed Forces.
- Sec. 508. Improvements to the selection of warrant officers in the military departments for promotion.

- Sec. 509. Advice and consent requirement for waivers of mandatory retirement for Superintendents of military service academies.
- Sec. 509A. Modification of reports on Air Force personnel performing duties of a Nuclear and Missile Operations Officer (13N).
- Sec. 509B. Assessments of staffing in the Office of the Secretary of Defense and other Department of Defense headquarters offices.
- Sec. 509C. GAO review of certain officer performance evaluations.
- Sec. 509D. Study of chaplains.

Subtitle B—Reserve Component Management

- Sec. 511. Inclusion of additional information on the Senior Reserve Officers' Training Corps in reports accompanying the national defense strategy.
- Sec. 512. Expansion of eligibility to serve as an instructor in the Junior Reserve Officers' Training Corps.
- Sec. 513. Backdating of effective date of rank for reserve officers in the National Guard due to undue delays in Federal recognition.
- Sec. 514. Inspections of the National Guard.
- Sec. 515. Authority to waive requirement that performance of Active Guard and Reserve duty at the request of a Governor may not interfere with certain duties.
- Sec. 516. Continued National Guard support for FireGuard program.
- Sec. 517. Enhancement of National Guard Youth Challenge Program.
- Sec. 518. Notice to Congress before certain actions regarding units of certain reserve components.
- Sec. 519. Independent study on Federal recognition of National Guard officers.
- Sec. 519A. Review and update of report on geographic dispersion of Junior Reserve Officers' Training Corps.
- Sec. 519B. Briefing on duties of the Army Interagency Training and Education Center.

Subtitle C—General Service Authorities and Military Records

- Sec. 521. Consideration of adverse information by special selection review boards.
- Sec. 522. Expansion of eligibility for direct acceptance of gifts by members of the Armed Forces and Department of Defense and Coast Guard employees and their families.
- Sec. 523. Limitation of extension of period of active duty for a member who accepts a fellowship, scholarship, or grant.
- Sec. 524. Expansion of mandatory characterizations of administrative discharges of certain members on the basis of failure to receive COVID-19 vaccine.
- Sec. 525. Rescission of COVID-19 vaccination mandate.
- Sec. 526. Temporary exemption from end strength grade restrictions for the Space Force.
- Sec. 527. Notification to next of kin upon the death of a member of the Armed Forces: study; update; training; report.
- Sec. 528. Gender-neutral fitness physical readiness standards for military occupational specialties of the Army.
- Sec. 529. Recurring report regarding COVID-19 mandate.
- Sec. 530. Sense of Congress regarding women involuntarily separated from the Armed Forces due to pregnancy or parenthood.

Subtitle D—Recruitment and Retention

- Sec. 531. Treatment of personally identifiable information regarding prospective recruits.
- Sec. 532. Revival and extension of temporary authority for targeted recruitment incentives.
- Sec. 533. Report on recruiting efforts of certain Armed Forces.
- Sec. 534. Review of marketing and recruiting of the Department of Defense.
- Sec. 535. Report on Department of Defense recruitment advertising to racial and ethnic minority communities.
- Sec. 536. Improving oversight of military recruitment practices in public secondary schools.
- Sec. 537. Best practices for the retention of certain female members of the Armed Forces.
- Sec. 538. Review of certain personnel policies of special operations forces.
- Sec. 539. Support for members who perform duties regarding remotely piloted aircraft: study; report.
- Sec. 539A. Retention and recruitment of members of the Army who specialize in air and missile defense systems.

Subtitle E—Military Justice and Other Legal Matters

- Sec. 541. Matters in connection with special trial counsel.
- Sec. 542. Technical corrections relating to special trial counsel.
- Sec. 543. Randomization of court-martial panels.
- Sec. 544. Jurisdiction of Courts of Criminal Appeals.
- Sec. 545. Special trial counsel of the Department of the Air Force.
- Sec. 546. Independent investigation of sexual harassment.
- Sec. 547. Primary prevention research agenda and workforce.
- Sec. 548. Limitation on availability of funds for relocation of Army CID special agent training course.
- Sec. 549. Review of titling and indexing practices of the Army and certain other organizations.
- Sec. 549A. Briefing and report on resourcing required for implementation of military justice reform.
- Sec. 549B. Report on sharing information with counsel for victims of offenses under the Uniform Code of Military Justice.
- Sec. 549C. Dissemination of civilian legal services information.

Subtitle F—Member Education

- Sec. 551. Authorization of certain support for military service academy foundations.
- Sec. 552. Individuals from the District of Columbia who may be considered for appointment to military service academies.
- Sec. 553. Agreement by a cadet or midshipman to play professional sport constitutes a breach of agreement to serve as an officer.
- Sec. 554. Naval Postgraduate School and United States Air Force Institute of Technology: terms of Provosts and Chief Academic Officers.
- Sec. 555. Naval Postgraduate School: attendance by enlisted members.
- Sec. 556. Modification of annual report on demographics of military service academy applicants.
- Sec. 557. Study and report on professional military education.
- Sec. 558. Report on treatment of China in curricula of professional military education.

Subtitle G—Member Training and Transition

- Sec. 561. Codification of Skillbridge program.
- Sec. 562. Pilot program on remote personnel processing in the Army.
- Sec. 563. Annual report on members separating from active duty who file claims for disability benefits.
- Sec. 564. Female members of certain Armed Forces and civilian employees of the Department of Defense in STEM.

Subtitle H—Military Family Readiness and Dependents' Education

- Sec. 571. Clarification and expansion of authorization of support for chaplain-led programs for members of the Armed Forces.
- Sec. 572. Pilot program to expand eligibility for enrollment at domestic dependent elementary and secondary schools: extension; report.
- Sec. 573. Commercial air waiver for next of kin regarding transportation of remains of casualties.
- Sec. 574. Certain assistance to local educational agencies that benefit dependents of military and civilian personnel.
- Sec. 575. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations.
- Sec. 576. Pilot program on hiring of special needs inclusion coordinators for Department of Defense child development centers.
- Sec. 577. Promotion of certain child care assistance.
- Sec. 578. Industry roundtable on military spouse hiring.
- Sec. 579. Recommendations for the improvement of the Military Interstate Children's Compact.
- Sec. 579A. Feasibility of inclusion of au pairs in pilot program to provide financial assistance to members of the Armed Forces for in-home child care.
- Sec. 579B. Briefing on policies regarding single parents serving as members of the Armed Forces.
- Sec. 579C. Public reporting on certain military child care programs.
- Sec. 579D. Briefing on verification of eligible federally connected children for purposes of Federal impact aid programs.
- Sec. 579E. Sense of Congress on rights of parents of children attending schools operated by the Department of Defense Education Activity.

Subtitle I—Decorations, Awards, and Other Honors

- Sec. 581. Clarification of procedure for boards for the correction of military records to review determinations regarding certain decorations.
- Sec. 582. Authorizations for certain awards.
- Sec. 583. Posthumous appointment of Ulysses S. Grant to grade of General of the Armies of the United States.
- Sec. 584. Enhanced information related to awarding of the Purple Heart.

Subtitle J—Miscellaneous Reports and Other Matters

- Sec. 591. Report on non-citizen members of the Armed Forces.
- Sec. 592. Notification on manning of afloat naval forces: modifications; codification.
- Sec. 593. Clarification of authority of NCMAF to update Chaplains Hill at Arlington National Cemetery.
- Sec. 594. Disinterment of remains of Andrew Chabrol from Arlington National Cemetery.
- Sec. 595. Pilot program on safe storage of personally owned firearms.

- Sec. 596. Pilot program on car sharing on remote or isolated military installations.
- Sec. 597. Briefing on the effects of economic inflation on members of the Armed Forces.
- Sec. 598. Study on improvement of access to voting for members of the Armed Forces overseas.
- Sec. 599. Report on incidence of military suicides by military job code.
- Sec. 599A. Report on efforts to prevent and respond to deaths by suicide in the Navy.
- Sec. 599B. Report on officer personnel management and the development of the professional military ethic of the Space Force.

1 **Subtitle A—Officer Personnel**
 2 **Policy**

3 **SEC. 501. AUTHORIZED STRENGTHS FOR SPACE FORCE OF-**
 4 **FICERS ON ACTIVE DUTY IN GRADES OF**
 5 **MAJOR, LIEUTENANT COLONEL, AND COLO-**
 6 **NEL.**

7 The table in subsection (a)(1) of section 523 of title
 8 10, United States Code, is amended by inserting after the
 9 items relating to the Marine Corps new items relating to
 10 the total number of commissioned officers (excluding offi-
 11 cers in categories specified in subsection (b) of such sec-
 12 tion) serving on active duty in the Space Force in the
 13 grades of major, lieutenant colonel, and colonel, respec-
 14 tively, as follows:

“3,900	1,016	782	234
4,300	1,135	873	262
5,000	1,259	845	315
7,000	1,659	1,045	415
10,000	2,259	1,345	565”.

1 **SEC. 502. DISTRIBUTION OF COMMISSIONED OFFICERS ON**
2 **ACTIVE DUTY IN GENERAL OFFICER AND**
3 **FLAG OFFICER GRADES.**

4 Section 525 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph (1),
8 by striking “as follows:” and inserting an em
9 dash;

10 (B) in paragraph (4)(C), by striking the
11 period at the end and inserting “; and”; and

12 (C) by adding at the end the following new
13 paragraph:

14 “(5) in the Space Force, if that appointment
15 would result in more than—

16 “(A) 2 officers in the grade of general;

17 “(B) 7 officers in a grade above the grade
18 of major general; or

19 “(C) 6 officers in the grade of major gen-
20 eral.”;”;

21 (2) in subsection (c)—

22 (A) in paragraph (1)(A), by striking “and
23 Marine Corps” and inserting “Marine Corps,
24 and Space Force”; and

1 (B) in paragraph (2), by striking “or Ma-
2 rine Corps” and inserting “Marine Corps, or
3 Space Force”; and

4 (3) in subsection (d), by striking “or Com-
5 mandant of the Marine Corps” and inserting “Com-
6 mandant of the Marine Corps, or Chief of Space Op-
7 erations”.

8 **SEC. 503. REDISTRIBUTION OF NAVAL OFFICERS SERVING**
9 **ON ACTIVE DUTY IN THE GRADES OF O-8 AND**
10 **O-9.**

11 Subsection (a)(3) of section 525 of title 10, United
12 States Code, as amended by section 502, is amended—

13 (1) in subparagraph (B), by striking “33” and
14 inserting “34”; and

15 (2) in subparagraph (C), by striking “50” and
16 inserting “49”.

17 **SEC. 504. AUTHORIZED STRENGTH AFTER DECEMBER 31,**
18 **2022: GENERAL OFFICERS AND FLAG OFFI-**
19 **CERS ON ACTIVE DUTY.**

20 Section 526a of title 10, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “and Marine Corps” and inserting
25 “Marine Corps, and Space Force”;

1 (B) in paragraph (1), by striking “220”
2 and inserting “218”;

3 (C) in paragraph (2), by striking “151”
4 and inserting “149”;

5 (D) in paragraph (3), by striking “187”
6 and inserting “170”; and

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

9 “(5) For the Space Force, 21.”; and

10 (2) in subsection (b)(2), by adding at the end
11 the following new subparagraph:

12 “(E) For the Space Force, 6.”.

13 **SEC. 505. EXTENSION OF GRADE RETENTION FOR CERTAIN**
14 **OFFICERS AWAITING RETIREMENT.**

15 Section 601(b)(5) of title 10, United States Code, is
16 amended by striking “retirement, but not for more than
17 60 days.” and inserting the following: “retirement, but—

18 “(A) subject to subparagraph (B), not for
19 more than 60 days; and

20 “(B) with respect to an officer awaiting re-
21 tirement following not less than one year of
22 consecutive deployment outside of the United
23 States to a combat zone (as defined in section
24 112(c) of the Internal Revenue Code of 1986)

1 or in support of a contingency operation, not
2 for more than 90 days.”.

3 **SEC. 506. EXCLUSION OF OFFICERS SERVING AS LEAD SPE-**
4 **CIAL TRIAL COUNSEL FROM LIMITATIONS ON**
5 **AUTHORIZED STRENGTHS FOR GENERAL**
6 **AND FLAG OFFICERS.**

7 During the two-year period beginning on the date of
8 the enactment of this Act, the limitations in section
9 526a(a) of title 10, United States Code, as amended by
10 section 504, shall not apply to a general or flag officer
11 serving in the position of lead special trial counsel pursu-
12 ant to an appointment under section 1044f(a)(2) of such
13 title.

14 **SEC. 507. CONSTRUCTIVE SERVICE CREDIT FOR CERTAIN**
15 **OFFICERS OF THE ARMED FORCES.**

16 (a) CONSTRUCTIVE SERVICE CREDIT FOR WARRANT
17 OFFICERS.—Section 572 of title 10, United States Code,
18 is amended—

19 (1) by inserting “(a)” before “For the pur-
20 poses”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(b) The Secretary concerned shall credit a person
24 who is receiving an original appointment as a warrant offi-
25 cer in the regular component of an armed force under the

1 jurisdiction of such Secretary concerned, and who has ad-
2 vanced education or training or special experience, with
3 constructive service for such education, training, or experi-
4 ence, as follows:

5 “(1) For special training or experience in a par-
6 ticular warrant officer field designated by the Sec-
7 retary concerned, if such training or experience is di-
8 rectly related to the operational needs of the armed
9 force concerned, as determined by such Secretary
10 concerned.

11 “(2) For advanced education in a warrant offi-
12 cer field designated by the Secretary concerned, if
13 such education is directly related to the operational
14 needs of the armed force concerned, as determined
15 by such Secretary concerned.”.

16 (b) REPORT.—Not later than February 1, 2027, the
17 Secretary of Defense shall submit to the Committees on
18 Armed Services of the Senate and House of Representa-
19 tives a report on the amendments made by subsection (a).
20 Such report shall include—

21 (1) the evaluation of such amendments by the
22 Secretary;

23 (2) the estimate of the Secretary regarding how
24 many individuals are eligible for credit under sub-

1 section (b) of such section, as added by subsection
2 (a); and

3 (3) the determination of the Secretary whether
4 existing special pay for such members is adequate.

5 **SEC. 508. IMPROVEMENTS TO THE SELECTION OF WAR-**
6 **RANT OFFICERS IN THE MILITARY DEPART-**
7 **MENTS FOR PROMOTION.**

8 (a) PROMOTION BY SELECTION BOARDS: REC-
9 OMMENDATION; EXCLUSION FROM CONSIDERATION.—
10 Section 575 of title 10, United States Code, is amended
11 by adding at the end the following new subsections:

12 “(e)(1) In selecting the warrant officers to be rec-
13 ommended for promotion, a selection board shall, when
14 authorized by the Secretary concerned, recommend war-
15 rant officers of particular merit, pursuant to guidelines
16 and procedures prescribed by the Secretary concerned,
17 from among those warrant officers selected for promotion,
18 to be placed higher on the promotion list contained in the
19 report of such board under section 576(c) of this title.

20 “(2) A selection board may recommend that a war-
21 rant officer be placed higher on a promotion list under
22 paragraph (1) only if the warrant officer receives the rec-
23 ommendation of at least a majority of the members of the
24 board, unless the Secretary concerned establishes an alter-
25 native requirement. Any such alternate requirement shall

1 be furnished to the board as part of the guidelines fur-
2 nished to the board under section 576 of this title.

3 “(3) For the warrant officers recommended to be
4 placed higher on a promotion list under paragraph (1),
5 the board shall recommend the order in which those war-
6 rant officers should be placed on the list.

7 “(f)(1) Upon the request of a warrant officer, the
8 Secretary concerned may exclude the warrant officer from
9 consideration for promotion under this section.

10 “(2) The Secretary concerned may approve a request
11 of a warrant officer under paragraph (1) only if—

12 “(A) the basis for the request is to allow the of-
13 ficer to complete—

14 “(i) an assignment in support of career
15 progression;

16 “(ii) advanced education;

17 “(iii) an assignment such Secretary deter-
18 mines is of significant value to the Armed
19 Force concerned; or

20 “(iv) a career progression requirement de-
21 layed by an assignment or education;

22 “(B) such Secretary determines that such ex-
23 clusion from consideration is in the best interest of
24 the Armed Force concerned; and

1 “(C) the officer has not previously failed of se-
2 lection for promotion to the grade for which the offi-
3 cer requests exclusion from consideration.”.

4 (b) PRIORITY FOR PROMOTION OF WARRANT OFFI-
5 CERS IN REPORT OF SELECTION BOARD.—Subsection (c)
6 of section 576 of such title is amended to read as follows:

7 “(c) The names of warrant officers selected for pro-
8 motion under this section shall be arranged in the report
9 of such board in the following order of priority:

10 “(1) Warrant officers recommended under sec-
11 tion 575(e) of this title to be placed higher on the
12 promotion list, in the order in which the board de-
13 termines.

14 “(2) Warrant officers otherwise recommended
15 for promotion, in the order of seniority on the war-
16 rant officer active-duty list.”.

17 (c) PROMOTIONS: HOW MADE; EFFECTIVE DATE.—
18 Section 578(a) of such title is amended by striking “of
19 the seniority of such officers on the warrant officer active-
20 duty list” and inserting “set forth in section 576(c) of this
21 title”.

1 **SEC. 509. ADVICE AND CONSENT REQUIREMENT FOR WAIV-**
2 **ERS OF MANDATORY RETIREMENT FOR SU-**
3 **PERINTENDENTS OF MILITARY SERVICE**
4 **ACADEMIES.**

5 (a) UNITED STATES MILITARY ACADEMY.—Section
6 7321(b) of title 10, United States Code, is amended by
7 adding at the end the following: “In the event a waiver
8 under this subsection is granted, the subsequent nomina-
9 tion and appointment of such officer having served as Su-
10 perintendent of the Academy to a further assignment in
11 lieu of retirement shall be subject to the advice and con-
12 sent of the Senate.”.

13 (b) UNITED STATES NAVAL ACADEMY.—Section
14 8371(b) of title 10, United States Code, is amended by
15 adding at the end the following: “In the event a waiver
16 under this subsection is granted, the subsequent nomina-
17 tion and appointment of such officer having served as Su-
18 perintendent of the Academy to a further assignment in
19 lieu of retirement shall be subject to the advice and con-
20 sent of the Senate.”.

21 (c) UNITED STATES AIR FORCE ACADEMY.—Section
22 9321(b) of title 10, United States Code, is amended by
23 adding at the end the following: “In the event a waiver
24 under this subsection is granted, the subsequent nomina-
25 tion and appointment of such officer having served as Su-
26 perintendent of the Academy to a further assignment in

1 lieu of retirement shall be subject to the advice and con-
2 sent of the Senate.”.

3 **SEC. 509A. MODIFICATION OF REPORTS ON AIR FORCE**
4 **PERSONNEL PERFORMING DUTIES OF A NU-**
5 **CLEAR AND MISSILE OPERATIONS OFFICER**
6 **(13N).**

7 Section 506(b) of the National Defense Authorization
8 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
9 1682) is amended—

10 (1) by redesignating paragraph (8) as para-
11 graph (9); and

12 (2) by inserting after paragraph (7) the fol-
13 lowing new paragraph (8):

14 “(8) A staffing plan for managing personnel in
15 the 13N career field as the Air Force transitions
16 from the Minuteman III weapon system to the Sen-
17 tinel weapon system.”.

18 **SEC. 509B. ASSESSMENTS OF STAFFING IN THE OFFICE OF**
19 **THE SECRETARY OF DEFENSE AND OTHER**
20 **DEPARTMENT OF DEFENSE HEADQUARTERS**
21 **OFFICES.**

22 (a) OFFICE OF THE SECRETARY OF DEFENSE.—The
23 Secretary of Defense shall conduct an assessment of staff-
24 ing of the Office of the Secretary of Defense. Such assess-
25 ment shall including the following elements:

1 (1) A validation of every military staff billet as-
2 signed to the Office of the Secretary of Defense
3 against existing military personnel requirements.

4 (2) The estimated effect of returning 15 per-
5 cent of such military staff billets to operational ac-
6 tivities of the Armed Forces concerned, over a period
7 of 36 months, would have on the office of the Sec-
8 retary of Defense and other Department of Defense
9 Headquarters Offices.

10 (3) A plan and milestones for how reductions
11 described in paragraph (2) would occur, a schedule
12 for such reductions, and the process by which the
13 billets would be returned to the operational activities
14 of the Armed Forces concerned.

15 (b) OFFICE OF THE JOINT CHIEFS OF STAFF.—The
16 Chairman of the Joint Chiefs of Staff shall conduct an
17 assessment of staffing of the Office of the Joint Chiefs
18 of Staff. Such assessment shall including the following ele-
19 ments:

20 (1) A validation of every military staff billet as-
21 signed to the Office of the Joint Chiefs of Staff
22 against existing military personnel requirements.

23 (2) The estimated effect of returning 15 per-
24 cent of such military staff billets to operational ac-
25 tivities of the Armed Forces concerned, over a period

1 of 36 months, would have on the office of the Joint
2 Staff and the Chairman's Controlled Activities and
3 other related Joint Staff Headquarters Offices.

4 (3) A plan and milestones for how reductions
5 described in paragraph (2) would occur, a schedule
6 for such reductions, and the process by which the
7 billets would be returned to the operational activities
8 of the Armed Forces concerned.

9 (c) INTERIM BRIEFING AND REPORT.—

10 (1) INTERIM BRIEFING.—Not later than April
11 1, 2023, the Secretary shall provide to the Commit-
12 tees on Armed Services of the Senate and House of
13 Representatives an interim briefing on the assess-
14 ments under subsections (a) and (b).

15 (2) FINAL REPORT.—Not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary shall submit to the Committees on Armed
18 Services of the Senate and House of Representatives
19 a report on the assessments under subsections (a)
20 and (b). Such report shall include the following:

21 (A) A validation of every military staff bil-
22 let assigned to the Office of the Secretary of
23 Defense and the Joint Staff to include the
24 Chairman's Controlled Activities against exist-
25 ing military personnel requirements.

1 (B) The methodology and process through
2 which such validation was performed.

3 (C) Relevant statistical analysis on military
4 billet fill rates against validated requirements.

5 (D) An analysis of unvalidated military bil-
6 lets currently performing staff support func-
7 tions,

8 (E) The rationale for why unvalidated mili-
9 tary billets may be required.

10 (F) The cost of military staff filling both
11 validated and unvalidated billets.

12 (G) Lessons learned through the military
13 billet validation process and statistical analysis
14 under subparagraphs (B) through (F).

15 (H) Any other matters the Secretary deter-
16 mines relevant to understanding the use of mili-
17 tary staff billets described in subsections (a)
18 and (b).

19 (I) Any legislative, policy or budgetary rec-
20 ommendations of the Secretary related to the
21 subject matter of the report.

22 **SEC. 509C. GAO REVIEW OF CERTAIN OFFICER PERFORM-**
23 **ANCE EVALUATIONS.**

24 (a) REVIEW REQUIRED.—Not later than one year
25 after the enactment of this Act, the Comptroller General

1 of the United States shall review the officer performance
2 reports of each Armed Force under the jurisdiction of a
3 Secretary of a military department in order to—

4 (1) study the fitness report systems used for
5 the performance evaluation of officers; and

6 (2) provide to the Secretary of Defense and the
7 Secretaries of the military departments rec-
8 ommendations regarding how to improve such sys-
9 tems.

10 (b) ELEMENTS.—The review required under sub-
11 section (a) shall include the following:

12 (1) An analysis of the effectiveness of the fit-
13 ness report systems at evaluating and documenting
14 the performance of officers.

15 (2) A comparison of the fitness report systems
16 for officers of each Armed Force described in sub-
17 section (a) with best practices for performance eval-
18 uations used by public- and private-sector organiza-
19 tions.

20 (3) An analysis of the value of fitness reports
21 in providing useful information to officer promotion
22 boards.

23 (4) An analysis of the value of fitness reports
24 in providing useful feedback to officers being evalu-
25 ated.

1 (5) Recommendations to improve the fitness re-
2 port systems to—

3 (A) increase its effectiveness at accurately
4 evaluating and documenting the performance of
5 officers;

6 (B) provide more useful information to of-
7 ficer promotion boards; and

8 (C) provide more useful feedback regarding
9 evaluated officers.

10 (c) ACCESS TO DATA AND RECORDS.—The Secre-
11 taries of the military departments shall provide to the
12 Comptroller General sufficient resources and access to
13 technical data, individuals, organizations, and records that
14 the Comptroller General requires to complete the review
15 under this section.

16 (d) SUBMISSION TO SECRETARIES.—Upon com-
17 pleting the review under subsection (a), the Comptroller
18 General shall submit to the Secretary of Defense and the
19 Secretaries of the military departments a report on the
20 results of the review.

21 (e) SUBMISSION TO CONGRESS.—Not later than 30
22 days after the date on which the Secretary of Defense and
23 the Secretaries of the military departments receive the re-
24 port under subsection (d), the Secretary of Defense shall
25 submit to the congressional defense committees—

- 1 (1) an unaltered copy of such report; and
- 2 (2) any comments of the Secretary regarding
- 3 such report.

4 **SEC. 509D. STUDY OF CHAPLAINS.**

5 (a) **STUDY REQUIRED.**—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense, in consultation with the Secretaries of the
8 military departments, shall submit to the Committees on
9 Armed Services of the Senate and House of Representa-
10 tives a study of the roles and responsibilities of chaplains.

11 (b) **ELEMENTS.**—The study under subsection (a)
12 shall include the following:

13 (1) The resources (including funding, adminis-
14 trative support, and personnel) available to support
15 religious programs.

16 (2) Inclusion of chaplains in resiliency, suicide
17 prevention, wellness, and other related programs.

18 (3) The role of chaplains in embedded units,
19 headquarters activities, and military treatment facili-
20 ties.

21 (4) Recruitment and retention of chaplains.

22 (5) An analysis of the number of hours chap-
23 lains spend in roles including pastoral care, religious
24 services, counseling, and administration.

1 (6) The results of any surveys that have as-
2 sessed the roles, responsibilities and satisfaction of
3 chaplains.

4 (7) A review of the personnel requirements for
5 chaplains during fiscal years 2013 through 2022.

6 (8) Challenges to the abilities of chaplains to
7 offer ministry services.

8 **Subtitle B—Reserve Component** 9 **Management**

10 **SEC. 511. INCLUSION OF ADDITIONAL INFORMATION ON** 11 **THE SENIOR RESERVE OFFICERS' TRAINING** 12 **CORPS IN REPORTS ACCOMPANYING THE NA-** 13 **TIONAL DEFENSE STRATEGY.**

14 Section 113(m) of title 10, United States Code, is
15 amended—

16 (1) by redesignating the second paragraph (8)
17 as paragraph (11);

18 (2) by redesignating the first paragraph (8), as
19 paragraph (10);

20 (3) by redesignating paragraphs (5), (6), and
21 (7) paragraphs (7), (8), and (9), respectively; and

22 (4) by inserting after paragraph (4) the fol-
23 lowing new paragraphs:

24 “(5) The number of Senior Reserve Officers’
25 Training Corps scholarships awarded during the fis-

1 cal year covered by the report, disaggregated by gen-
2 der, race, and ethnicity, for each military depart-
3 ment.

4 “(6) The program completion rates and pro-
5 gram withdrawal rates of Senior Reserve Officers’
6 Training Corps scholarship recipients during the fis-
7 cal year covered by the report, disaggregated by gen-
8 der, race, and ethnicity, for each military depart-
9 ment.”.

10 **SEC. 512. EXPANSION OF ELIGIBILITY TO SERVE AS AN IN-**
11 **STRUCTOR IN THE JUNIOR RESERVE OFFI-**
12 **CERS’ TRAINING CORPS.**

13 (a) IN GENERAL.—Section 2031 of title 10, United
14 States Code, is amended—

15 (1) by redesignating subsections (f) and (g) as
16 subsections (g) and (h), respectively; and

17 (2) by inserting after subsection (e) the fol-
18 lowing new subsection:

19 “(f)(1) Instead of, or in addition to, detailing officers
20 and noncommissioned officers on active duty under sub-
21 section (c)(1) or authorizing the employment of retired of-
22 ficers and noncommissioned officers under subsection (d)
23 or (e), the Secretary of the military department concerned
24 may authorize qualified institutions to employ as adminis-

1 trators and instructors in the program officers or non-
2 commissioned officers who—

3 “(A)(i) receive honorable discharges—

4 “(I) after completing at least eight years of
5 service; and

6 “(II) not longer than five years before ap-
7 plying for such employment; or

8 “(ii)(I) are in an active status; and

9 “(II) who are not yet eligible for retired pay;

10 and

11 “(B) apply for such employment.

12 “(2) The Secretary of the military department con-
13 cerned shall pay to the institution an amount equal to one-
14 half of the amount to be paid to an instructor pursuant
15 to the JROTC Instructor Pay Scale for any period.

16 “(3) Notwithstanding the limitation in paragraph (2),
17 the Secretary of the military department concerned may
18 pay to the institution more than one-half of the amount
19 paid to the member by the institution if, as determined
20 by such Secretary—

21 “(A) the institution is in an educationally and
22 economically deprived area; and

23 “(B) such action is in the national interest.

24 “(4) Payments under this subsection shall be made
25 from funds appropriated for that purpose.

1 “(5) The Secretary of the military department con-
2 cerned may require an officer or noncommissioned officer
3 employed under this subsection to transfer to the Indi-
4 vidual Ready Reserve as a condition of such employ-
5 ment.”.

6 (b) BRIEFING.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 Senate and House of Representatives a briefing regard-
10 ing—

11 (1) the number of instructors employed pursu-
12 ant to the amendment made by subsection (a); and

13 (2) costs to the Federal Government arising
14 from such employment.

15 **SEC. 513. BACKDATING OF EFFECTIVE DATE OF RANK FOR**
16 **RESERVE OFFICERS IN THE NATIONAL**
17 **GUARD DUE TO UNDUE DELAYS IN FEDERAL**
18 **RECOGNITION.**

19 Paragraph (2) of section 14308(f) of title 10, United
20 States Code, is amended to read as follows:

21 “(2) If there is a delay in extending Federal recogni-
22 tion in the next higher grade in the Army National Guard
23 or the Air National Guard to a reserve commissioned offi-
24 cer of the Army or the Air Force that exceeds 100 days
25 from the date the National Guard Bureau deems such offi-

1 cer’s application for Federal recognition to be completely
2 submitted by the State and ready for review at the Na-
3 tional Guard Bureau, and the delay was not attributable
4 to the action or inaction of such officer—

5 “(A) in the event of State promotion with an
6 effective date before January 1, 2024, the effective
7 date of the promotion concerned under paragraph
8 (1) may be adjusted to a date determined by the
9 Secretary concerned, but not earlier than the effec-
10 tive date of the State promotion; and

11 “(B) in the event of State promotion with an
12 effective date on or after January 1, 2024, the effec-
13 tive date of the promotion concerned under para-
14 graph (1) shall be adjusted by the Secretary con-
15 cerned to the later of—

16 “(i) the date the National Guard Bureau
17 deems such officer’s application for Federal rec-
18 ognition to be completely submitted by the
19 State and ready for review at the National
20 Guard Bureau; and

21 “(ii) the date on which the officer occupies
22 a billet in the next higher grade.”.

23 **SEC. 514. INSPECTIONS OF THE NATIONAL GUARD.**

24 (a) ELEMENT.—Subsection (a) of section 105 of title
25 32, United States Code, is amended—

1 (1) in paragraph (6), by striking “; and” and
2 inserting a semicolon;

3 (2) in paragraph (7), by striking the period at
4 the end and inserting “; and”; and

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

7 “(8) the units and members of the Army Na-
8 tional Guard or Air National Guard comply with
9 Federal law and policy applicable to the National
10 Guard, including policies issued by the Secretary of
11 Defense, the Secretary of the military department
12 concerned, or the Chief of the National Guard Bu-
13 reau.”.

14 (b) REPORT.—Not later than six months after the
15 date of the enactment of this Act, the Secretary of the
16 Army and the Secretary of the Air Force shall submit to
17 the Committees on Armed Services of the Senate and
18 House of Representatives a report on the implementation
19 of paragraph (8) of such subsection, as added by sub-
20 section (a). Such report shall include the following:

21 (1) The number of inspections conducted that
22 included determinations under such paragraph.

23 (2) With regard to each such inspection—

24 (A) the date;

1 (B) the unit of the Army National Guard
2 or the Air National Guard inspected;

3 (C) the officer who conducted such inspec-
4 tion; and

5 (D) the determination of the officer wheth-
6 er the unit was in compliance with Federal law
7 and policy applicable to the National Guard.

8 **SEC. 515. AUTHORITY TO WAIVE REQUIREMENT THAT PER-**
9 **FORMANCE OF ACTIVE GUARD AND RESERVE**
10 **DUTY AT THE REQUEST OF A GOVERNOR MAY**
11 **NOT INTERFERE WITH CERTAIN DUTIES.**

12 (a) IN GENERAL.—Section 328(b) of title 32, United
13 States Code, is amended by adding at the end the fol-
14 lowing new subsection:

15 “(c) WAIVER AUTHORITY.—(1) Notwithstanding sec-
16 tion 101(d)(6)(A) of title 10 and subsection (b) of this
17 section, the Governor of a State or the Commonwealth of
18 Puerto Rico, Guam, or the Virgin Islands, or the com-
19 manding general of the District of Columbia National
20 Guard, as the case may be, may, at the request of the
21 Secretary concerned, order a member of the National
22 Guard to perform Active Guard and Reserve duty for pur-
23 poses of performing training of the regular components
24 of the armed forces as the primary duty.

1 “(2) Training performed under paragraph (1) must
2 be in compliance with the requirements of section
3 502(f)(2)(B)(i) of this title.

4 “(3) No more than 100 personnel may be granted
5 a waiver by a Secretary concerned under paragraph (1)
6 at a time.

7 “(4) The authority under paragraph (1) shall termi-
8 nate on October 1, 2024.”.

9 (b) BRIEFING ON PERFORMANCE OF TRAINING AS
10 PRIMARY DUTY.—Not later than March 1, 2023, the Sec-
11 retary of the Army and the Secretary of the Air Force
12 shall each submit to the Committee on Armed Services
13 of the Senate and the Committee on Armed Services of
14 the House of Representatives a briefing describing how
15 many members of the National Guard are performing Ac-
16 tive Guard and Reserve duty for purposes of performing
17 training of the regular components of the Armed Forces
18 as primary duty.

19 (c) BRIEFING ON END STRENGTH REQUIRE-
20 MENTS.—Not later than October 1, 2024, the Secretary
21 of the Army and the Secretary of the Air Force shall each
22 submit to the Committee on Armed Services of the Senate
23 and the Committee on Armed Services of the House of
24 Representatives a briefing outlining the end strength re-
25 quirement going forward for Active Guard and Reserve

1 forces of the National Guard impacted by subsection (c)
2 of section 328(b) of title 32, United States Code, as added
3 by subsection (a) of this section.

4 **SEC. 516. CONTINUED NATIONAL GUARD SUPPORT FOR**
5 **FIREGUARD PROGRAM.**

6 Section 515 of the National Defense Authorization
7 Act for Fiscal Year 2022 (Public Law 117–81), is amend-
8 ed—

9 (1) by inserting “**(a) IN GENERAL.—**” before
10 “Until”;

11 (2) by striking “September 30, 2026” and in-
12 serting “September 30, 2029”;

13 (3) by striking “support” and inserting “carry
14 out”;

15 (4) by striking “personnel of the California Na-
16 tional Guard” and inserting “National Guard per-
17 sonnel (including from the Colorado National Guard
18 and the California National Guard)”; and

19 (5) by adding at the end the following:

20 “(b) **TRANSFER.—**Until the date specified in sub-
21 section (a), no component (including any analytical re-
22 sponsibility) of the FireGuard program may be transferred
23 from the Department of Defense to another entity. If the
24 Secretary seeks to make such a transfer, the Secretary
25 shall, at least three years before such transfer, provide to

1 the appropriate congressional committees a written report
2 and briefing that detail—

3 “(1) plans of the Secretary for such transfer;
4 and

5 “(2) how such transfer will sustain and improve
6 detection and monitoring of wildfires.

7 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
8 DEFINED.—In this section, the term ‘appropriate congres-
9 sional committees’ means the following:

10 “(1) The Committee on Armed Services of the
11 Senate.

12 “(2) The Committee on Armed Services of the
13 House of Representatives.

14 “(3) The Select Committee on Intelligence of
15 the Senate.

16 “(4) The Permanent Select Committee on Intel-
17 ligence of the House of Representatives.”.

18 **SEC. 517. ENHANCEMENT OF NATIONAL GUARD YOUTH**
19 **CHALLENGE PROGRAM.**

20 Section 516 of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81) is amend-
22 ed, in subsection (a), by striking “fiscal year 2022” and
23 inserting “fiscal years 2022 and 2023”.

1 **SEC. 518. NOTICE TO CONGRESS BEFORE CERTAIN AC-**
2 **TIONS REGARDING UNITS OF CERTAIN RE-**
3 **SERVE COMPONENTS.**

4 (a) NOTICE REQUIRED; ELEMENTS.—The Secretary
5 of a military department may not take any covered action
6 regarding a covered unit until the day that is 60 days after
7 the Secretary of a military department submits to Con-
8 gress notice of such covered action. Such notice shall in-
9 clude the following elements:

10 (1) An analysis of how the covered action would
11 improve readiness.

12 (2) A description of how the covered action
13 would align with the National Defense Strategy and
14 the supporting strategies of each military depart-
15 ments.

16 (3) A description of any proposed organiza-
17 tional change associated with the covered action and
18 how the covered action will affect the relationship of
19 administrative, operational, or tactical control re-
20 sponsibilities of the covered unit.

21 (4) The projected cost and any projected long-
22 term cost savings of the covered action.

23 (5) A detailed description of any requirements
24 for new infrastructure or relocation of equipment
25 and assets necessary for the covered action.

1 (6) A description of how the covered activity
2 will affect the ability of the covered Armed Force to
3 accomplish its current mission.

4 (b) APPLICABILITY.—This section shall apply to any
5 step to perform covered action regarding a covered unit
6 on or after the date of the enactment of this Act.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “covered action” means any of
9 the following:

10 (A) To deactivate.

11 (B) To reassign.

12 (C) To move the home station.

13 (2) The term “covered Armed Force” means
14 the following:

15 (A) The Army.

16 (B) The Navy.

17 (C) The Marine Corps.

18 (D) The Air Force.

19 (E) The Space Force.

20 (3) The term “covered unit” means a unit of a
21 reserve component of a covered Armed Force.

22 **SEC. 519. INDEPENDENT STUDY ON FEDERAL RECOGNITION OF NATIONAL GUARD OFFICERS.**

23 **(a) INDEPENDENT STUDY.—**

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this Act, the Secretary
3 of Defense shall seek to enter into a contract with
4 a federally funded research and development center
5 to conduct a study on the National Guard commis-
6 sioned officer and warrant officer promotion system
7 and provide recommendations to the Department of
8 Defense, the Department of the Air Force, the De-
9 partment of the Army, the National Guard Bureau,
10 and individual State National Guard commands.

11 (2) ELEMENTS.—The study referred to in para-
12 graph (1) shall include a comprehensive review and
13 assessment of the following:

14 (A) Reasons for delays in processing per-
15 sonnel actions for Federal recognition of State
16 National Guard member promotions.

17 (B) The Federal recognition process used
18 to extend Federal recognition to State pro-
19 motions.

20 (C) Best practices among the various State
21 National Guards for managing their require-
22 ments under the existing National Guard pro-
23 motion system.

24 (D) Possible improvements to require-
25 ments, policies, procedures, workflow, or re-

1 sources to reduce the processing time for Fed-
2 eral recognition of state promotions.

3 (E) An assessment of the feasibility of de-
4 veloping or adopting a commercially available
5 solution for an integrated enterprise informa-
6 tion technology system for managing National
7 Guard officer and warrant officer promotions
8 that allows seamless transition for promotions
9 as they move through review at the National
10 Guard Bureau, the Department of the Army,
11 the Department of the Air Force, and the De-
12 partment of Defense.

13 (F) Possible metrics to evaluate effective-
14 ness of any recommendations made.

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

19 (H) Any other matters the federally fund-
20 ed research and development center determines
21 relevant.

22 (3) REPORT.—

23 (A) IN GENERAL.—The contract under
24 paragraph (1) shall require the federally funded
25 research and development center that conducts

1 the study under the contract to submit to the
2 Secretary of Defense, the Secretary of the
3 Army, the Secretary of the Air Force, and the
4 Chief of the National Guard Bureau a report
5 on the results of the study.

6 (B) SUBMISSION TO CONGRESS.—Upon re-
7 ceiving the report required under subparagraph
8 (A), the Secretary of Defense shall submit an
9 unedited copy of the report results to the con-
10 gressional defense committees within 30 days of
11 receiving the report from the federally funded
12 research and development corporation.

13 (b) REPORTING REQUIREMENT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, and an-
16 nually thereafter until the date specified in para-
17 graph (3), the Secretary of Defense, in consultation
18 with the Secretary of the Army and the Secretary of
19 the Air Force as appropriate, shall submit to the
20 Committee on Armed Services of the Senate and the
21 Committee on Armed Services of the House of Rep-
22 resentatives a report detailing the current status of
23 the Federal recognition process for National Guard
24 promotions.

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

3 (A) An update on efforts to transition to
4 fully digital processes in accordance with rec-
5 ommendations made pursuant to subsection (a).

6 (B) The average processing time for per-
7 sonnel actions related to Federal recognition of
8 reserve commissioned officer promotions in the
9 Army and Air National Guards, respectively, in-
10 cluding the time in days from the date at which
11 the National Guard Bureau received the pro-
12 motion until the date at which Federal recogni-
13 tion was granted.

14 (C) The average time it took during the
15 previous fiscal year to extend Federal recogni-
16 tion.

17 (D) The number of Army and Air National
18 Guard officers who experienced Federal recogni-
19 tion delays greater than 90 days in the previous
20 fiscal year.

21 (E) A summary of any additional resources
22 or authorities needed to further streamline the
23 Federal recognition processes to reduce average
24 Federal recognition processing time to 90 days
25 or fewer.

1 (F) Any other information that the Secre-
2 taries concerned deem relevant.

3 (3) EXPIRATION OF ANNUAL REPORTING RE-
4 QUIREMENT.—The date referred to in paragraph (1)
5 is such time as the average processing time for per-
6 sonnel actions described under this subsection is re-
7 duced to 90 days or fewer for each of the Army and
8 Air National Guards.

9 **SEC. 519A. REVIEW AND UPDATE OF REPORT ON GEO-**
10 **GRAPHIC DISPERSION OF JUNIOR RESERVE**
11 **OFFICERS' TRAINING CORPS.**

12 (a) REPORT: REVIEW; UPDATE.—The Secretary of
13 Defense, in consultation with the Secretaries of the mili-
14 tary departments, shall review and update the 2017 report
15 from the RAND Corporation titled “Geographic and De-
16 mographic Representativeness of Junior Reserve Officer
17 Training Corps” (Library of Congress Control Number:
18 2017950423).

19 (b) ELEMENTS.—The report updated under sub-
20 section (a) shall include the following:

21 (1) An assessment of whether there is adequate
22 representation in, and reasonable access to, units of
23 the Junior Reserve Officers' Training Corps (herein-
24 after, “JROTC”) for students in all regions of the
25 of the United States.

1 (2) The estimated cost and time to increase the
2 number of units of JROTC to ensure adequate rep-
3 resentation and reasonable access described in para-
4 graph (1).

5 (3) Recommendations to increase adequate rep-
6 resentation and reasonable access described in para-
7 graph (1) in areas of the United States that the Sec-
8 retary of Defense determines lack such adequate
9 representation and reasonable access.

10 (c) SUBMISSION.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall submit to the Committees on Armed Services of the
13 Senate and the House of Representatives the report up-
14 dated under this section.

15 **SEC. 519B. BRIEFING ON DUTIES OF THE ARMY INTER-**
16 **AGENCY TRAINING AND EDUCATION CENTER.**

17 Not later than 120 days after the date of the enact-
18 ment of this Act, the Secretary of Defense, in consultation
19 with the Assistant Secretary of Defense for Homeland De-
20 fense and Global Security and the Chief of the National
21 Guard Bureau, shall submit to the Committees on Armed
22 Services of the Senate and House of Representatives a
23 briefing that includes—

24 (1) an organizational plan and an estimate of
25 the annual costs necessary for the Army Interagency

1 Training and Education Center to carry out duties
2 assigned to it by the Chief of the National Guard
3 Bureau; and

4 (2) the staffing requirements needed to ade-
5 quately staff such duties.

6 **Subtitle C—General Service**
7 **Authorities and Military Records**

8 **SEC. 521. CONSIDERATION OF ADVERSE INFORMATION BY**
9 **SPECIAL SELECTION REVIEW BOARDS.**

10 Section 628a(a)(1) of title 10, United States Code,
11 is amended—

12 (1) by inserting “(A)” before “If the Secretary
13 concerned”; and

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

16 “(B) Nothing in this section shall be construed to
17 prevent a Secretary concerned from deferring consider-
18 ation of adverse information concerning an officer subject
19 to this section until the next regularly scheduled pro-
20 motion board applicable to such officer, in lieu of fur-
21 nishing such adverse information to a special selection re-
22 view board under this section.”.

1 **SEC. 522. EXPANSION OF ELIGIBILITY FOR DIRECT ACCEPT-**
2 **ANCE OF GIFTS BY MEMBERS OF THE ARMED**
3 **FORCES AND DEPARTMENT OF DEFENSE AND**
4 **COAST GUARD EMPLOYEES AND THEIR FAMI-**
5 **LIES.**

6 Section 2601a of title 10, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (2), by striking “; or”
10 and inserting a semicolon;

11 (B) by redesignating paragraph (3) as
12 paragraph (4); and

13 (C) by inserting after paragraph (2) the
14 following new paragraph:

15 “(3) that results in enrollment in a Warriors in
16 Transition program, as defined in section 738(e) of
17 the National Defense Authorization Act for Fiscal
18 Year 2013 (Public Law 112–239; 10 U.S.C. 1071
19 note); or”; and

20 (2) in subsection (c), by striking “paragraph
21 (1), (2) or (3) of”.

1 **SEC. 523. LIMITATION OF EXTENSION OF PERIOD OF AC-**
2 **TIVE DUTY FOR A MEMBER WHO ACCEPTS A**
3 **FELLOWSHIP, SCHOLARSHIP, OR GRANT.**

4 (a) **LIMITATION.**—Subsection (b) of section 2603 of
5 title 10, United States Code, is amended by striking “at
6 least”.

7 (b) **MODERNIZATION.**—Subsection (a) of such section
8 is amended—

9 (1) in the matter preceding paragraph (1)—

10 (A) by striking “or his designee” and in-
11 sserting “(or an individual designated by the
12 President)”; and

13 (B) by striking “him” and inserting “the
14 member”;

15 (2) in paragraph (1), by striking “his field” and
16 inserting “the field of the member”;

17 (3) in paragraph (3), by striking “his recog-
18 nized potential for future career service” and insert-
19 ing “the recognized potential for future career serv-
20 ice of the member”; and

21 (4) in the matter following paragraph (3)—

22 (A) by striking “his” both places it ap-
23 pears and inserting “the member’s”; and

24 (B) by striking “him” and inserting “the
25 member”.

1 **SEC. 524. EXPANSION OF MANDATORY CHARACTERIZA-**
2 **TIONS OF ADMINISTRATIVE DISCHARGES OF**
3 **CERTAIN MEMBERS ON THE BASIS OF FAIL-**
4 **URE TO RECEIVE COVID-19 VACCINE.**

5 Section 736(a) of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81; 10 U.S.C.
7 1161 note) is amended—

8 (1) in the matter preceding paragraph (1), by
9 striking “During the period of time beginning on
10 August 24, 2021, and ending on the date that is two
11 years after the date of the enactment of this Act,
12 any” and inserting “Any”;

13 (2) in paragraph (1) by striking “; or” and in-
14 serting a semicolon;

15 (3) in paragraph (2), by striking the period and
16 inserting “; or”; and

17 (4) by adding at the end the following new
18 paragraph:

19 “(3) in the case of a covered member receiving
20 an administrative discharge before completing the
21 first 180 continuous days of active duty,
22 uncharacterized.”.

23 **SEC. 525. RESCISSION OF COVID-19 VACCINATION MAN-**
24 **DATE.**

25 Not later than 30 days after the date of the enact-
26 ment of this Act, the Secretary of Defense shall rescind

1 the mandate that members of the Armed Forces be vac-
2 cinated against COVID-19 pursuant to the memorandum
3 dated August 24, 2021, regarding “Mandatory
4 Coronavirus Disease 2019 Vaccination of Department of
5 Defense Service Members”.

6 **SEC. 526. TEMPORARY EXEMPTION FROM END STRENGTH**
7 **GRADE RESTRICTIONS FOR THE SPACE**
8 **FORCE.**

9 Section 517 and section 523 (as amended by section
10 501 of this Act) of title 10, United States Code, shall not
11 apply to the Space Force until January 1, 2024.

12 **SEC. 527. NOTIFICATION TO NEXT OF KIN UPON THE**
13 **DEATH OF A MEMBER OF THE ARMED**
14 **FORCES: STUDY; UPDATE; TRAINING; RE-**
15 **PORT.**

16 (a) **STUDY.**—Not later than 180 days after the date
17 of the enactment of this Act, the Secretary of Defense
18 shall conduct a study on the notification processes of the
19 next of kin upon the death of a member of the Armed
20 Forces. In conducting the study, the Secretary shall iden-
21 tify the following elements:

22 (1) The time it takes for such notification to
23 occur after such death, recovery of remains, and
24 identification of remains. Such time shall be deter-

1 mined through an analysis of data regarding cases
2 involving such notifications.

3 (2) The effect of media (including social media)
4 and other forms of communication on such proc-
5 esses.

6 (3) Means by which the Secretary may improve
7 such processes to reduce the time described in para-
8 graph (1).

9 (4) Any legislative recommendations of the Sec-
10 retary to improve such processes to reduce the time
11 described in paragraph (1).

12 (b) UPDATE.—Upon completion of the study under
13 subsection (a), the Secretary shall review and update
14 training and education materials regarding such proc-
15 esses, implementing means described in subsection (a)(3).

16 (c) OPERATIONAL TRAINING.—The Secretary of the
17 military department concerned shall include a training ex-
18 ercise, using materials updated (including lessons learned)
19 under subsection (b), regarding a death described in this
20 section in each major exercise conducted by such Secretary
21 or the Secretary of Defense.

22 (d) REPORT.—Not later one year after the date of
23 the enactment of this Act, the Secretary of Defense shall
24 submit to the Committees on Armed Services of the Sen-
25 ate and House of Representatives a report containing—

- 1 (1) the results of the study;
- 2 (2) a description of the update under subsection
- 3 (b); and
- 4 (3) lessons learned, as described in subsection
- 5 (c).

6 **SEC. 528. GENDER-NEUTRAL FITNESS PHYSICAL READI-**
7 **NESS STANDARDS FOR MILITARY OCCUPA-**
8 **TIONAL SPECIALTIES OF THE ARMY.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of the Army shall—

- 11 (1) establish gender-neutral physical readiness
- 12 standards that ensure soldiers can perform the du-
- 13 ties of their respective military occupational special-
- 14 ties; and
- 15 (2) provide to the Committees on Armed Serv-
- 16 ices of the Senate and House of Representatives a
- 17 briefing describing the methodology used to deter-
- 18 mine the standards established under paragraph (1).

19 **SEC. 529. RECURRING REPORT REGARDING COVID-19 MAN-**
20 **DATE.**

21 (a) **REPORT REQUIRED.**—The Secretary of Defense
22 shall submit to the Committees on Armed Services of the
23 Senate and House of Representatives a recurring report
24 regarding the requirement that a member of the Armed
25 Forces shall receive a vaccination against COVID-19.

1 Each such report may not contain any personally identifi-
2 able information, and shall contain the following:

3 (1) With regard to religious exemptions to such
4 requirement—

5 (A) the number of such exemptions for
6 which members applied;

7 (B) the number of such religious exemp-
8 tions denied;

9 (C) the reasons for such denials;

10 (D) the number of members denied such a
11 religious exemption who complied with the re-
12 quirement; and

13 (E) the number of members denied such a
14 religious exemption who did not comply with
15 the requirement who were separated, and with
16 what characterization.

17 (2) With regard to medical exemptions to such
18 requirement—

19 (A) the number of such medical exemp-
20 tions for which members applied;

21 (B) the number of such medical exemp-
22 tions denied;

23 (C) the reasons for such denials;

1 (D) the number of members denied such a
2 medical exemption who complied with the re-
3 quirement; and

4 (E) the number of members denied such a
5 medical exemption who did not comply with the
6 requirement who were separated, and with what
7 characterization.

8 (b) FREQUENCY; TERMINATION.—The Secretary
9 shall submit the first such report not later than 90 days
10 after the date of the enactment of this Act and every 90
11 days thereafter until the first of the following to occur:

12 (1) The Secretary of Defense lifts such require-
13 ment.

14 (2) The day that is two years after the date of
15 the enactment of this Act.

16 **SEC. 530. SENSE OF CONGRESS REGARDING WOMEN INVOL-**
17 **UNTARILY SEPARATED FROM THE ARMED**
18 **FORCES DUE TO PREGNANCY OR PARENT-**
19 **HOOD.**

20 (a) FINDINGS.—Congress finds the following:

21 (1) In June 1948, Congress enacted the Wom-
22 en's Armed Services Integration Act of 1948, which
23 formally authorized the appointment and enlistment
24 of women in the regular components of the Armed
25 Forces.

1 (2) With the expansion of the Armed Forces to
2 include women, the possibility arose for the first
3 time that members of the regular components of the
4 Armed Forces could become pregnant.

5 (3) The response to such possibilities and actu-
6 alities was Executive Order 10240, signed by Presi-
7 dent Harry S. Truman in 1951, which granted the
8 Armed Forces the authority to involuntarily separate
9 or discharge a woman if she became pregnant, gave
10 birth to a child, or became a parent by adoption or
11 a stepparent.

12 (4) The Armed Forces responded to the Execu-
13 tive order by systematically discharging any woman
14 in the Armed Forces who became pregnant.

15 (5) The Armed Forces were required to offer
16 women who were involuntarily separated or dis-
17 charged due to pregnancy the opportunity to request
18 retention in the military.

19 (6) The Armed Forces may not have provided
20 required separation benefits, counseling, or assist-
21 ance to the members of the Armed Forces who were
22 separated or discharged due to pregnancy.

23 (7) Thousands of members of the Armed
24 Forces were involuntarily separated or discharged
25 from the Armed Forces as a result of pregnancy.

1 (8) Such involuntary separation or discharge
2 from the Armed Forces on the basis of pregnancy
3 was challenged in Federal district court by Steph-
4 anie Crawford in 1975, whose legal argument stated
5 that this practice violated her constitutional right to
6 due process of law.

7 (9) The Court of Appeals for the Second Cir-
8 cuit ruled in Stephanie Crawford's favor in 1976
9 and found that Executive Order 10240 and any reg-
10 ulations relating to the Armed Forces that made
11 separation or discharge mandatory due to pregnancy
12 were unconstitutional.

13 (10) By 1976, all regulations that permitted in-
14 voluntary separation or discharge of a member of
15 the Armed Forces because of pregnancy or any form
16 of parenthood were rescinded.

17 (11) Today, women comprise 17 percent of the
18 Armed Forces, and many are parents, including 12
19 percent of whom are single parents.

20 (12) While military parents face many hard-
21 ships, today's Armed Forces provide various lengths
22 of paid family leave for mothers and fathers, for
23 both birth and adoption of children.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that women who served in the Armed Forces before

1 February 23, 1976, should not have been involuntarily
2 separated or discharged due to pregnancy or parenthood.

3 **Subtitle D—Recruitment and**
4 **Retention**

5 **SEC. 531. TREATMENT OF PERSONALLY IDENTIFIABLE IN-**
6 **FORMATION REGARDING PROSPECTIVE RE-**
7 **CRUITS.**

8 (a) TREATMENT OF PERSONALLY IDENTIFIABLE IN-
9 FORMATION.—Section 503(a) of title 10, United States
10 Code, is amended adding at the end the following new
11 paragraphs:

12 “(3) PII regarding a prospective recruit col-
13 lected or compiled under this subsection shall be
14 kept confidential, and a person who has had access
15 to such PII may not disclose the information except
16 for purposes of this section or other purpose author-
17 ized by law.

18 “(4) In the course of conducting a recruiting
19 campaign, the Secretary concerned shall—

20 “(A) notify a prospective recruit of data
21 collection policies of the armed force concerned;
22 and

23 “(B) permit the prospective recruit to elect
24 not to participate in such data collection.

1 “(5) In this subsection, the term ‘PII’ means
2 personally identifiable information.”.

3 (b) PILOT PROGRAM ON RECRUITING.—

4 (1) AUTHORITY.—The Secretary of Defense
5 may conduct a pilot program (such a program shall
6 be referred to as a “Military Recruiting Moderniza-
7 tion Program”) to evaluate the feasibility and effec-
8 tiveness of collecting and using PRI with modern
9 technologies to allow the Secretary to more effec-
10 tively and efficiently use recruiting resources.

11 (2) TREATMENT OF PROSPECTIVE RECRUIT IN-
12 FORMATION.—PRI collected under a pilot program
13 under this subsection—

14 (A) may be used by the Armed Forces and
15 entities into which the Secretary has entered
16 into an agreement regarding military recruit-
17 ment only for purposes of military recruitment;

18 (B) shall be kept confidential.

19 (C) may not be maintained more than
20 three years after collection; and

21 (3) OPT-OUT.—A pilot program under this sub-
22 section may allow a prospective recruit to opt-out of
23 the collection of PRI regarding such prospective re-
24 cruit.

1 (4) TERMINATION.—Any such pilot program
2 shall terminate three years after implementation.

3 (5) INTERIM BRIEFING.—Not later than 90
4 days after the implementing a pilot program under
5 this subsection, the Secretary shall provide to the
6 Committees on Armed Services of the Senate and
7 the House of Representatives a briefing on the pilot
8 program. Such briefing shall include the following:

9 (A) The definition, prescribed by the Sec-
10 retary, of PRI.

11 (B) How the Secretary intends to handle
12 privacy concerns related to the collection of
13 PRI.

14 (C) Legal concerns over the collection, use,
15 and maintenance of PRI.

16 (6) FINAL REPORT.—Not later than 120 days
17 after the completion of a pilot program under this
18 subsection, the Under Secretary of Defense for Per-
19 sonnel and Readiness shall submit to the Commit-
20 tees on Armed Services of the Senate and the House
21 of Representatives a report on the pilot program.
22 Such report shall include the following:

23 (A) A summary of whether and how the
24 pilot program modernized recruiting efforts.

1 (B) A description of any efficiencies identi-
2 fied under the pilot program.

3 (C) Any violations of privacy laws arising
4 from the pilot program.

5 (D) Legislative recommendations of the
6 Under Secretary arising from this pilot pro-
7 gram.

8 (7) DEFINITIONS.—In this section:

9 (A) The term “PRI” means information,
10 prescribed by the Secretary of Defense, regard-
11 ing a prospective recruit.

12 (B) The term “prospective recruit” means
13 an individual who is eligible to join the Armed
14 Forces and is—

15 (i) 17 years of age or older; or

16 (ii) in the eleventh grade (or its equiv-
17 alent) or higher.

18 **SEC. 532. REVIVAL AND EXTENSION OF TEMPORARY AU-**
19 **THORITY FOR TARGETED RECRUITMENT IN-**
20 **CENTIVES.**

21 Section 522(h) of the National Defense Authorization
22 Act for Fiscal Year 2016 (Public Law 114–92; 10 U.S.C.
23 503 note) is—

24 (1) is revived to read as it did immediately be-
25 fore its expiration on December 31, 2020; and

1 (2) is amended—

2 (A) by striking the semicolon and inserting
3 a comma; and

4 (B) by striking “2020” and inserting
5 “2025”.

6 **SEC. 533. REPORT ON RECRUITING EFFORTS OF CERTAIN**
7 **ARMED FORCES.**

8 (a) **REPORT REQUIRED.**—Not later than 120 days
9 after the date of the enactment of this act, the Secretary
10 of Defense, in coordination with the Secretaries of the
11 military departments, shall submit to the Committees on
12 Armed Services of the Senate and House of Representa-
13 tives a report on recruiting efforts of the covered Armed
14 Forces.

15 (b) **ELEMENTS.**—The report shall contain, with re-
16 gards to the covered Armed Forces during fiscal years
17 2018 through 2022, the following elements:

18 (1) A comparison of—

19 (A) the number of active duty enlistments
20 from each geographic region;

21 (B) the number of recruiters stationed in
22 each geographic region; and

23 (C) advertising dollars spent in each geo-
24 graphic region, including annual numbers and
25 averages.

1 (2) A comparison of the number of active duty
2 enlistments produced by each recruiting battalion,
3 recruiting district, or recruiting region, the number
4 of recruiters stationed in each battalion, and adver-
5 tising dollars spent in support of each battalion, in-
6 cluding annual numbers and averages.

7 (3) An analysis of the geographic dispersion of
8 enlistments by military occupational specialty.

9 (4) An analysis of the amount of Federal funds
10 spent on advertising per active duty enlistment by
11 recruiting battalion, recruiting district, or recruiting
12 region, and a ranked list of those battalions from
13 most efficient to least efficient.

14 (5) A comparison of the race, religion, sex, edu-
15 cation levels, military occupational specialties, and
16 waivers for enlistment granted to enlistees by geo-
17 graphic region and recruiting battalion, recruiting
18 district, or recruiting region of responsibility.

19 (6) An assessment of obstacles that recruiters
20 face in the field, including access to schools and ad-
21 ministrative support.

22 (7) Efforts the Secretary of the military depart-
23 ment concerned is taking to mitigate obstacles de-
24 scribed in paragraph (6).

25 (c) DEFINITIONS.—In this section:

1 (1) The term “covered Armed Force” means an
2 Armed Force under the jurisdiction of the Secretary
3 of a military department.

4 (2) The term “geographic region” means a re-
5 gion used for the 2020 decennial census.

6 **SEC. 534. REVIEW OF MARKETING AND RECRUITING OF**
7 **THE DEPARTMENT OF DEFENSE.**

8 (a) **IN GENERAL.**—Not later than September 30,
9 2023, the Comptroller General of the United States, in
10 consultation with experts determined by the Secretary of
11 Defense, shall evaluate the marketing and recruiting ef-
12 forts of the Department of Defense to determine how to
13 use social media and other technology platforms to convey
14 to young people the opportunities and benefits of service
15 in the covered Armed Forces.

16 (b) **COVERED ARMED FORCE DEFINED.**—In this sec-
17 tion, the term “covered Armed Force” means the fol-
18 lowing:

- 19 (1) The Army.
- 20 (2) The Navy.
- 21 (3) The Marine Corps.
- 22 (4) The Air Force.
- 23 (5) The Space Force.

1 **SEC. 535. REPORT ON DEPARTMENT OF DEFENSE RECRUIT-**
2 **MENT ADVERTISING TO RACIAL AND ETHNIC**
3 **MINORITY COMMUNITIES.**

4 Not later than June 1, 2023, the Secretary of De-
5 fense shall submit to the congressional defense committees
6 a report on the efforts of the Department of Defense to
7 increase marketing and advertising to adequately reach
8 racial and ethnic minority communities.

9 **SEC. 536. IMPROVING OVERSIGHT OF MILITARY RECRUIT-**
10 **MENT PRACTICES IN PUBLIC SECONDARY**
11 **SCHOOLS.**

12 Not later than one year after the date of the enact-
13 ment of this Act, the Secretary of Defense shall submit
14 to the Committees on Armed Services of the Senate and
15 House of Representatives a report on military recruitment
16 practices in public secondary schools during calendar
17 years 2018 through 2022, including—

18 (1) the zip codes of public secondary schools
19 visited by military recruiters; and

20 (2) the number of recruits from public sec-
21 ondary schools by zip code and local education agen-
22 cy.

1 **SEC. 537. BEST PRACTICES FOR THE RETENTION OF CER-**
2 **TAIN FEMALE MEMBERS OF THE ARMED**
3 **FORCES.**

4 The Secretaries of the military departments shall
5 share and implement best practices regarding the use of
6 retention and exit survey data to identify barriers and les-
7 sons learned to improve the retention of female members
8 of the Armed Forces under the jurisdiction of such Secre-
9 taries.

10 **SEC. 538. REVIEW OF CERTAIN PERSONNEL POLICIES OF**
11 **SPECIAL OPERATIONS FORCES.**

12 (a) **REVIEW REQUIRED.**—The Secretary of Defense
13 shall direct the covered officials to review (and, if a cov-
14 ered official determines it necessary, update guidance and
15 processes) matters described in section 167(e)(2)(J) of
16 title 10, United States Code. The covered officials shall
17 complete such review (and update) not later than 180 days
18 after the date of the enactment of this Act.

19 (b) **ELEMENTS OF REVIEW.**—The review and updates
20 under subsection (a) shall address the respective roles of
21 the military departments and the United States Special
22 Operations Command with respect to the following:

23 (1) Coordination between special operations
24 command and the military departments regarding
25 recruiting and retention to ensure that personnel re-

1 requirements of special operations forces and the mili-
2 tary departments are met appropriately.

3 (2) Opportunities for members of special oper-
4 ations forces to enroll in professional military edu-
5 cation.

6 (3) Promotion opportunities for members of
7 special operations forces and an assessment of
8 whether such opportunities are adequate to fulfill
9 staffing requirements of special operations forces.

10 (4) Data sharing between the military depart-
11 ments and special operations command with respect
12 to special operations forces personnel.

13 (5) Any other matter the Secretary of Defense
14 determines appropriate.

15 (c) REPORT REQUIRED.—Not later than 90 days
16 after completing the review (and any updates) under sub-
17 section (a), the Secretary of Defense shall submit to the
18 Committees on Armed Services of the Senate and House
19 of Representatives a report on such review and any result-
20 ing updates to guidance and processes. The report shall
21 also include any recommendations of the Secretary regard-
22 ing matters described in subsection (a) or (b).

23 (d) DEFINITIONS.—In this section:

24 (1) The term “covered officials” means—

1 (A) the Secretaries of the military depart-
2 ments;

3 (B) the Assistant Secretary of Defense for
4 Special Operations and Low Intensity Conflict;
5 and

6 (C) the Commander of special operations
7 command.

8 (2) The term “special operations command”
9 has the meaning given that term in section 167(a)
10 of title 10, United States Code.

11 (3) The term “special operations forces” means
12 the forces described in section 167(j) of title 10,
13 United States Code.

14 **SEC. 539. SUPPORT FOR MEMBERS WHO PERFORM DUTIES**
15 **REGARDING REMOTELY PILOTED AIRCRAFT:**
16 **STUDY; REPORT.**

17 (a) **STUDY.**—The Secretary of Defense shall conduct
18 a study to identify opportunities to provide more support
19 services to, and greater recognition of combat accomplish-
20 ments of, RPA crew. Such study shall identify the fol-
21 lowing with respect to each covered Armed Force:

22 (1) Safety policies applicable to crew of tradi-
23 tional aircraft that apply to RPA crew.

1 (2) Personnel policies, including crew staffing
2 and training practices, applicable to crew of tradi-
3 tional aircraft that apply to RPA crew.

4 (3) Metrics the Secretaries of the military de-
5 partments use to evaluate the health of RPA crew.

6 (4) Incentive pay, retention bonuses, promotion
7 rates, and career advancement opportunities for
8 RPA crew.

9 (5) Combat zone compensation available to
10 RPA crew.

11 (6) Decorations and awards for combat avail-
12 able to RPA crew.

13 (7) Mental health care available to crew of tra-
14 ditional aircraft and RPA crew who conduct combat
15 operations.

16 (8) Whether RPA crew receive post-separation
17 health (including mental health) care equivalent to
18 crew of traditional aircraft.

19 (9) An explanation of any difference under
20 paragraph (8).

21 (b) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Secretary of Defense
23 shall submit to the Committees on Armed Services of the
24 Senate and House of Representatives a report containing
25 the following:

1 (1) The results of the study conducted under
2 this section.

3 (2) Any policy recommendations of the Sec-
4 retary regarding such results.

5 (3) Progress made by the Secretary of the Air
6 Force in implementing the recommendations of the
7 Comptroller General of the United States in the fol-
8 lowing reports:

9 (A) GAO-19-155, titled “Unmanned Aerial
10 Systems: Air Force Pilot Promotion Rates Have
11 Increased but Oversight Process of Some Posi-
12 tions Could Be Enhanced”.

13 (B) GAO-20-320, titled “Unmanned Aerial
14 Systems: Air Force Should Take Additional
15 Steps to Improve Aircrew Staffing and Sup-
16 port”.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered Armed Force” means an
19 Armed Force under the jurisdiction of the Secretary
20 of a military department.

21 (2) The term “RPA crew” means members of
22 covered Armed Forces who perform duties relating
23 to remotely piloted aircraft.

24 (3) The term “traditional aircraft” means fixed
25 or rotary wing aircraft operated by an onboard pilot.

1 **SEC. 539A. RETENTION AND RECRUITMENT OF MEMBERS**
2 **OF THE ARMY WHO SPECIALIZE IN AIR AND**
3 **MISSILE DEFENSE SYSTEMS.**

4 (a) STUDY.—The Comptroller General of the United
5 States shall study efforts to retain and recruit members
6 with military occupational specialties regarding air and
7 missile defense systems of the Army.

8 (b) INTERIM BRIEFING.—Not later than 180 days
9 after the date of the enactment of this Act, the Comp-
10 troller General shall submit to the Committees on Armed
11 Services of the Senate and House of Representatives a
12 briefing on the status of the study.

13 (c) FINAL REPORT.—Not later than 18 months after
14 the date of the enactment of this Act, the Comptroller
15 General shall submit to the Committees on Armed Serv-
16 ices of the Senate and House of Representatives a report
17 that identifies steps the Secretary of the Army may take
18 to improve such retention and recruitment.

19 **Subtitle E—Military Justice and**
20 **Other Legal Matters**

21 **SEC. 541. MATTERS IN CONNECTION WITH SPECIAL TRIAL**
22 **COUNSEL.**

23 (a) DEFINITION OF COVERED OFFENSE.—

24 (1) IN GENERAL.—Section 801(17)(A) of title
25 10, United States Code (article 1(17)(A) of the Uni-
26 form Code of Military Justice), as added by section

1 533 of the National Defense Authorization Act for
2 Fiscal Year 2022 (Public Law 117–81; 135 Stat.
3 1695), is amended by striking “section 920 (article
4 120)” and inserting “section 919a (article 119a),
5 section 920 (article 120), section 920a (article
6 120a)”.

7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect immediately after
9 the coming into effect of the amendments made by
10 section 533 of the National Defense Authorization
11 Act for Fiscal Year 2022 (Public Law 117–81; 135
12 Stat. 1695) as provided in section 539C of that Act
13 (10 U.S.C. 801 note) and shall apply with respect
14 to offenses that occur after that date.

15 (b) INCLUSION OF SEXUAL HARASSMENT AS COV-
16 ERED OFFENSE.—

17 (1) IN GENERAL.—Section 801(17)(A) of title
18 10, United States Code (article 1(17)(A) of the Uni-
19 form Code of Military Justice), as added by section
20 533 of the National Defense Authorization Act for
21 Fiscal Year 2022 (Public Law 117–81; 135 Stat.
22 1695) and amended by subsection (a) of this section,
23 is further amended—

24 (A) by striking “or”; and

1 (B) by striking “of this title” and inserting
2 “, or the standalone offense of sexual harass-
3 ment punishable under section 934 (article 134)
4 of this title in each instance in which a formal
5 complaint is made and such formal complaint is
6 substantiated in accordance with regulations
7 prescribed by the Secretary concerned”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by paragraph (1) shall take effect on January 1,
10 2025, and shall apply with respect to offenses that
11 occur after that date.

12 (c) RESIDUAL PROSECUTORIAL DUTIES AND OTHER
13 JUDICIAL FUNCTIONS OF CONVENING AUTHORITIES IN
14 COVERED CASES.—The President shall prescribe regula-
15 tions to ensure that residual prosecutorial duties and other
16 judicial functions of convening authorities, including
17 granting immunity, ordering depositions, and hiring ex-
18 perts, with respect to charges and specifications over
19 which a special trial counsel exercises authority pursuant
20 to section 824a of title 10, United States Code (article
21 24a of the Uniform Code of Military Justice) (as added
22 by section 531 of the National Defense Authorization Act
23 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1692)), are transferred to the military judge, the special
25 trial counsel, or other authority as appropriate in such

1 cases by no later than the effective date established in sec-
2 tion 539C of the National Defense Authorization Act for
3 Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 801
4 note), in consideration of due process for all parties in-
5 volved in such a case.

6 (d) AMENDMENT TO THE RULES FOR COURTS-MAR-
7 TIAL.—The President shall prescribe in regulation such
8 modifications to Rule 813 of the Rules for Courts-Martial
9 and other Rules as appropriate to ensure that at the be-
10 ginning of each court-martial convened, the presentation
11 of orders does not in open court specify the name, rank,
12 or position of the convening authority convening such
13 court, unless such convening authority is the Secretary
14 concerned, the Secretary of Defense, or the President.

15 (e) BRIEFING REQUIRED.—Not later than 180 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall provide to the Committees on Armed
18 Services of the Senate and the House of Representatives
19 a briefing on the progress of the Department of Defense
20 in implementing this section, including an identification
21 of—

22 (1) the duties to be transferred under sub-
23 section (c);

24 (2) the positions to which those duties will be
25 transferred; and

1 (3) any provisions of law or Rules for Courts
2 Martial that must be amended or modified to fully
3 complete the transfer.

4 (f) ADDITIONAL REPORTING RELATING TO IMPLE-
5 MENTATION OF SUBTITLE D OF TITLE V OF THE NA-
6 TIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
7 YEAR 2022.—Not later than February 1, 2025, and annu-
8 ally thereafter for five years, the Secretary of Defense
9 shall submit to the Committees on Armed Services of the
10 Senate and the House of Representatives a report assess-
11 ing the holistic effect of the reforms contained in subtitle
12 D of title V of the National Defense Authorization Act
13 for Fiscal Year 2022 (Public Law 117–81) on the military
14 justice system. The report shall include the following ele-
15 ments:

16 (1) An overall assessment of the effect such re-
17 forms have had on the military justice system and
18 the maintenance of good order and discipline in the
19 ranks.

20 (2) The percentage of caseload and courts-mar-
21 tial assessed as meeting, or having been assessed as
22 potentially meeting, the definition of “covered of-
23 fense” under section 801(17) of title 10, United
24 States Code (article 1(17) of the Uniform Code of
25 Military Justice) (as added by section 533 of the

1 National Defense Authorization Act for Fiscal Year
2 2022 (Public Law 117–81; 135 Stat. 1695)),
3 disaggregated by offense and military service where
4 possible.

5 (3) An assessment of prevalence and data con-
6 cerning disposition of cases by commanders after
7 declination of prosecution by special trial counsel,
8 disaggregated by offense and military service when
9 possible.

10 (4) Assessment of the effect, if any, the reforms
11 contained in such subtitle have had on non-judicial
12 punishment concerning covered and non-covered of-
13 fenses.

14 (5) A description of the resources and personnel
15 required to maintain and execute the reforms made
16 by such subtitle during the reporting period relative
17 to fiscal year 2022.

18 (6) A description of any other factors or mat-
19 ters considered by the Secretary to be important to
20 a holistic assessment of those reforms on the mili-
21 tary justice system.

1 **SEC. 542. TECHNICAL CORRECTIONS RELATING TO SPE-**
2 **CIAL TRIAL COUNSEL.**

3 (a) TECHNICAL CORRECTIONS.—Section 824a(e)(3)
4 of title 10, United States Code (article 24a(e)(3) of the
5 Uniform Code of Military Justice), is amended—

6 (1) by striking “Subject to paragraph (4)” and
7 inserting “Subject to paragraph (5)”; and

8 (2) in subparagraph (D), by striking “an or-
9 dered rehearing” and inserting “an authorized re-
10 hearing”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect immediately after the com-
13 ing into effect of the amendments made by section 531
14 of the National Defense Authorization Act for Fiscal Year
15 2022 (Public Law 117–81; 135 Stat. 1692) as provided
16 in section 539C of that Act (10 U.S.C. 801 note).

17 **SEC. 543. RANDOMIZATION OF COURT-MARTIAL PANELS.**

18 (a) IN GENERAL.—Section 825(e) of title 10, United
19 States Code (article 25(e) of the Uniform Code of Military
20 Justice), is amended by adding at the end the following
21 new paragraph:

22 “(4) When convening a court-martial, the convening
23 authority shall detail as members thereof members of the
24 armed forces under such regulations as the President may
25 prescribe for the randomized selection of qualified per-
26 sonnel, to the maximum extent practicable.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date that is two
3 years after the date of the enactment of this Act and shall
4 apply with respect to courts-martial convened on or after
5 that effective date.

6 (c) REGULATIONS.—Not later than the effective date
7 specified in subsection (b), the President shall prescribe
8 regulations implementing the requirement under para-
9 graph (4) of section 825(e) of title 10, United States Code
10 (article 25(e) of the Uniform Code of Military Justice),
11 as added by subsection (a) of this section.

12 **SEC. 544. JURISDICTION OF COURTS OF CRIMINAL AP-**
13 **PEALS.**

14 (a) WAIVER OF RIGHT TO APPEAL; WITHDRAWAL OF
15 APPEAL.—Section 861(d) of title 10, United States Code
16 (article 61(d) of the Uniform Code of Military Justice),
17 is amended by striking “A waiver” and inserting “Except
18 as provided by section 869(c)(2) of this title (article
19 69(c)(2)), a waiver”.

20 (b) JURISDICTION.—Section 866 of title 10, United
21 States Code (article 66 of the Uniform Code of Military
22 Justice), is amended—

23 (1) in subsection (b)(1), by striking “shall have
24 jurisdiction over” and all that follows through the

1 period at the end of subparagraph (D) and inserting
2 the following: “shall have jurisdiction over—

3 “(A) a timely appeal from the judgment of a
4 court-martial, entered into the record under section
5 860e(a) of this title (article 60e(a)), that includes a
6 finding of guilty; and

7 “(B) a summary court-martial case in which
8 the accused filed an application for review with the
9 Court under section 869(d)(1) of this title (article
10 69(d)(1)) and for which the application has been
11 granted by the Court.”; and

12 (2) in subsection (c), by striking “is timely if”
13 and all that follows through the period at the end
14 of paragraph (2) and inserting the following: “is
15 timely if—

16 “(1) in the case of an appeal under subpara-
17 graph (A) of such subsection, it is filed before the
18 later of—

19 “(A) the end of the 90-day period begin-
20 ning on the date the accused is provided notice
21 of appellate rights under section 865(c) of this
22 title (article 65(c)); or

23 “(B) the date set by the Court of Criminal
24 Appeals by rule or order; and

1 “(2) in the case of an appeal under subpara-
2 graph (B) of such subsection, an application for re-
3 view with the Court is filed not later than the earlier
4 of the dates established under section 869(d)(2)(B)
5 of this title (article 69(d)(2)(B)).”.

6 (c) REVIEW BY JUDGE ADVOCATE GENERAL.—Sec-
7 tion 869 of title 10, United States Code (article 69 of the
8 Uniform Code of Military Justice), is amended—

9 (1) by amending subsection (a) to read as fol-
10 lows:

11 “(a) IN GENERAL.—Upon application by the accused
12 or receipt of the record pursuant to section 864(c)(3) of
13 this title (article 64(c)(3)) and subject to subsections (b),
14 (c), and (d), the Judge Advocate General may—

15 “(1) with respect to a summary court-martial,
16 modify or set aside, in whole or in part, the findings
17 and sentence; or

18 “(2) with respect to a general or special court-
19 martial, order such court-martial to be reviewed
20 under section 866 of this title (article 66).”; and

21 (2) in subsection (b)—

22 (A) by inserting “(1)” before “To qualify”;

23 and

24 (B) by striking “not later than one year
25 after” and all that follows through the period at

1 the end and inserting the following: “not later
2 than—

3 “(A) for a summary court-martial, one year
4 after the date of completion of review under section
5 864 of this title (article 64); or

6 “(B) for a general or special court-martial, one
7 year after the end of the 90-day period beginning on
8 the date the accused is provided notice of appellate
9 rights under section 865(c) of this title (article
10 65(c)), unless the accused submitted a waiver or
11 withdrawal of appellate review under section 861 of
12 this title (article 61) before being provided notice of
13 appellate rights, in which case the application must
14 be submitted to the Judge Advocate General not
15 later than one year after the entry of judgment
16 under section 860c of this title (article 60c).

17 “(2) The Judge Advocate General may, for good
18 cause shown, extend the period for submission of an appli-
19 cation, except that—

20 “(A) in the case of an application for review of
21 a summary court martial, the Judge Advocate may
22 not consider an application submitted more than
23 three years after the completion date referred to in
24 paragraph (1)(A); and

1 “(B) in case of an application for review of a
2 general or special court-martial, the Judge Advocate
3 may not consider an application submitted more
4 than three years after the end of the applicable pe-
5 riod under paragraph (1)(B).”;

6 (3) in subsection (c)—

7 (A) in paragraph (1)(A), by striking “sec-
8 tion 864 or 865(b) of this title (article 64 or
9 65(b))” and inserting “section 864 of this title
10 (article 64)”; and

11 (B) in paragraph (2), by striking “the
12 Judge Advocate General shall order appropriate
13 corrective action under rules prescribed by the
14 President” and inserting “the Judge Advocate
15 General shall send the case to the Court of
16 Criminal Appeals”; and

17 (4) in subsection (d)—

18 (A) in paragraph (1), by striking “under
19 subsection (c)—” and all that follows through
20 “(B) in a case submitted” and inserting “under
21 subsection (c)(1) in a case submitted”; and

22 (B) in paragraph (2), in the matter pre-
23 ceding subparagraph (A), by striking “para-
24 graph (1)(B)” and inserting “paragraph (1)”.

1 (d) APPLICABILITY.—The amendments made by this
2 section shall not apply to—

3 (1) any matter that was submitted before the
4 date of the enactment of this Act to a Court of
5 Criminal Appeals established under section 866 of
6 title 10, United States Code (article 66 of the Uni-
7 form Code of Military Justice); or

8 (2) any matter that was submitted before the
9 date of the enactment of this Act to a Judge Advo-
10 cate General under section 869 of such title (article
11 69 of the Uniform Code of Military Justice).

12 **SEC. 545. SPECIAL TRIAL COUNSEL OF THE DEPARTMENT**
13 **OF THE AIR FORCE.**

14 (a) IN GENERAL.—Section 1044f of title 10, United
15 States Code, is amended—

16 (1) in subsection (a), in the matter preceding
17 paragraph (1), by striking “The policies shall” and
18 inserting “Subject to subsection (c), the policies
19 shall”;

20 (2) by redesignating subsection (c) as sub-
21 section (d); and

22 (3) by inserting after subsection (b) the fol-
23 lowing new subsection:

1 “(c) SPECIAL TRIAL COUNSEL OF DEPARTMENT OF
2 THE AIR FORCE.—In establishing policies under sub-
3 section (a), the Secretary of Defense shall—

4 “(1) in lieu of providing for separate offices for
5 the Air Force and Space Force under subsection
6 (a)(1), provide for the establishment of a single dedi-
7 cated office from which office the activities of the
8 special trial counsel of the Department of the Air
9 Force shall be supervised and overseen; and

10 “(2) in lieu of providing for separate lead spe-
11 cial trial counsels for the Air Force and Space Force
12 under subsection (a)(2), provide for the appointment
13 of one lead special trial counsel who shall be respon-
14 sible for the overall supervision and oversight of the
15 activities of the special trial counsel of the Depart-
16 ment of the Air Force.”.

17 (b) EFFECTIVE DATE.—The amendments made sub-
18 section (a) shall take effect immediately after the coming
19 into effect of the amendments made by section 532 of the
20 National Defense Authorization Act for Fiscal Year 2022
21 (Public Law 117–81; 135 Stat. 1694) as provided in sec-
22 tion 539C of that Act (10 U.S.C. 801 note).

1 **SEC. 546. INDEPENDENT INVESTIGATION OF SEXUAL HAR-**
2 **ASSMENT.**

3 (a) DEFINITIONS.—Subsection (e) of section 1561 of
4 title 10, United States Code, as amended by section 543
5 of the National Defense Authorization Act for Fiscal Year
6 2022 (Public Law 117–81; 135 Stat. 1709), is amended
7 to read as follows:

8 “(e) DEFINITIONS.—In this section:

9 “(1) The term ‘independent investigator’ means
10 a civilian employee of the Department of Defense or
11 a member of the Army, Navy, Marine Corps, Air
12 Force, or Space Force who—

13 “(A) is outside the immediate chain of
14 command of the complainant and the subject of
15 the investigation; and

16 “(B) is trained in the investigation of sex-
17 ual harassment, as determined by—

18 “(i) the Secretary of Defense, in the
19 case of a civilian employee of the Depart-
20 ment of Defense;

21 “(ii) the Secretary of the Army, in the
22 case of a member of the Army;

23 “(iii) the Secretary of the Navy, in
24 the case of a member of the Navy or Ma-
25 rine Corps; or

1 “(iv) the Secretary of the Air Force,
2 in the case of a member of the Air Force
3 or Space Force.

4 “(2) The term ‘sexual harassment’ means con-
5 duct that constitutes the offense of sexual harass-
6 ment as punishable under section 934 of this title
7 (article 134) pursuant to the regulations prescribed
8 by the Secretary of Defense for purposes of such
9 section (article).”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall take effect immediately after the com-
12 ing into effect of the amendments made by section 543
13 of the National Defense Authorization Act for Fiscal Year
14 2022 (Public Law 117–81; 135 Stat. 1709) as provided
15 in subsection (c) of that section.

16 **SEC. 547. PRIMARY PREVENTION RESEARCH AGENDA AND**
17 **WORKFORCE.**

18 (a) ANNUAL PRIMARY PREVENTION RESEARCH
19 AGENDA.—Section 549A(c) of the National Defense Au-
20 thorization Act for Fiscal Year 2022 (Public Law 117–
21 81; 135 Stat. 1722) is amended—

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

24 (2) by inserting after paragraph (1) the fol-
25 lowing new paragraphs:

1 “(2) include a focus on whether and to what ex-
2 tent sub-populations of the military community may
3 be targeted for interpersonal violence more than oth-
4 ers;

5 “(3) seek to identify factors that influence the
6 prevention, perpetration, and victimization of inter-
7 personal and self-directed violence;

8 “(4) seek to improve the collection and dissemi-
9 nation of data on hazing and bullying related to
10 interpersonal and self-directed violence;”;

11 (3) by amending paragraph (6), as redesignated
12 by paragraph (1) of this section, to read as follows:

13 “(6) incorporate collaboration with other Fed-
14 eral departments and agencies, including the De-
15 partment of Health and Human Services and the
16 Centers for Disease Control and Prevention, State
17 governments, academia, industry, federally funded
18 research and development centers, nonprofit organi-
19 zations, and other organizations outside of the De-
20 partment of Defense, including civilian institutions
21 that conduct similar data-driven studies, collection,
22 and analysis; and”.

23 (b) PRIMARY PREVENTION WORKFORCE.—Section
24 549B of the National Defense Authorization Act for Fis-

1 cal Year 2022 (Public Law 117–81; 135 Stat. 1722) is
2 amended—

3 (1) in subsection (c)—

4 (A) in paragraph (2), by striking “sub-
5 section (a)” and inserting “paragraph (1)”; and

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

8 “(3) COMPTROLLER GENERAL REPORT.—Not
9 later than one year after the date of the enactment
10 of this paragraph, the Comptroller General of the
11 United States shall submit to the congressional de-
12 fense committees a report that—

13 “(A) compares the sexual harassment and
14 prevention training of the Department of De-
15 fense with similar programs at other depart-
16 ments and agencies of the Federal Government;
17 and

18 “(B) includes relevant data collected by
19 colleges and universities and other relevant out-
20 side entities on hazing and bullying and inter-
21 personal and self-directed violence.”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(e) INCORPORATION OF RESEARCH AND FIND-
25 INGS.—The Secretary of Defense shall ensure that the

1 findings and conclusions from the primary prevention re-
2 search agenda established under section 549A are regu-
3 larly incorporated, as appropriate, within the primary pre-
4 vention workforce established under subsection (a).”.

5 **SEC. 548. LIMITATION ON AVAILABILITY OF FUNDS FOR RE-**
6 **LOCATION OF ARMY CID SPECIAL AGENT**
7 **TRAINING COURSE.**

8 (a) LIMITATION.—None of the funds authorized to
9 be appropriated by this Act or otherwise made available
10 for fiscal year 2023 for the Army may be obligated or ex-
11 pended to relocate an Army CID special agent training
12 course until—

13 (1)(A) the Secretary of the Army submits to
14 the Committees on Armed Services of the Senate
15 and the House of Representatives—

16 (i) the evaluation and plan required by
17 subsection (a) of section 549C of the National
18 Defense Authorization Act for Fiscal Year 2022
19 (Public Law 117–81; 135 Stat. 1724);

20 (ii) the implementation plan required by
21 subsection (b) of such section; and

22 (iii) a separate report on any plans of the
23 Secretary to relocate an Army CID special
24 agent training course, including an explanation

1 of the business case for any transfer of training
2 personnel proposed as part of such plan;

3 (B) the Secretary provides to the Committee on
4 Armed Services of the House of Representatives a
5 briefing on the contents of each report specified in
6 subparagraph (A); and

7 (C) a period of 90 days has elapsed following
8 the briefing under subparagraph (B); and

9 (2) the Secretary submits a written certification
10 to the Committees on Armed Services of the Senate
11 and the House of Representatives indicating that the
12 Army has fully complied with subsection (c) of sec-
13 tion 549C of the National Defense Authorization
14 Act for Fiscal Year 2022 (Public Law 117–81; 135
15 Stat. 1724) with regard to locations at which mili-
16 tary criminal investigative training is conducted.

17 (b) DEFINITIONS.—In this section:

18 (1) The term “relocate”, when used with re-
19 spect to an Army CID special agent training course,
20 means the transfer of such course to a location dif-
21 ferent than the location used for such course as of
22 the date of the enactment of this Act.

23 (2) The term “Army CID special agent training
24 course” means a training course provided to mem-
25 bers of the Army to prepare such members for serv-

1 ice as special agents in the Army Criminal Investiga-
2 tion Division.

3 **SEC. 549. REVIEW OF TITLING AND INDEXING PRACTICES**
4 **OF THE ARMY AND CERTAIN OTHER ORGANI-**
5 **ZATIONS.**

6 (a) REVIEW OF TITLING AN INDEXING DECISIONS.—
7 Not later than 180 days after the date of the enactment
8 of this Act, the Secretary of the Army shall review the
9 case file of each member or former member of the Army,
10 the Army Reserve, or the Army National Guard who was
11 titled or indexed in connection with the Guard Recruiting
12 Assistance Program, the Army Reserve Recruiting Assist-
13 ance Program, or any related activity to determine the ap-
14 propriateness of the titling or indexing decision that was
15 made with respect to such member or former member.

16 (b) FACTORS TO BE CONSIDERED.—In reviewing a
17 titling or indexing decision under subsection (a), the Sec-
18 retary of the Army shall consider—

19 (1) the likelihood that the member or former
20 member to whom the decision pertains will face fu-
21 ture criminal prosecution or other adverse action on
22 the basis of the facts in the record at the time of
23 the review;

24 (2) the appropriate evidentiary standard to
25 apply to the review of the decision; and

1 (3) such other circumstances or factors as the
2 Secretary determines are in the interest of equity
3 and fairness.

4 (c) NOTIFICATION AND APPEAL.—

5 (1) IN GENERAL.—Upon the completion of each
6 review under subsection (a), the Secretary of the
7 Army shall notify the member or former member
8 concerned of such review, the disposition of the rel-
9 evant instance of titling or indexing, and the mecha-
10 nisms the member or former member may pursue to
11 seek correction, removal, or expungement of that in-
12 stance of titling or indexing.

13 (2) NOTIFICATION OF NEXT OF KIN.—In a case
14 in which a member or former member required to be
15 notified under paragraph (1) is deceased, the Sec-
16 retary of the Army shall provide the notice required
17 under such paragraph to the primary next of kin of
18 the member or former member.

19 (d) ACTIONS BY THE SECRETARY OF THE ARMY.—
20 If the Secretary of the Army determines that correction,
21 removal, or expungement of an instance of titling or index-
22 ing is appropriate after considering the factors under sub-
23 section (b), the Secretary of the Army may request that
24 the name, personally identifying information, and other in-
25 formation relating to the individual to whom the titling

1 or indexing pertains be corrected in, removed from, or ex-
2 punged from, the following:

3 (1) A law enforcement or criminal investigative
4 report of the Department of Defense or any compo-
5 nent of the Department.

6 (2) An index item or entry in the Department
7 of Defense Central Index of Investigations (DCII).

8 (3) Any other record maintained in connection
9 with a report described in paragraph (1), or an
10 index item or entry described in paragraph (2), in
11 any system of records, records database, records
12 center, or repository maintained by or on behalf of
13 the Department, including entries in the Federal
14 Bureau of Investigation's Interstate Identification
15 Index or any successor system.

16 (e) REPORT OF SECRETARY OF THE ARMY.—Not
17 later than 180 days after the completion of the review re-
18 quired by subsection (a), the Secretary of the Army shall
19 submit to the Committees on Armed Services of the Sen-
20 ate and the House of Representatives a report on the re-
21 sults of the review. The report shall include the following:

22 (1) The total number of instances of titling and
23 indexing reviewed under such subsection.

1 (2) The number of cases in which action was
2 taken to correct, remove, or expunge an instance of
3 titling or indexing.

4 (3) The number of members and former mem-
5 bers who remain titled after the conclusion of the re-
6 view.

7 (4) The number of members and former mem-
8 bers who remain indexed after the conclusion of the
9 review.

10 (5) A brief description of the reasons the mem-
11 bers and former members counted under paragraphs
12 (3) and (4) remain titled or indexed.

13 (6) Such other matters as the Secretary deter-
14 mines appropriate.

15 (f) SECRETARY OF DEFENSE REVIEW AND RE-
16 PORT.—

17 (1) REVIEW.—The Secretary of Defense shall
18 conduct a review the titling and indexing practices
19 of the criminal investigative organizations of the
20 Armed Forces. Such review shall include—

21 (A) an assessment of the practices of ti-
22 tling and indexing and the continued relevance
23 of such practices to the operation of such crimi-
24 nal investigative organizations;

1 (B) an evaluation of the suitability of the
2 evidentiary requirements and related practices
3 for titling and indexing in effect at the time of
4 the review; and

5 (C) the development of recommendations,
6 as appropriate, to improve the consistency, ac-
7 curacy, and utility of the titling and indexing
8 processes across such criminal investigative or-
9 ganizations.

10 (2) REPORT.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of
12 Defense shall submit to the Committees on Armed
13 Services of the Senate and the House of Representa-
14 tives a report on the results of the review conducted
15 under paragraph (1).

16 (g) DEFINITIONS.—In this section:

17 (1) The term “titling” means the practice of
18 identifying an individual as the subject of a criminal
19 investigation the records of a military criminal inves-
20 tigative organization and storing such information in
21 a database or other records system.

22 (2) The term “indexing” means the practice of
23 submitting an individual’s name or other personally
24 identifiable information to the Federal Bureau of In-

1 investigation's Interstate Identification Index, or any
2 successor system.

3 **SEC. 549A. BRIEFING AND REPORT ON RESOURCING RE-**
4 **QUIRED FOR IMPLEMENTATION OF MILITARY**
5 **JUSTICE REFORM.**

6 (a) BRIEFING AND REPORT REQUIRED.—

7 (1) BRIEFING.—Not later than March 1, 2023,
8 and no less frequently than once every 180 days
9 thereafter through December 31, 2024, each Sec-
10 retary concerned shall provide to the appropriate
11 congressional committees a briefing that details the
12 resourcing necessary to implement subtitle D of title
13 V of the National Defense Authorization Act for
14 Fiscal Year 2022 (Public Law 117–81) and the
15 amendments made by that subtitle.

16 (2) REPORT.—Not later than one year after the
17 date of the enactment of this Act, each Secretary
18 concerned shall submit to the appropriate congres-
19 sional committees a report that details the
20 resourcing necessary to implement subtitle D of title
21 V of the National Defense Authorization Act for
22 Fiscal Year 2022 (Public Law 117–81) and the
23 amendments made by that subtitle.

24 (3) FORM OF BRIEFING AND REPORT.—The
25 Secretaries concerned may provide the briefings and

1 report required under paragraphs (1) and (2) joint-
2 ly, or separately, as determined appropriate by such
3 Secretaries.

4 (b) ELEMENTS.—The briefing and report required
5 under subsection (a) shall address the following:

6 (1) The number of personnel and personnel au-
7 thorizations (military and civilian) required by the
8 Armed Forces to implement and execute the provi-
9 sions of subtitle D of title V of the National Defense
10 Authorization Act for Fiscal Year 2022 (Public Law
11 117–81) and the amendments made by that subtitle.

12 (2) The basis for the numbers provided pursu-
13 ant to paragraph (1), including the following:

14 (A) A description of the organizational
15 structure in which such personnel or groups of
16 personnel are or will be aligned.

17 (B) The nature of the duties and functions
18 to be performed by any such personnel or
19 groups of personnel across the domains of pol-
20 icy-making, execution, assessment, and over-
21 sight.

22 (C) The optimum caseload goal assigned to
23 the following categories of personnel who are or
24 will participate in the military justice process:
25 criminal investigators of different levels and ex-

1 pertise, laboratory personnel, defense counsel,
2 special trial counsel, military defense counsel,
3 military judges, military magistrates, and para-
4 legals.

5 (D) Any required increase in the number
6 of personnel currently authorized in law to be
7 assigned to the Armed Force concerned.

8 (3) The nature and scope of any contract re-
9 quired by the Armed Force concerned to implement
10 and execute the provisions of subtitle D of title V of
11 the National Defense Authorization Act for Fiscal
12 Year 2022 (Public Law 117–81) and the amend-
13 ments made by that subtitle.

14 (4) The amount and types of additional funding
15 required by the Armed Force concerned to imple-
16 ment the provisions of subtitle D of title V of the
17 National Defense Authorization Act for Fiscal Year
18 2022 (Public Law 117–81) and the amendments
19 made by that subtitle.

20 (5) Any additional authorities required to im-
21 plement the provisions of subtitle D of title V of the
22 National Defense Authorization Act for Fiscal Year
23 2022 (Public Law 117–81) and the amendments
24 made by that subtitle.

1 (6) Any additional information the Secretary
2 concerned determines is necessary to ensure the
3 manning, equipping, and resourcing of the Armed
4 Forces to implement and execute the provisions of
5 subtitle D of title V of the National Defense Author-
6 ization Act for Fiscal Year 2022 (Public Law 117–
7 81) and the amendments made by that subtitle.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “appropriate congressional com-
10 mittees” means—

11 (A) the Committee on Armed Services, the
12 Committee on Commerce, Science, and Trans-
13 portation, and the Committee on Appropria-
14 tions of the Senate; and

15 (B) the Committee on Armed Services, the
16 Committee on Transportation and Infrastruc-
17 ture, and the Committee on Appropriations of
18 the House of Representatives.

19 (2) The term “Secretary concerned” has the
20 meaning given that term in section 101(a) of title
21 10, United States Code.

1 **SEC. 549B. REPORT ON SHARING INFORMATION WITH**
2 **COUNSEL FOR VICTIMS OF OFFENSES UNDER**
3 **THE UNIFORM CODE OF MILITARY JUSTICE.**

4 (a) **REPORT REQUIRED.**—Not later than one year
5 after the date of the enactment of this Act, the Defense
6 Advisory Committee on Investigation, Prosecution, and
7 Defense of Sexual Assault in the Armed Forces (referred
8 to in this section as the “Advisory Committee”) shall sub-
9 mit to the Committees on Armed Services of the Senate
10 and the House of Representatives and each Secretary con-
11 cerned a report on the feasibility and advisability of estab-
12 lishing a uniform policy for the sharing of the information
13 described in subsection (c) with a Special Victims’ Coun-
14 sel, Victims’ Legal Counsel, or other counsel representing
15 a victim of an offense under chapter 47 of title 10, United
16 States Code (the Uniform Code of Military Justice).

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

19 (1) An assessment of the feasibility and advis-
20 ability of establishing the uniform policy described in
21 subsection (a), including an assessment of the poten-
22 tial effects of such a policy on—

23 (A) the privacy of individuals;

24 (B) the criminal investigative process; and

25 (C) the military justice system generally.

1 (2) If the Advisory Committee determines that
2 the establishment of such a policy is feasible and ad-
3 visable, a description of—

4 (A) the stages of the military justice proc-
5 ess at which the information described in sub-
6 section (c) should be made available to counsel
7 representing a victim; and

8 (B) any circumstances under which some
9 or all of such information should not be shared.

10 (3) Such recommendations for legislative or ad-
11 ministrative action as the Advisory Committee con-
12 siders appropriate.

13 (c) INFORMATION DESCRIBED.—The information de-
14 scribed in this subsection is the following:

15 (1) Any recorded statements of the victim to in-
16 vestigators.

17 (2) The record of any forensic examination of
18 the person or property of the victim, including the
19 record of any sexual assault forensic exam of the vic-
20 tim that is in possession of investigators or the Gov-
21 ernment.

22 (3) Any medical record of the victim that is in
23 the possession of investigators or the Government.

24 (d) SECRETARY CONCERNED DEFINED.—In this sec-
25 tion, the term “Secretary concerned” has the meaning

1 given that term in section 101(a)(9) of title 10, United
2 States Code.

3 **SEC. 549C. DISSEMINATION OF CIVILIAN LEGAL SERVICES**
4 **INFORMATION.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Secretary of Defense, acting through
7 the head of the Sexual Assault Prevention and Response
8 Office of the Department of Defense, shall ensure that in-
9 formation on the availability of legal resources from civil-
10 ian legal service organizations is distributed to military-
11 connected sexual assault victims in an organized and con-
12 sistent manner.

13 **Subtitle F—Member Education**

14 **SEC. 551. AUTHORIZATION OF CERTAIN SUPPORT FOR**
15 **MILITARY SERVICE ACADEMY FOUNDATIONS.**

16 (a) IN GENERAL.—Subchapter I of chapter 134 of
17 title 10, United States Code, is amended by inserting after
18 section 2245 the end the following new section:

19 **“§ 2246. Authorization of certain support for military**
20 **service academy foundations**

21 “(a) AUTHORITY.—Subject to subsection (b) and
22 pursuant to regulations prescribed by the Secretary of De-
23 fense, the Superintendent of a Service Academy may au-
24 thorize a covered foundation to use, on an unreimbursed
25 basis, facilities or equipment of such Service Academy.

1 “(b) LIMITATIONS.—Use of facilities or equipment
2 under subsection (a) may be provided only if such use—

3 “(1) is without any liability of the United
4 States to the covered foundation;

5 “(2) does not affect the ability of any official or
6 employee of the military department concerned, or
7 any member of the armed forces, to carry out any
8 responsibility or duty in a fair and objective manner;

9 “(3) does not compromise the integrity or ap-
10 pearance of integrity of any program of the military
11 department concerned, or any individual involved in
12 such a program;

13 “(4) does not include the participation of any
14 cadet or midshipman, other than participation in an
15 honor guard at an event of the covered foundation;

16 “(5) complies with the Joint Ethics Regulation;
17 and

18 “(6) has been reviewed and approved by an at-
19 torney of the military department concerned.

20 “(c) BRIEFING.—In any fiscal year during which the
21 Superintendent of a Service Academy exercises the author-
22 ity under subsection (a), the Secretary of the military de-
23 partment concerned shall provide a briefing not later than
24 the last day of that fiscal year to the Committees on
25 Armed Services of the Senate and House of Representa-

1 tives regarding the number of events or activities of a cov-
2 ered foundation supported by such exercise during such
3 fiscal year.

4 “(d) DEFINITIONS.—In this section:

5 “(1) The term ‘covered foundation’ means a
6 charitable, educational, or civic nonprofit organiza-
7 tion under section 501(c)(3) of the Internal Revenue
8 Code of 1986, that the Secretary concerned deter-
9 mines operates exclusively to support, with respect
10 to a Service Academy, any of the following:

11 “(A) Recruiting.

12 “(B) Parent or alumni development.

13 “(C) Academic, leadership, or character
14 development.

15 “(D) Institutional development.

16 “(E) Athletics.

17 “(2) The term ‘Service Academy’ has the mean-
18 ing given such term in section 347 of this title.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by insert-
21 ing after the item relating to item 2245 the following new
22 item:

“2246. Authorization of certain support for military service academy founda-
tions.”.

1 **SEC. 552. INDIVIDUALS FROM THE DISTRICT OF COLUMBIA**
2 **WHO MAY BE CONSIDERED FOR APPOINT-**
3 **MENT TO MILITARY SERVICE ACADEMIES.**

4 (a) UNITED STATES MILITARY ACADEMY.—Section
5 7442 of title 10, United States Code, is amended, in sub-
6 section (b)(5), by striking “paragraphs (3) and (4)” and
7 inserting “paragraphs (3) through (10)”.

8 (b) UNITED STATES NAVAL ACADEMY.—Section
9 8454 of title 10, United States Code, is amended, in sub-
10 section (b)(5), by striking “paragraphs (3) and (4)” and
11 inserting “paragraphs (3) through (10)”.

12 (c) UNITED STATES AIR FORCE ACADEMY.—Section
13 9442 of title 10, United States Code, is amended, in sub-
14 section (b)(5), by striking “paragraphs (3) and (4)” and
15 inserting “paragraphs (3) through (10)”.

16 **SEC. 553. AGREEMENT BY A CADET OR MIDSHIPMAN TO**
17 **PLAY PROFESSIONAL SPORT CONSTITUTES A**
18 **BREACH OF AGREEMENT TO SERVE AS AN**
19 **OFFICER.**

20 (a) UNITED STATES MILITARY ACADEMY.—Section
21 7448 of title 10, United States Code, is amended as fol-
22 lows:

23 (1) Paragraph (5) of subsection (a) is amended
24 to read as follows:

1 “(5) That the cadet may not obtain employ-
2 ment as a professional athlete until two years after
3 the cadet graduates from the Academy.”.

4 (2) Subsection (b) is amended by adding at the
5 end the following new paragraph:

6 “(4) A cadet who violates paragraph (5) of subsection
7 (a) is not eligible for the alternative obligation under para-
8 graph (1).”.

9 (3) Subsection (c) is amended—

10 (A) by redesignating paragraphs (2) and
11 (3) as paragraphs (3) and (4), respectively; and

12 (B) by inserting, after paragraph (1), the
13 following new paragraph (2):

14 “(2) that a cadet who obtains employment as a
15 professional athlete—

16 “(A) in violation of paragraph (5) of sub-
17 section (a) has breached an agreement under
18 such subsection; and

19 “(B) at least two years after the cadet
20 graduates from the Academy has not breached
21 an agreement under subsection (a);”.

22 (4) Subsection (d) is amended—

23 (A) by striking “with respect to an officer
24 who is a graduate of the Academy” and insert-
25 ing “with respect to a cadet”; and

1 (B) by striking “officer’s” and inserting
2 “cadet’s”.

3 (5) Subsection (f) is amended by striking “the
4 terms” and inserting “each term”.

5 (b) UNITED STATES NAVAL ACADEMY.—Section
6 8459 of title 10, United States Code, is amended as fol-
7 lows:

8 (1) Paragraph (5) of subsection (a) is amended
9 to read as follows:

10 “(5) That the midshipman may not obtain em-
11 ployment as a professional athlete until two years
12 after the midshipman graduates from the Acad-
13 emy.”.

14 (2) Subsection (b) is amended by adding at the
15 end the following new paragraph:

16 “(4) A midshipman who violates paragraph (5) of
17 subsection (a) is not eligible for the alternative obligation
18 under paragraph (1).”.

19 (3) Subsection (c) is amended—

20 (A) by redesignating paragraphs (2) and
21 (3) as paragraphs (3) and (4), respectively; and

22 (B) by inserting, after paragraph (1), the
23 following new paragraph (2):

24 “(2) that a midshipman who obtains employ-
25 ment as a professional athlete—

1 “(A) in violation of paragraph (5) of sub-
2 section (a) has breached an agreement under
3 such subsection; and

4 “(B) at least two years after the mid-
5 shipman graduates from the Academy has not
6 breached an agreement under subsection (a);”.

7 (4) Subsection (d) is amended—

8 (A) by striking “with respect to an officer
9 who is a graduate of the Academy” and insert-
10 ing “with respect to a midshipman”; and

11 (B) by striking “officer’s” and inserting
12 “midshipman’s”.

13 (5) Subsection (f) is amended by striking “the
14 terms” and inserting “each term”.

15 (c) UNITED STATES AIR FORCE ACADEMY.—Section
16 9448 of title 10, United States Code, is amended as fol-
17 lows:

18 (1) Paragraph (5) of subsection (a) is amended
19 to read as follows:

20 “(5) That the cadet may not obtain employ-
21 ment as a professional athlete until two years after
22 the cadet graduates from the Academy.”.

23 (2) Subsection (b) is amended by adding at the
24 end the following new paragraph:

1 “(4) A cadet who violates paragraph (5) of subsection
2 (a) is not eligible for the alternative obligation under para-
3 graph (1).”.

4 (3) Subsection (c) is amended—

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

7 (B) by inserting, after paragraph (1), the
8 following new paragraph (2):

9 “(2) that a cadet who obtains employment as a
10 professional athlete—

11 “(A) in violation of paragraph (5) of sub-
12 section (a) has breached an agreement under
13 such subsection; and

14 “(B) at least two years after the cadet
15 graduates from the Academy has not breached
16 an agreement under subsection (a);”.

17 (4) Subsection (d) is amended—

18 (A) by striking “with respect to an officer
19 who is a graduate of the Academy” and insert-
20 ing “with respect to a cadet”; and

21 (B) by striking “officer’s” and inserting
22 “cadet’s”.

23 (5) Subsection (f) is amended by striking “the
24 terms” and inserting “each term”.

1 **SEC. 554. NAVAL POSTGRADUATE SCHOOL AND UNITED**
2 **STATES AIR FORCE INSTITUTE OF TECH-**
3 **NOLOGY: TERMS OF PROVOSTS AND CHIEF**
4 **ACADEMIC OFFICERS.**

5 (a) NAVAL POSTGRADUATE SCHOOL.—

6 (1) IN GENERAL.—Section 8543 of title 10,
7 United States Code, is amended—

8 (A) by striking “Academic Dean” each
9 place it appears and inserting “Chief Academic
10 Officer”;

11 (B) in subsection (a), by striking the sec-
12 ond sentence and inserting “An individual se-
13 lected by the Secretary of the Navy for the po-
14 sition of Provost and Chief Academic Officer
15 shall serve in that position for a term of not
16 more than five years and may be continued in
17 that position for an additional term of up to
18 five years.”

19 (2) TECHNICAL AND CONFORMING AMEND-
20 MENTS.—

21 (A) SECTION HEADING.—The heading of
22 such section is amended by striking “**Aca-**
23 **ademic Dean**” and inserting “**Chief Aca-**
24 **ademic Officer**”.

25 (B) TABLE OF SECTIONS.—The table of
26 sections at the beginning of chapter 855 of such

1 title is amended by striking the item relating to
2 section 8543 and inserting the following new
3 item:

“8543. Provost and Chief Academic Officer.”.

4 (C) CONFORMING AMENDMENT.—Section
5 8542(a)(4)(A)(ii)(II) of such title is amended
6 by striking “permanently appointed to the posi-
7 tion of Provost and Academic Dean” and in-
8 serting “selected for the position of Provost and
9 Chief Academic Officer”.

10 (b) UNITED STATES AIR FORCE INSTITUTE OF
11 TECHNOLOGY.—Subsection (b) of section 9414b of such
12 title is amended—

13 (1) in the heading, by striking “ACADEMIC
14 DEAN” and inserting “CHIEF ACADEMIC OFFICER”;

15 (2) by striking “Academic Dean” each place it
16 appears and inserting “Chief Academic Officer”;

17 (3) in paragraph (1), by striking “appointed”
18 and inserting “selected”; and

19 (4) by striking paragraph (2) and inserting the
20 following:

21 “(2) TERM.—An individual selected for the po-
22 sition of Provost and Chief Academic Officer shall
23 serve in that position for a term of not more than
24 five years and may be continued in that position for
25 an additional term of up to five years.”.

1 **SEC. 555. NAVAL POSTGRADUATE SCHOOL: ATTENDANCE**
2 **BY ENLISTED MEMBERS.**

3 (a) IN GENERAL.—Subsection (a)(2)(D)(iii) of sec-
4 tion 8545 of title 10, United States Code, is amended by
5 striking “only on a space-available basis”.

6 (b) BRIEFING.—Six years after the date of the enact-
7 ment of this Act, the Secretary of Defense shall brief the
8 Committees on Armed Services of the Senate and House
9 of Representatives on the effects of increasing enrollment
10 of enlisted members at the Naval Postgraduate School
11 pursuant to the amendment made by subsection (a). Such
12 briefing shall include the following elements:

13 (1) Any increase to the effectiveness, readiness,
14 or lethality of the Armed Forces.

15 (2) Effects on rates of recruitment, promotion
16 (including compensation to members), and retention.

17 **SEC. 556. MODIFICATION OF ANNUAL REPORT ON DEMO-**
18 **GRAPHICS OF MILITARY SERVICE ACADEMY**
19 **APPLICANTS.**

20 Subsection (c)(2) of section 575 of the William M.
21 (Mac) Thornberry National Defense Authorization Act for
22 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 7442
23 note) is amended by adding at the end the following new
24 subparagraph:

25 “(C) Anything the Secretary determines to
26 be significant regarding gender, race, ethnicity,

1 or other demographic information, described in
2 subsection (b), of such individuals.”.

3 **SEC. 557. STUDY AND REPORT ON PROFESSIONAL MILI-**
4 **TARY EDUCATION.**

5 (a) REPORT.—Not later than December 1, 2025, the
6 Secretary of Defense, in coordination with the Chairman
7 of the Joint Chiefs of Staff and the Secretaries of the mili-
8 tary departments, shall submit to the Committees on
9 Armed Services of the Senate and House of Representa-
10 tives a report on the effectiveness of PME in educating
11 officers of the Armed Forces.

12 (b) ELEMENTS.—The Secretary of Defense shall in-
13 clude in the report the following elements:

14 (1) DEFINITIONS; PURPOSE STATEMENT.—In
15 order to improve readiness and create a culture of
16 lifelong learning for PME students and faculty—

17 (A) recommendations regarding whether to
18 define PME, or to revise existing definitions in
19 section 2151 of title 10, United States Code;
20 and

21 (B) a purpose statement for PME.

22 (2) COURSE OF STUDY.—With regards to a
23 course of study in PME—

24 (A) an analysis of, and legislative rec-
25 ommendations regarding, the existing three-

1 phase approach to JPME under section 2154 of
2 title 10, United States Code.

3 (B) legislative recommendations regarding
4 developing a statutory three-phase approach for
5 PME other than JPME, similar to such ap-
6 proach for JPME; and

7 (C) a proposed career learning plan, pro-
8 vided to an officer every two years, to track the
9 progress of such officer in achieving PME and
10 JPME outcomes and other career milestones.

11 (3) CURRICULUM EVALUATION.—An evaluation
12 of curricula of institutions of PME, including—

13 (A) compliance with subject matter re-
14 quirements under chapter 107 of title 10,
15 United States Code;

16 (B) legislative recommendations regarding
17 such subject matter requirements, including
18 whether to include the national defense strategy
19 in such requirements;

20 (C) the curriculum development process,
21 including whether such process is responsive to
22 changing global threats, and any ways to im-
23 prove such process to be able to make rapid,
24 relevant, and responsive curriculum updates;

1 (D) current modes of instruction and re-
2 lated recommendations, including the use of
3 interactive seminars, war games, simulations,
4 experiential learning, and iterative case studies;

5 (E) special areas of focus regarding inno-
6 vation, including disruptive change, adaptive
7 thinking, design thinking, cyber security, artifi-
8 cial intelligence, applied design for innovation,
9 and other areas the Secretary determines ap-
10 propriate; and

11 (F) the development and assessment of
12 learning outcomes regarding lethality and stra-
13 tegic influence.

14 (4) SYSTEMS OF ACCOUNTABILITY AND PER-
15 FORMANCE.—An evaluation of the following account-
16 ability and performance systems:

17 (A) Student performance assessments.

18 (B) The documentation of student per-
19 formance in military service records.

20 (C) Consideration of student performance
21 records in the determination of assignments
22 and promotions.

23 (D) Consideration of expertise or academic
24 focus in the determination of assignments.

1 (5) ACADEMIC FACULTY AND STUDENT REVIEW
2 SYSTEM.—A summary of current processes to review
3 the following:

4 (A) The means by which faculty assigned
5 to teach PME (including members of the
6 Armed Forces and civilian personnel) are se-
7 lected, managed, promoted, and evaluated.

8 (B) The academic freedom of faculty de-
9 scribed in subparagraph (A).

10 (C) A review of how members are selected
11 for residential and non-residential PME, includ-
12 ing the consideration of student performance
13 assessments during PME.

14 (6) INTERACTIONS OF WITH INSTITUTIONS OF
15 PME CIVILIAN INSTITUTIONS.—

16 (A) PARTNERSHIPS.—A review of existing
17 academic partnerships between institutions of
18 PME and civilian institutions, including—

19 (i) the scopes, purposes, and lengths
20 of such partnerships;

21 (ii) any research, curriculum develop-
22 ment, or sharing of faculty or students be-
23 tween institutions; and

24 (iii) any collaborations or exchanges
25 by faculties or students.

1 (B) CONSORTIUM.—An appraisal of a pro-
2 spective consortium of institutions of PME and
3 civilian institutions, including—

4 (i) the feasibility and advisability of
5 establishing such a consortium;

6 (ii) recommendations, if any, regard-
7 ing potential consortium members;

8 (iii) the anticipated costs and timeline
9 to establish such a consortium; and

10 (iii) whether the inclusion of the
11 Naval Postgraduate School or Air Force
12 Institute of Technology in such a consor-
13 tium would require legislation.

14 (7) ORGANIZATION.—With regards to the orga-
15 nizational structure and lines of authority estab-
16 lished pursuant to section 2152 of title 10, United
17 States Code—

18 (A) an analysis; and

19 (B) any legislative recommendations.

20 (c) INTERIM BRIEFINGS AND FINAL REPORT.—

21 (1) INITIAL BRIEFING.—Not later than June 1,
22 2023, the Secretary of Defense shall provide to the
23 Committees on Armed Services of the House of Rep-
24 resentatives and the Senate an initial briefing on the
25 progress of the Secretary in preparing the report.

1 (2) INTERIM BRIEFINGS.—Every six months
2 after the initial briefing, the Secretary of Defense
3 shall provide to the Committees on Armed Services
4 of the House of Representatives and the Senate an
5 interim briefing on the progress and contents of the
6 report.

7 (3) FINAL BRIEFING.—Not later than Decem-
8 ber 1, 2025, in conjunction with issuance of the final
9 report, the Secretary of Defense shall provide to the
10 Committees on Armed Services of the Senate and
11 House of Representatives a final briefing on the
12 findings and recommendations in the report.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “institutions of PME” means—

15 (A) the professional military education
16 schools;

17 (B) the senior level service schools;

18 (C) the intermediate level service schools;

19 (D) the joint intermediate level service
20 school;

21 (E) the Naval Postgraduate School; and

22 (F) the Air Force Institute of Technology.

23 (2) The terms “intermediate level service
24 school”, “joint intermediate level service school”,
25 and “senior level service school” have the meaning

1 given such terms in section 2151 of title 10, United
2 States Code.

3 (3) The term “JPME” means “joint profes-
4 sional military education” has the meaning given
5 such term in section 2151 of title 10, United States
6 Code.

7 (4) The term “PME” means professional mili-
8 tary education, including JPME.

9 (5) The term “professional military education
10 schools” means the schools specified in section
11 2162(b) of title 10, United States Code.

12 **SEC. 558. REPORT ON TREATMENT OF CHINA IN CUR-**
13 **RICULA OF PROFESSIONAL MILITARY EDU-**
14 **CATION.**

15 (a) IN GENERAL.—Not later than December 1, 2023,
16 the Secretary of Defense shall submit to the Committees
17 on Armed Services of the Senate and House of Represent-
18 atives a report regarding the treatment of China in the
19 curricula of institutions of military education, including
20 changes to such treatment implemented in the five years
21 preceding the date of such report.

22 (b) DEFINITIONS.—In this section:

23 (1) The term “institutions of military edu-
24 cation” means—

1 (A) the professional military education
2 schools;

3 (B) the senior level service schools;

4 (C) the intermediate level service schools;

5 (D) the joint intermediate level service
6 school;

7 (E) the Naval Postgraduate School; and

8 (F) the Air Force Institute of Technology.

9 (2) The terms “intermediate level service
10 school”, “joint intermediate level service school”,
11 and “senior level service school” have the meaning
12 given such terms in section 2151 of title 10, United
13 States Code.

14 (3) The term “professional military education
15 schools” means the schools specified in section 2162
16 of title 10, United States Code.

17 **Subtitle G—Member Training and** 18 **Transition**

19 **SEC. 561. CODIFICATION OF SKILLBRIDGE PROGRAM.**

20 (a) IN GENERAL.—Section 1143(e) of title 10,
21 United States Code, is amended—

22 (1) in the heading, by adding “; SKILLBRIDGE”
23 after “TRAINING”; and

24 (2) in paragraph (1), by adding at the end
25 “Such a program shall be known as ‘Skillbridge’.”.

1 (b) REGULATIONS.—To carry out Skillbridge, the
2 Secretary of Defense shall, not later than September 30,
3 2023—

4 (1) update Department of Defense Instruction
5 1322.29, titled “Job Training, Employment Skills
6 Training, Apprenticeships, and Internships (JTEST-
7 AI) for Eligible Service Members”; and

8 (2) develop a funding plan for Skillbridge that
9 includes funding lines across the future-years de-
10 fense program under section 221 of title 10, United
11 States Code.

12 **SEC. 562. PILOT PROGRAM ON REMOTE PERSONNEL PROC-**
13 **ESSING IN THE ARMY.**

14 (a) ESTABLISHMENT.—Not later than January 1,
15 2024, the Secretary of the Army shall implement a pilot
16 program to expedite in-processing and out-processing at
17 one or more military installations—

18 (1) under the jurisdiction of such Secretary;

19 and

20 (2) located within the continental United
21 States.

22 (b) FUNCTIONS.—The pilot program shall perform
23 the following functions:

1 (1) Enable the remote in-processing and out-
2 processing of covered personnel, including by permit-
3 ting covered personnel to sign forms electronically.

4 (2) Reduce the number of hours required of
5 covered personnel for in-processing and out-pro-
6 cessing.

7 (3) Provide, to covered personnel and the com-
8 mander of a military installation concerned, elec-
9 tronic copies of records related to in-processing and
10 out-processing.

11 (c) TERMINATION.—The pilot program shall termi-
12 nate on January 1st, 2027.

13 (d) REPORT.—Not later than January 1, 2026, the
14 Secretary shall submit to the Committees on Armed Serv-
15 ices of the Senate and House of Representatives a report
16 regarding the pilot program, including the recommenda-
17 tion of the Secretary whether to make the pilot program
18 permanent.

19 (e) DEFINITIONS.—In this section:

20 (1) The term “covered personnel” includes
21 members of the Army and civilian employees of the
22 Department of the Army.

23 (2) The term “in-processing” means the admin-
24 istrative activities that covered personnel undertake
25 pursuant to a permanent change of station.

1 (3) The term “out-processing” means the ad-
2 ministrative activities that covered personnel under-
3 take pursuant to a permanent change of station,
4 separation from the Army, or end of employment
5 with the Department of the Army.

6 **SEC. 563. ANNUAL REPORT ON MEMBERS SEPARATING**
7 **FROM ACTIVE DUTY WHO FILE CLAIMS FOR**
8 **DISABILITY BENEFITS.**

9 (a) REPORT REQUIRED.—Not later than one year
10 after the date of the enactment of this Act, and not later
11 than each January 1 thereafter through 2025, the Sec-
12 retary of Defense, in consultation with the Secretary of
13 Veterans Affairs, shall submit to the appropriate congres-
14 sional committees a report on members of the Armed
15 Forces who file claims for disability benefits.

16 (b) ELEMENTS.—The report under this section shall
17 include, for the period beginning on October 1, 2019,
18 through the month that ended most recently before the
19 date of the report, the number of members serving on ac-
20 tive duty, disaggregated by Armed Force, who filed a
21 claim for disability benefits—

22 (1) more than 180 days before the discharge or
23 release of such member from active duty;

24 (2) between 180 and 90 days before the dis-
25 charge or release of such member from active duty;

1 (3) fewer than 90 days before the discharge or
2 release of such member from active duty;

3 (4) before separation and was issued a decision
4 letter before the discharge or release of such member
5 from active duty;

6 (5) before separation and was issued a decision
7 letter after the discharge or release of such member
8 from active duty;

9 (6) completed a mental health evaluation before
10 the discharge or release of such member from active
11 duty; and

12 (7) did not complete a mental health evaluation
13 before the discharge or release of such member from
14 active duty.

15 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
16 FINED.—In this section, the term “appropriate congres-
17 sional committees” means the following:

18 (1) The Committees on Armed Services of the
19 Senate and House of Representatives.

20 (2) The Committees on Veterans’ Affairs of the
21 Senate and House of Representatives.

1 **SEC. 564. FEMALE MEMBERS OF CERTAIN ARMED FORCES**
2 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
3 **MENT OF DEFENSE IN STEM.**

4 (a) STUDY ON MEMBERS AND CIVILIANS.—Not later
5 than September 30, 2023, the Secretary of Defense shall
6 submit to the Committees on Armed Services of the Sen-
7 ate and House of Representatives a briefing containing the
8 results of a study on how to increase participation of cov-
9 ered individuals in positions in the covered Armed Forces
10 or Department of Defense and related to STEM.

11 (b) DEFINITIONS.—In this section:

12 (1) The term “covered Armed Force” means an
13 Armed Force under the jurisdiction of the Secretary
14 of a military department.

15 (2) The term “covered individual” means a fe-
16 male—

17 (A) member of a covered Armed Force; or
18 (B) civilian employee of the Department of
19 Defense.

20 (3) The term “STEM” means science, tech-
21 nology, engineering, and mathematics.

1 **Subtitle H—Military Family Readiness and Dependents’ Education**

2 **SEC. 571. CLARIFICATION AND EXPANSION OF AUTHORIZATION OF SUPPORT FOR CHAPLAIN-LED PROGRAMS FOR MEMBERS OF THE ARMED FORCES.**

3 (a) IN GENERAL.—Section 1789 of title 10, United States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking “chaplain-led programs” and inserting “a chaplain-led program”;

6 (B) by striking “members of the armed forces” and all that follows through “status and their immediate family members,” and inserting “a covered individual”; and

7 (C) by inserting “, or to support the resiliency, suicide prevention, or holistic wellness of such covered individual” after “structure”;

8 (2) in subsection (b)—

9 (A) by striking “members of the armed forces and their family members” and inserting “a covered individual”;

10 (B) by striking “programs” and inserting “a program”; and

1 (C) by striking “retreats and conferences”
2 and inserting “a retreat or conference”; and

3 (3) by striking subsection (c) and inserting the
4 following:

5 “(c) COVERED INDIVIDUAL DEFINED.—In this sec-
6 tion, the term ‘covered individual’ means—

7 “(1) a member of the armed forces on active
8 duty;

9 “(2) a member of the reserve components in an
10 active status; or

11 “(3) a dependent of an individual described in
12 subparagraph (A) or (B).”.

13 (b) ANNUAL BRIEFINGS.—Not later than one year
14 after the date of the enactment of this Act, and annually
15 thereafter for five years, the Secretary of Defense shall
16 submit to the Committees on Armed Services of the Sen-
17 ate and House of Representatives a briefing on implemen-
18 tation of the amendments made by this section. Each such
19 briefing shall include the following:

20 (1) The frequency with which the Secretaries of
21 the military departments used the authority under
22 such amendments in the year preceding the date of
23 the briefing.

24 (2) Lessons learned from such usage.

1 **SEC. 572. PILOT PROGRAM TO EXPAND ELIGIBILITY FOR**
2 **ENROLLMENT AT DOMESTIC DEPENDENT EL-**
3 **EMENTARY AND SECONDARY SCHOOLS: EX-**
4 **TENSION; REPORT.**

5 (a) EXTENSION.—Section 589C(e) of the William M.
6 (Mac) Thornberry National Defense Authorization Act for
7 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C. 2164
8 note) is amended by striking “four years after the date
9 of the enactment of this Act” and inserting “on July 1,
10 2029”.

11 (b) REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than December 31,
13 2028, the Secretary of Defense shall submit to the
14 Committees on Armed Services of the Senate and
15 the House of Representatives a report on the con-
16 duct of the pilot program under such section.

17 (2) ELEMENTS.—The report shall include a de-
18 scription of—

19 (A) the locations at which the pilot pro-
20 gram is carried out;

21 (B) the number of students participating
22 in the pilot program for each academic year by
23 location; and

24 (C) the outcome measures used to gauge
25 the value of the pilot program to the Depart-
26 ment of Defense.

1 **SEC. 573. COMMERCIAL AIR WAIVER FOR NEXT OF KIN RE-**
2 **GARDING TRANSPORTATION OF REMAINS OF**
3 **CASUALTIES.**

4 Section 580A of the National Defense Authorization
5 Act for Fiscal Year 2020 (Public Law 116–92) is amended
6 by adding at the end the following:

7 “(c) **TRANSPORTATION OF DECEASED MILITARY**
8 **MEMBER.**—In the event of a death that requires the Sec-
9 retary concerned to provide a death benefit under sub-
10 chapter II of chapter 75 of title 10, United States Code,
11 such Secretary—

12 “(1) shall provide the next of kin or other ap-
13 propriate person a commercial air travel use waiver
14 for the transportation of deceased remains of mili-
15 tary member who dies outside of—

16 “(A) the United States; and

17 “(B) a theater of combat operations; or

18 “(2) may provide the next of kin or other ap-
19 propriate person a commercial air travel use waiver
20 for the transportation of deceased remains of mili-
21 tary member who dies inside a theater of combat op-
22 erations.”.

1 **SEC. 574. CERTAIN ASSISTANCE TO LOCAL EDUCATIONAL**
2 **AGENCIES THAT BENEFIT DEPENDENTS OF**
3 **MILITARY AND CIVILIAN PERSONNEL.**

4 (a) CONTINUATION OF AUTHORITY TO ASSIST LOCAL
5 EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS
6 OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT
7 OF DEFENSE CIVILIAN EMPLOYEES.—

8 (1) ASSISTANCE TO SCHOOLS WITH SIGNIFI-
9 CANT NUMBERS OF MILITARY DEPENDENT STU-
10 DENTS.—Of the amount authorized to be appro-
11 priated for fiscal year 2023 by section 301 and
12 available for operation and maintenance for Defense-
13 wide activities as specified in the funding table in
14 section 4301, \$50,000,000 shall be available only for
15 the purpose of providing assistance to local edu-
16 cational agencies under subsection (a) of section 572
17 of the National Defense Authorization Act for Fiscal
18 Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

19 (2) LOCAL EDUCATIONAL AGENCY DEFINED.—
20 In this subsection, the term “local educational agen-
21 cy” has the meaning given that term in section
22 7013(9) of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7713(9)).

24 (b) IMPACT AID FOR CHILDREN WITH SEVERE DIS-
25 ABILITIES.—

1 (1) IN GENERAL.—Of the amount authorized to
2 be appropriated for fiscal year 2023 pursuant to sec-
3 tion 301 and available for operation and mainte-
4 nance for Defense-wide activities as specified in the
5 funding table in section 4301, \$10,000,000 shall be
6 available for payments under section 363 of the
7 Floyd D. Spence National Defense Authorization
8 Act for Fiscal Year 2001 (as enacted into law by
9 Public Law 106–398; 114 Stat. 1654A–77; 20
10 U.S.C. 7703a).

11 (2) ADDITIONAL AMOUNT.—Of the amount au-
12 thorized to be appropriated for fiscal year 2023 pur-
13 suant to section 301 and available for operation and
14 maintenance for Defense-wide activities as specified
15 in the funding table in section 4301, \$10,000,000
16 shall be available for use by the Secretary of Defense
17 to make payments to local educational agencies de-
18 termined by the Secretary to have higher concentra-
19 tions of military dependent students with severe dis-
20 abilities.

21 (3) REPORT.—Not later than March 31, 2023,
22 the Secretary shall brief the Committees on Armed
23 Services of the Senate and the House of Representa-
24 tives on the evaluation of the Secretary of each local
25 educational agency with higher concentrations of

1 military dependent students with severe disabilities
2 and subsequent determination of the amounts of im-
3 pact aid each such agency shall receive.

4 **SEC. 575. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES**
5 **THAT BENEFIT DEPENDENTS OF MEMBERS**
6 **OF THE ARMED FORCES WITH ENROLLMENT**
7 **CHANGES DUE TO BASE CLOSURES, FORCE**
8 **STRUCTURE CHANGES, OR FORCE RELOCA-**
9 **TIONS.**

10 (a) ASSISTANCE AUTHORIZED.—To assist commu-
11 nities in making adjustments resulting from changes in
12 the size or location of the Armed Forces, the Secretary
13 of Defense shall provide financial assistance to an eligible
14 local educational agency described in subsection (b) if,
15 during the period between the end of the school year pre-
16 ceding the fiscal year for which the assistance is author-
17 ized and the beginning of the school year immediately pre-
18 ceding that school year, the local educational agency—

19 (1) had (as determined by the Secretary of De-
20 fense in consultation with the Secretary of Edu-
21 cation) an overall increase or reduction of—

22 (A) not less than five percent in the aver-
23 age daily attendance of military dependent stu-
24 dents in the schools of the local educational
25 agency; or

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

4 (2) is projected to have an overall increase, be-
5 tween fiscal years 2023 and 2028, of not less than
6 500 military dependent students in average daily at-
7 tendance in the schools of the local educational
8 agency as the result of a signed record of decision.

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

12 (1) 20 percent or more of students enrolled in
13 schools of the local educational agency are military
14 dependent students; and

15 (2) in the case of assistance described in sub-
16 section (a)(1), the overall increase or reduction in
17 military dependent students in schools of the local
18 educational agency is the result of one or more of
19 the following:

20 (A) The global rebasing plan of the De-
21 partment of Defense.

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

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

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

3 (E) A signed record of decision.

4 (c) CALCULATION OF AMOUNT OF ASSISTANCE.—

5 (1) PRO RATA DISTRIBUTION.—The amount of
6 the assistance provided under subsection (a) to a
7 local educational agency that is eligible for such as-
8 sistance for a fiscal year shall be equal to the prod-
9 uct obtained by multiplying—

10 (A) the per-student rate determined under
11 paragraph (2) for that fiscal year; by

12 (B) the net of the overall increases and re-
13 ductions in the number of military dependent
14 students in schools of the local educational
15 agency, as determined under subsection (a).

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

20 (A) the total amount of funds made avail-
21 able for that fiscal year to provide assistance
22 under subsection (a); by

23 (B) the sum of the overall increases and
24 reductions in the number of military dependent
25 students in schools of all eligible local edu-

1 cational agencies for that fiscal year under that
2 subsection.

3 (3) MAXIMUM AMOUNT OF ASSISTANCE.—A
4 local educational agency may not receive more than
5 \$15,000,000 in assistance under subsection (a) for
6 any fiscal year.

7 (d) DURATION.—Assistance may not be provided
8 under subsection (a) after September 30, 2028.

9 (e) NOTIFICATION.—Not later than June 30, 2023,
10 and June 30 of each fiscal year thereafter for which funds
11 are made available to carry out this section, the Secretary
12 of Defense shall notify each local educational agency that
13 is eligible for assistance under subsection (a) for that fis-
14 cal year of—

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

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

19 (f) DISBURSEMENT OF FUNDS.—The Secretary of
20 Defense shall disburse assistance made available under
21 subsection (a) for a fiscal year not later than 30 days after
22 the date on which notification to the eligible local edu-
23 cational agencies is provided pursuant to subsection (e)
24 for that fiscal year.

1 (g) BRIEFING REQUIRED.—Not later than March 1,
2 2023, the Secretary of Defense shall brief the Committees
3 on Armed Services of the Senate and the House of Rep-
4 resentatives on the estimated cost of providing assistance
5 to local educational agencies under subsection (a) through
6 September 30, 2028.

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

- 10 (1) general fund purposes;
- 11 (2) special education;
- 12 (3) school maintenance and operation;
- 13 (4) school expansion; or
- 14 (5) new school construction.

15 (i) FUNDING.—

16 (1) INCREASE.—Notwithstanding the amounts
17 set forth in the funding tables in division D, the
18 amount authorized to be appropriated in section 301
19 for Operation and Maintenance, Defense-wide, De-
20 partment of Defense Education Activity, Line 390,
21 as specified in the corresponding funding table in
22 section 4301, is hereby increased by \$15,000,000 for
23 purposes of this section.

24 (2) OFFSET.—Notwithstanding the amounts set
25 forth in the funding tables in division D, the amount

1 authorized to be appropriated in section 301 for Op-
2 eration and Maintenance, Defense-wide, for Wash-
3 ington Headquarters Services, Line 500, as specified
4 in the corresponding funding table in section 4301,
5 is hereby reduced by \$15,000,000.

6 (j) DEFINITIONS.—In this section:

7 (1) The term “base closure process” means any
8 base closure and realignment process conducted
9 after the date of the enactment of this Act under
10 section 2687 of title 10, United States Code, or any
11 other similar law enacted after that date.

12 (2) The term “local educational agency” has
13 the meaning given that term in section 7013(9) of
14 the Elementary and Secondary Education Act of
15 1965 (20 U.S.C. 7713(9)).

16 (3) The term “military dependent students”
17 means—

18 (A) elementary and secondary school stu-
19 dents who are dependents of members of the
20 Armed Forces; and

21 (B) elementary and secondary school stu-
22 dents who are dependents of civilian employees
23 of the Department of Defense.

24 (4) The term “State” means each of the several
25 States and the District of Columbia.

1 **SEC. 576. PILOT PROGRAM ON HIRING OF SPECIAL NEEDS**
2 **INCLUSION COORDINATORS FOR DEPART-**
3 **MENT OF DEFENSE CHILD DEVELOPMENT**
4 **CENTERS.**

5 (a) IN GENERAL.—The Secretary of Defense, in co-
6 ordination with the Secretaries of the military depart-
7 ments, shall carry out a pilot program to hire special needs
8 inclusion coordinators at child development centers se-
9 lected by the Secretary under subsection (b).

10 (b) SELECTION OF CENTERS.—The Secretary of De-
11 fense shall select the child development centers at which
12 the pilot program required by subsection (a) will be car-
13 ried out based on—

14 (1) the number of dependent children enrolled
15 in the Exceptional Family Member Program at the
16 military installation on which the center is located;

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

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

22 (c) FUNCTIONS.—Each special needs inclusion coor-
23 dinator assigned to a child development center under the
24 pilot program required by subsection (a) shall—

25 (1) coordinate intervention and inclusion serv-
26 ices at the center;

1 (2) provide direct classroom support; and

2 (3) provide guidance and assistance relating to
3 the increased complexity of working with the behav-
4 iors of children with special needs.

5 (d) BRIEFINGS REQUIRED.—

6 (1) BRIEFING ON ANTICIPATED COSTS.—Not
7 later than March 1, 2023, the Secretary of Defense
8 shall provide to the Committees on Armed Services
9 of the Senate and the House of Representatives a
10 briefing on the anticipated costs for the pilot pro-
11 gram required by subsection (a).

12 (2) BRIEFING ON EFFECTIVENESS OF PRO-
13 GRAM.—Not later than September 30, 2025, the
14 Secretary of Defense shall provide to the Commit-
15 tees on Armed Services of the Senate and the House
16 of Representatives a briefing on the pilot program
17 required by subsection (a) that includes—

18 (A) the number of special needs inclusion
19 coordinators hired under the pilot program;

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

22 (C) a recommendation with respect to
23 whether the pilot program should be made per-
24 manent or expanded to other military installa-
25 tions; and

1 (D) an assessment of the amount of fund-
2 ing required to make the pilot program perma-
3 nent or expand the pilot program to other mili-
4 tary installations, as the Secretary recommends
5 under subparagraph (C).

6 (e) DURATION OF PILOT PROGRAM.—The pilot pro-
7 gram required by subsection (a) shall—

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

10 (2) terminate on December 31, 2026.

11 (f) CHILD DEVELOPMENT CENTER DEFINED.—In
12 this section, the term “child development center” has the
13 meaning given that term in section 2871(2) of title 10,
14 United States Code, and includes a facility identified as
15 a child care center or day care center.

16 **SEC. 577. PROMOTION OF CERTAIN CHILD CARE ASSIST-**
17 **ANCE.**

18 (a) IN GENERAL.—Each Secretary concerned shall
19 promote, to members of the Armed Forces under the juris-
20 diction of such Secretary concerned, awareness of child
21 care assistance available under—

22 (1) section 1798 of title 10, United States
23 Code; and

24 (2) section 589 of the William M. (Mac) Thorn-
25 berry National Defense Authorization Act for Fiscal

1 Year 2021 (Public Law 116–283; 10 U.S.C. 1791
2 note).

3 (b) REPORTING.—Not later than one year after the
4 date of the enactment of this Act, each Secretary con-
5 cerned shall submit to the Committees on Armed Services
6 of the Senate and House of Representatives a report sum-
7 marizing activities taken by such Secretary concerned to
8 carry out subsection (a).

9 (c) SECRETARY CONCERNED DEFINED.—In this sec-
10 tion, the term “Secretary concerned” has the meaning
11 given such term in section 101 of title 10, United States
12 Code.

13 **SEC. 578. INDUSTRY ROUNDTABLE ON MILITARY SPOUSE**
14 **HIRING.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Under Secretary
17 of Defense for Personnel and Readiness shall seek to con-
18 vene an industry roundtable to discuss the hiring of mili-
19 tary spouses. Such discussion shall include the following
20 elements:

- 21 (1) The value of, and opportunities to, private
22 entities that hire military spouses.
- 23 (2) Career opportunities for military spouses.
- 24 (3) Understanding the challenges that military
25 spouses encounter in the labor market.

1 (4) Gaps and opportunities in the labor market
2 for military spouses.

3 (5) Best hiring practices from industry leaders
4 in human resources.

5 (6) The benefits of portable licenses and inter-
6 state licensure compacts for military spouses.

7 (b) PARTICIPANTS.—The participants in the round-
8 table shall include the following:

9 (1) The Under Secretary of Defense for Per-
10 sonnel and Readiness.

11 (2) The Assistant Secretary for Manpower and
12 Reserve Affairs of each military department.

13 (3) The Director of the Defense Human Re-
14 sources Activity.

15 (4) Other officials of the Department of De-
16 fense the Secretary of Defense determines appro-
17 priate.

18 (5) Private entities that elect to participate.

19 (c) NOTICE.—The Under Secretary shall publish no-
20 tice of the roundtable in multiple private sector forums
21 and the Federal Register to encourage participation in the
22 roundtable by private entities and entities interested in the
23 hiring of military spouses.

24 (d) BRIEFING.—Not later than one year after the
25 date of the enactment of this Act, the Secretary of Defense

1 shall provide a briefing to the Committees on Armed Serv-
2 ices of the Senate and House of Representatives on the
3 lessons learned from the roundtable, including the rec-
4 ommendation of the Secretary whether to convene the
5 roundtable annually.

6 **SEC. 579. RECOMMENDATIONS FOR THE IMPROVEMENT OF**
7 **THE MILITARY INTERSTATE CHILDREN'S**
8 **COMPACT.**

9 (a) **RECOMMENDATIONS REQUIRED.**—The Secre-
10 taries concerned, in consultation with States through the
11 Defense-State Liaison Office, shall develop recommenda-
12 tions to improve the Military Interstate Children's Com-
13 pact.

14 (b) **CONSIDERATIONS.**—In carrying out subsection
15 (a), the Secretaries concerned shall—

16 (1) identify any barriers—

17 (A) to the ability of a parent of a transfer-
18 ring military-connected child to enroll the child,
19 in advance, in an elementary or secondary
20 school in the State in which the child is trans-
21 ferring, without requiring the parent or child to
22 be physically present in the State; and

23 (B) to the ability of a transferring mili-
24 tary-connected child who receives special edu-
25 cation services to gain access to such services

1 and related supports in the State to which the
2 child transfers within the timeframes required
3 under the Individuals with Disabilities Edu-
4 cation Act (20 U.S.C. 1400 et seq.);

5 (2) consider the feasibility and advisability of—

6 (A) tracking and reporting the number of
7 families who use advanced enrollment in States
8 that offer advanced enrollment to military-con-
9 nected children;

10 (B) States clarifying in legislation that eli-
11 gibility for advanced enrollment requires only
12 written evidence of a permanent change of sta-
13 tion order, and does not require a parent of a
14 military-connected child to produce a rental
15 agreement or mortgage statement; and

16 (C) the Secretary of Defense, in coordina-
17 tion with the Military Interstate Children's
18 Compact, developing a letter or other memo-
19 randum that military families may present to
20 local educational agencies that outlines the pro-
21 tections afforded to military-connected children
22 by the Military Interstate Children's Compact;
23 and

24 (3) identify any other actions that may be
25 taken by the States (acting together or separately)

1 to improve the Military Interstate Children’s Com-
2 pact.

3 (c) REPORT REQUIRED.—Not later than one year
4 after the date of the enactment of this Act, the Secretaries
5 concerned shall submit to the Committees on Armed Serv-
6 ices of the Senate and House of Representatives, and to
7 the States, a report setting forth the recommendations de-
8 veloped under subsection (a).

9 (d) DEFINITIONS.—In this section:

10 (1) The terms “armed forces”, “active duty”
11 and “congressional defense committees” have the
12 meanings given those terms in section 101 of title
13 10, United States Code.

14 (2) The terms “child”, “elementary school”,
15 “local educational agency”, “secondary school”,
16 “parent”, and “State” have the meanings given
17 those terms in section 8101 of the Elementary and
18 Secondary Education Act of 1965 (20 U.S.C. 7801).

19 (3) The term “Military Interstate Children’s
20 Compact” means the Interstate Compact on Edu-
21 cational Opportunity for Military Children as de-
22 scribed in Department of Defense Instruction
23 1342.29, dated January 31, 2017 (or any successor
24 to such instruction).

25 (4) The term “Secretary concerned” means—

1 (A) the Secretary of Defense, with respect
2 to matters concerning the Department of De-
3 fense; and

4 (B) the Secretary of the department in
5 which the Coast Guard is operating, with re-
6 spect to matters concerning the Coast Guard
7 when it is not operating as a service in the De-
8 partment of the Navy.

9 (5) The term “transferring military-connected
10 child” means the child of a parent who—

11 (A) is serving on active duty in the Armed
12 Forces;

13 (B) is changing duty locations due to a
14 permanent change of station order; and

15 (C) has not yet established an ongoing
16 physical presence in the State to which the par-
17 ent is transferring.

18 **SEC. 579A. FEASIBILITY OF INCLUSION OF AU PAIRS IN**
19 **PILOT PROGRAM TO PROVIDE FINANCIAL AS-**
20 **SISTANCE TO MEMBERS OF THE ARMED**
21 **FORCES FOR IN-HOME CHILD CARE.**

22 Not later than one year after the date of the enact-
23 ment of this Act, the Secretary of Defense, in coordination
24 with the Secretary of State, shall submit, to the Commit-
25 tees on Armed Services of the Senate and House of Rep-

1 representatives, a briefing containing the assessment of the
2 Secretary of Defense of the feasibility, advisability, and
3 considerations of expanding eligibility for the pilot pro-
4 gram under section 589 of the William M. (Mac) Thorn-
5 berry National Defense Authorization Act for Fiscal Year
6 2021 (Public Law 116–283; 10 U.S.C. 1791 note) to
7 members of the Armed Forces who participate in an ex-
8 change visitor program under section 62.31 of title 22,
9 Code of Federal Regulations, or successor regulation.

10 **SEC. 579B. BRIEFING ON POLICIES REGARDING SINGLE**
11 **PARENTS SERVING AS MEMBERS OF THE**
12 **ARMED FORCES.**

13 Not later than September 30, 2023, the Secretary of
14 Defense shall submit to the Committees on Armed Serv-
15 ices of the Senate and House of Representatives a briefing
16 on regulations and rules of the Department of Defense
17 regarding single parents serving as members of the Armed
18 Forces. Such briefing shall include ways the Secretary has
19 determined to improve such regulations and rules.

20 **SEC. 579C. PUBLIC REPORTING ON CERTAIN MILITARY**
21 **CHILD CARE PROGRAMS.**

22 Not later than September 30, 2023, and each cal-
23 endar quarter thereafter, the Secretary of Defense shall
24 post, on a publicly accessible website of the Department
25 of Defense, information regarding the Military Child Care

1 in Your Neighborhood and Military Child Care in Your
2 Neighborhood-Plus programs, disaggregated by State,
3 ZIP code, and Armed Force. Such information shall in-
4 clude whether each such provider is nationally accredited
5 or rated by the Quality Rating and Improvement System
6 of the State.

7 **SEC. 579D. BRIEFING ON VERIFICATION OF ELIGIBLE FED-**
8 **ERALLY CONNECTED CHILDREN FOR PUR-**
9 **POSES OF FEDERAL IMPACT AID PROGRAMS.**

10 Not later than February 1, 2023, the Secretary of
11 Defense, in consultation with the Secretaries of the mili-
12 tary departments, shall brief the Committees on Armed
13 Services of the Senate and House of Representatives on
14 the following:

15 (1) The feasibility of developing a process
16 whereby the commander of a military installation
17 may certify the information contained in impact aid
18 source check forms received by such commander
19 from local educational agencies as of the date of
20 such certification.

21 (2) An estimate of resources, per military in-
22 stallation concerned, necessary to implement such a
23 process, including personnel, information technology,
24 and other costs.

1 (3) The estimated time required to implement
2 such a process, including time for the Secretary of
3 Defense to develop guidance regarding such a proc-
4 ess.

5 (4) The possible benefits of working with local
6 educational agencies to ensure that impact aid
7 source check forms are submitted appropriately to
8 enable such certification.

9 **SEC. 579E. SENSE OF CONGRESS ON RIGHTS OF PARENTS**
10 **OF CHILDREN ATTENDING SCHOOLS OPER-**
11 **ATED BY THE DEPARTMENT OF DEFENSE**
12 **EDUCATION ACTIVITY.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the parent of a child who attends a school oper-
15 ated by the Department of Defense Education Activity has
16 parental rights as previously established by the Activity,
17 including the following:

18 (1) The right to information about the cur-
19 riculum and instructional materials of the school.

20 (2) The right to be informed if the school or
21 Department of Defense Education Activity alters the
22 school’s academic standards or learning benchmarks.

23 (3) The right to meet with each teacher of their
24 child not less than twice during each school year, in-

1 including meetings in the form of parent-teacher con-
2 ferences.

3 (4) The right to information about the budget
4 of the school.

5 (5) The right to request information regarding
6 the professional qualifications of their child's class-
7 room teacher.

8 (6) The right to address the school advisory
9 committee or the school board.

10 (7) The right to information about the school's
11 discipline policy, including policies related to re-
12 sponding to any violent activity in the school.

13 (8) The right to information about any plans to
14 eliminate gifted and talented programs or acceler-
15 ated coursework at the school.

16 (9) The right to be informed of the results of
17 environmental testing and safety at school facilities.

18 (b) REPORT.—Not later than six months after the
19 date of the enactment of this Act and consistent with the
20 parental rights specified in subsection (a), the Director of
21 the Department of Defense Education Activity shall sub-
22 mit to the Committees on Armed Services of the Senate
23 and the House of Representatives a report on the parental
24 rights specified in such subsection. The report shall in-

1 clude, with respect to the schools operated by the Depart-
2 ment of Defense Education Activity, an explanation of—

3 (1) how and where a parent may access infor-
4 mation about their rights;

5 (2) the accessibility of that information;

6 (3) how such schools inform parents of their
7 rights and the means to access such rights; and

8 (4) the uniformity of parental rights across
9 such schools.

10 (c) DEFINITION.—In this section, the term “school
11 operated by the Department of Defense Education Activ-
12 ity” means—

13 (1) a Department of Defense domestic depend-
14 ent elementary or secondary school, as described in
15 section 2164 of title 10, United States Code; or

16 (2) any other elementary or secondary school or
17 program for dependents operated by the Department
18 of Defense Education Activity.

1 **Subtitle I—Decorations, Awards,**
2 **and Other Honors**

3 **SEC. 581. CLARIFICATION OF PROCEDURE FOR BOARDS**
4 **FOR THE CORRECTION OF MILITARY**
5 **RECORDS TO REVIEW DETERMINATIONS RE-**
6 **GARDING CERTAIN DECORATIONS.**

7 Section 1552 of title 10, United States Code, is
8 amended—

9 (1) by redesignating subsection (j) as sub-
10 section (k); and

11 (2) by inserting, after subsection (i), the fol-
12 lowing new subsection:

13 “(j) For a recommendation to award or upgrade a
14 military decoration or award submitted pursuant to sec-
15 tion 1130 of this title, a board determination in favor of
16 the claimant shall allow such a recommendation to pro-
17 ceed, and an award or upgrade to be made by the applica-
18 ble award authority, without regard to the statutory time
19 limitation contained in section 7274, section 8298, or sec-
20 tion 9274 of this title, as the case may be.”.

21 **SEC. 582. AUTHORIZATIONS FOR CERTAIN AWARDS.**

22 (a) AUTHORIZATION FOR AWARD OF THE MEDAL OF
23 HONOR TO FRED MCGEE FOR ACTS OF VALOR ON JUNE
24 16, 1952.—

1 (1) AUTHORIZATION.—Notwithstanding the
2 time limitations specified in section 7274 of title 10,
3 United States Code, or any other time limitation
4 with respect to the awarding of certain medals to
5 persons who served in the Armed Forces, the Presi-
6 dent may award the Medal of Honor under section
7 7272 of such title to Fred McGee for the acts of
8 valor described in the paragraph (2).

9 (2) ACTS OF VALOR DESCRIBED.—The acts of
10 valor described in this paragraph are the actions of
11 Fred McGee as a corporal in the Army on June 16,
12 1952, for which he was previously awarded the Sil-
13 ver Star.

14 (b) AUTHORIZATION FOR AWARD OF THE MEDAL OF
15 HONOR TO DAVID R. HALBRUNER FOR ACTS OF VALOR
16 ON SEPTEMBER 11-12, 2012.—

17 (1) AUTHORIZATION.—Notwithstanding the
18 time limitations specified in section 7274 of title 10,
19 United States Code, or any other time limitation
20 with respect to the awarding of certain medals to
21 persons who served in the Armed Forces, the Presi-
22 dent may award the Medal of Honor under section
23 7272 of such title to David R. Halbruner for the
24 acts of valor described in the paragraph (2).

1 (2) ACTS OF VALOR DESCRIBED.—The acts of
2 valor described in this paragraph are the actions of
3 David R. Halbruner as a master sergeant in the
4 Army on September 11-12, 2012, for which he was
5 previously awarded the Distinguished-Service Cross.

6 **SEC. 583. POSTHUMOUS APPOINTMENT OF ULYSSES S.**
7 **GRANT TO GRADE OF GENERAL OF THE AR-**
8 **MIES OF THE UNITED STATES.**

9 The President is authorized to appoint Ulysses S.
10 Grant posthumously to the grade of General of the Armies
11 of the United States, equal to the rank and precedence
12 held by General John J. Pershing pursuant to the Act ti-
13 tled “An Act Relating to the creation of the office of Gen-
14 eral of the Armies of the United States”, approved Sep-
15 tember 3, 1919 (41 Stat. 283, ch. 56).

16 **SEC. 584. ENHANCED INFORMATION RELATED TO AWARD-**
17 **ING OF THE PURPLE HEART.**

18 (a) PUBLICATION OF AWARD CRITERIA.—Not later
19 than 180 days after the date of the enactment of this Act,
20 each Chief of an Armed Force shall publish on a publicly
21 available website of such Armed Force includes a link to—

22 (1) a description of the background of the Pur-
23 ple Heart;

24 (2) the eligibility criteria for awarding the Pur-
25 ple Heart; and

1 (3) contact information for the awards and
2 decorations liaison of such Armed Force to facilitate
3 confirmation, by a veteran or a veteran's next of kin,
4 whether a veteran was awarded the Purple Heart
5 after December 31, 2002.

6 (b) REPORT.—Not later than one year after the date
7 of the enactment of this Act, each Chief of an Armed
8 Force shall submit to the congressional defense commit-
9 tees a report on implementation of the requirements under
10 subsection (a). The report shall—

11 (1) provide background on the website de-
12 scribed in such subsection;

13 (2) include the number of requests received by
14 the Armed Force related to confirming the award of
15 a Purple Heart;

16 (3) describe the average response time for con-
17 firming the award of a Purple Heart in response to
18 an inquiry from a veteran or next of kin; and

19 (4) include recommendations for decreasing the
20 amount of time taken to respond to such inquiries.

1 **Subtitle J—Miscellaneous Reports**
2 **and Other Matters**

3 **SEC. 591. REPORT ON NON-CITIZEN MEMBERS OF THE**
4 **ARMED FORCES.**

5 Section 115a of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(h) Not later than April 1 each year, the Secretary
9 shall submit to Congress a report that sets forth the fol-
10 lowing with respect to personnel:

11 “(1) The number of members of the Armed
12 Forces who are not citizens of the United States
13 during the year covered by such report.

14 “(2) The immigration status of such members.

15 “(3) The number of such members natural-
16 ized.”.

17 **SEC. 592. NOTIFICATION ON MANNING OF AFLOAT NAVAL**
18 **FORCES: MODIFICATIONS; CODIFICATION.**

19 (a) REPEALS.—

20 (1) SUNSET.—Subsection (e) of section 597 of
21 the National Defense Authorization Act for Fiscal
22 Year 2020 (Public Law 116–92; 10 U.S.C. 8013
23 note) is repealed.

24 (2) OBSOLETE PROVISION.—Subsection (f) of
25 such section is repealed.

1 (b) DEFINITIONS: ADDITION; CLERICAL IMPROVE-
2 MENTS.—Subsection (d) of such section—

3 (1) is amended—

4 (A) by redesignating paragraphs (1), (2),
5 and (3) as paragraphs (3), (2), and (1), respec-
6 tively;

7 (B) by striking the heading of each such
8 paragraph; and

9 (C) by adding at the end the following new
10 paragraph:

11 “(4) The term ‘surface combatant vessel’ means
12 any littoral combat ship (including the LCS–1 and
13 LCS–2 classes), frigate (including the FFG–62
14 class), destroyer (excluding the DDG–1000 class), or
15 cruiser (including the CG–47 class).”; and

16 (2) is redesignated as subsection (e).

17 (c) ESTABLISHMENT OF CERTAIN CREWING RE-
18 QUIREMENT.—Such section is amended by inserting, after
19 subsection (e), the following new subsection (d):

20 “(d) CREWING OF A SURFACE COMBATANT VESSEL:
21 PROHIBITION; EXCEPTION.—(1) Beginning on October 1,
22 2025, the Secretary of the Navy may not assign more than
23 one crew to a covered ship that is a surface combatant
24 vessel if any surface combatant vessel was included in a

1 notification under subsection (a) during the 12 months
2 preceding such assignment.

3 “(2) The prohibition under paragraph (1) shall not
4 apply to a littoral combat ship configured to conduct mine
5 countermeasures if the Secretary of the Navy submits to
6 the congressional defense committees a certification and
7 detailed explanation that such ship is unable to meet oper-
8 ational requirements regarding mine countermeasures, de-
9 termined by the commander of a combatant command con-
10 cerned, with only one crew.”.

11 (d) CODIFICATION.—

12 (1) IN GENERAL.—Such section, as amended by
13 this section, is transferred to chapter 825 of title 10,
14 United States Code, inserted after section 8226, and
15 redesignated as section 8227.

16 (2) CLERICAL AMENDMENT.—The table of sec-
17 tions at the beginning of such chapter is amended
18 by adding, after the item relating to section 8226,
19 the following new item:

“8227. Notifications on manning of afloat naval forces.”.

20 **SEC. 593. CLARIFICATION OF AUTHORITY OF NCMAF TO UP-**
21 **DATE CHAPLAINS HILL AT ARLINGTON NA-**
22 **TIONAL CEMETERY.**

23 Section 584(a) of the National Defense Authorization
24 Act for Fiscal Year 2022 (Public Law 117–81; 38 U.S.C.

1 2409 note) is amended by adding at the end the following
2 new paragraph:

3 “(4) AUTHORITY OF SECRETARY OF THE
4 ARMY.—The Secretary of the Army may permit
5 NCMAF to carry out any action authorized by this
6 subsection without regard to the time limitation
7 under section 2409(b)(2)(C) of title 38, United
8 States Code.”.

9 **SEC. 594. DISINTERMENT OF REMAINS OF ANDREW**
10 **CHABROL FROM ARLINGTON NATIONAL CEM-**
11 **ETERY.**

12 (a) DISINTERMENT.—Not later than September 30,
13 2023, the Secretary of the Army shall disinter the remains
14 of Andrew Chabrol from Arlington National Cemetery.

15 (b) NOTIFICATION.—The Secretary of the Army may
16 not carry out subsection (a) until after notifying the next
17 of kin of Andrew Chabrol.

18 (c) DISPOSITION.—After carrying out subsection (a),
19 the Secretary of the Army shall—

20 (1) relinquish the remains to the next of kin de-
21 scribed in subsection (b); or

22 (2) if no such next of kin responds to notifica-
23 tion under subsection (b), arrange for disposition of
24 the remains as the Secretary of the Army deter-
25 mines appropriate.

1 **SEC. 595. PILOT PROGRAM ON SAFE STORAGE OF PERSON-**
2 **ALLY OWNED FIREARMS.**

3 (a) ESTABLISHMENT.—The Secretary of Defense
4 shall establish a pilot program to promote the safe storage
5 of personally owned firearms.

6 (b) ELEMENTS.—Under the pilot program under sub-
7 section (a), the Secretary of Defense shall furnish to mem-
8 bers of the Armed Forces who are participating in the
9 pilot program at military installations selected under sub-
10 section (e) locking devices or firearm safes, or both, for
11 the purpose of securing personally owned firearms when
12 not in use (including by directly providing, subsidizing, or
13 otherwise making available such devices or safes).

14 (c) PARTICIPATION.—

15 (1) VOLUNTARY PARTICIPATION.—Participation
16 by members of the Armed Forces in the pilot pro-
17 gram under subsection (a) shall be on a voluntary
18 basis.

19 (2) LOCATION OF PARTICIPANTS.—A member
20 of the Armed Forces may participate in the pilot
21 program under subsection (a) carried out at a mili-
22 tary installation selected under subsection (e) re-
23 gardless of whether the member resides at the mili-
24 tary installation.

25 (d) PLAN.—Not later than one year after the date
26 of the enactment of this Act, the Secretary of Defense

1 shall submit to the Committees on Armed Services of the
2 Senate and the House of Representatives a plan for the
3 implementation of the pilot program under subsection (a).

4 (e) SELECTION OF INSTALLATIONS.—Not later than
5 two years after the date of the enactment of this Act, the
6 Secretary of Defense shall select not fewer than five mili-
7 tary installations at which to carry out the pilot program
8 under subsection (a).

9 (f) EFFECT ON EXISTING POLICIES.—Nothing in
10 this section shall be construed to circumvent or undermine
11 any existing safe storage policies, laws, or regulations on
12 military installations.

13 (g) REPORT.—Upon the termination under sub-
14 section (h) of the pilot program under subsection (a), the
15 Secretary of Defense shall submit to the congressional de-
16 fense committees a report containing the following infor-
17 mation:

18 (1) The number and type of locking devices and
19 firearm safes furnished to members of the Armed
20 Forces under the pilot program.

21 (2) The cost of carrying out the pilot program.

22 (3) An analysis of the effect of the pilot pro-
23 gram on suicide prevention.

24 (4) Such other information as the Secretary
25 may determine appropriate, which shall exclude any

1 personally identifiable information about partici-
2 pants in the pilot program.

3 (h) TERMINATION.—The pilot program under sub-
4 section (a) shall terminate on the date that is six years
5 after the date of the enactment of this Act.

6 **SEC. 596. PILOT PROGRAM ON CAR SHARING ON REMOTE**
7 **OR ISOLATED MILITARY INSTALLATIONS.**

8 (a) DETERMINATION.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary of
10 Defense shall determine whether it is feasible and advis-
11 able to carry out a pilot program to allow car sharing on
12 more than two remote or isolated military installations.

13 (b) AUTHORITY.—If the Secretary determines that
14 such a pilot program is feasible and advisable, the Sec-
15 retary shall submit to the congressional defense commit-
16 tees a plan to carry out the pilot program not later than
17 90 days after such determination.

18 (c) PROGRAM ELEMENTS.—To carry out a pilot pro-
19 gram under this section, the Secretary shall take steps in-
20 cluding the following:

- 21 (1) Seek to enter into an agreement with an en-
22 tity that—
- 23 (A) provides car sharing services; and
 - 24 (B) is capable of serving the selected mili-
25 tary installations.

1 (2) Provide to members assigned to such mili-
2 tary installations the resources the Secretary deter-
3 mines necessary to participate in such pilot program.

4 (3) Promote such pilot program to such mem-
5 bers as the Secretary determines.

6 (d) DURATION.—A pilot program under this section
7 shall terminate two years after the Secretary commences
8 such pilot program.

9 (e) REPORT.—Upon the termination of a pilot pro-
10 gram under this section, the Secretary of Defense shall
11 submit to the congressional defense committees a report
12 containing the following information:

13 (1) The number of individuals who used car
14 sharing services offered pursuant to the pilot pro-
15 gram.

16 (2) The cost to the United States of the pilot
17 program.

18 (3) An analysis of the effect of the pilot pro-
19 gram on mental health and community connected-
20 ness of members described in subsection (b)(2).

21 (4) Other information the Secretary determines
22 appropriate.

23 (f) MILITARY INSTALLATION DEFINED.—In this sec-
24 tion, the term “military installation” has the meaning

1 given such term in section 2801 of title 10, United States
2 Code.

3 **SEC. 597. BRIEFING ON THE EFFECTS OF ECONOMIC INFLA-**
4 **TION ON MEMBERS OF THE ARMED FORCES.**

5 The Secretary of Defense shall submit to the Com-
6 mittees on Armed Services of the Senate and House of
7 Representatives a briefing on the extent to which economic
8 inflation has affected members of the Armed Forces.

9 **SEC. 598. STUDY ON IMPROVEMENT OF ACCESS TO VOTING**
10 **FOR MEMBERS OF THE ARMED FORCES**
11 **OVERSEAS.**

12 (a) **STUDY REQUIRED.**—The Director of the Federal
13 Voting Assistance Program of the Department of Defense
14 shall conduct a study on means of improving access to vot-
15 ing for members of the Armed Forces overseas.

16 (b) **REPORT.**—Not later than September 30, 2024,
17 the Director shall submit to Congress a report on the re-
18 sults of the study conducted under subsection (a). The re-
19 port shall include the following:

20 (1) The results of a survey, undertaken for pur-
21 poses of the study, of Voting Assistance Officers and
22 members of the Armed Forces overseas on means of
23 improving access to voting for such members, includ-
24 ing through the establishment of unit-level assist-

1 ance mechanisms or permanent voting assistance of-
2 fices.

3 (2) An estimate of the costs and requirements
4 in connection with an expansion of the number of
5 Voting Assistance Officers in order to fully meet the
6 needs of members of the Armed Forces overseas for
7 access to voting.

8 (3) A description and assessment of various ac-
9 tions to be undertaken under the Federal Voting As-
10 sistance Program in order to increase the capabili-
11 ties of the Voting Assistance Officer program.

12 **SEC. 599. REPORT ON INCIDENCE OF MILITARY SUICIDES**
13 **BY MILITARY JOB CODE.**

14 (a) REPORT.—Not later than December 31, 2023,
15 the Secretary of Defense, in coordination with the Sec-
16 retary of Homeland Security with regards to the Coast
17 Guard, shall conduct a review and submit to the Commit-
18 tees on Armed Services of the Senate and House of Rep-
19 resentatives a report on the rates of suicides in the Armed
20 Forces, beginning after September 11, 2001,
21 disaggregated by—

22 (1) year;

23 (2) military job code (Army military occupa-
24 tional specialty, Navy enlisted classification or billet,

1 Marine Corps military occupational specialty, Air
2 Force specialty code, or Coast Guard rating); and

3 (3) whether the member was serving on active
4 duty, in the National Guard, or as a Reserve.

5 (b) ELEMENTS.—The report required under sub-
6 section (a) shall include the following elements:

7 (1) A compilation of suicide data by military
8 job code to determine which military career fields
9 have a higher per capita suicide rate compared to—

10 (A) other military career fields for the
11 same period;

12 (B) the overall suicide rate for each Armed
13 Force for the same period;

14 (C) the overall suicide rate for the Depart-
15 ment of Defense for the same period; and

16 (D) the national suicide rate for the same
17 period.

18 (2) A disaggregation of suicide data by age cat-
19 egories consistent with the age categories used in the
20 Department of Defense Annual Suicide Report.

21 (c) INTERIM BRIEFING.—Not later than June 1,
22 2023, the Secretary of Defense shall provide to the Com-
23 mittees on Armed Services of the Senate and House of
24 Representatives a briefing on the preliminary findings of
25 the review conducted under this section.

1 **SEC. 599A. REPORT ON EFFORTS TO PREVENT AND RE-**
2 **SPOND TO DEATHS BY SUICIDE IN THE NAVY.**

3 (a) REVIEW REQUIRED.—The Inspector General of
4 the Department of Defense shall conduct a review of the
5 efforts by the Secretary of the Navy to—

6 (1) prevent incidents of deaths by suicide, sui-
7 cide attempts, and suicidal ideation among covered
8 members; and

9 (2) respond to such incidents.

10 (b) ELEMENTS OF REVIEW.—The study conducted
11 under subsection (a) shall include an assessment of each
12 of the following:

13 (1) The extent of data collected regarding inci-
14 dents of deaths by suicide, suicide attempts, and sui-
15 cidal ideation among covered members, including
16 data regarding whether such covered members are
17 assigned to sea duty or shore duty at the time of
18 such incidents.

19 (2) The means used by commanders to prevent
20 and respond to incidents of deaths by suicide, sui-
21 cide attempts, and suicidal ideation among covered
22 members.

23 (3) Challenges related to—

24 (A) the prevention of incidents of deaths
25 by suicide, suicide attempts, and suicidal idea-

1 tion among members of the Navy assigned to
2 sea duty; and

3 (B) the development of a response to such
4 incidents.

5 (4) The capacity of teams providing mental
6 health services to covered members to respond to in-
7 cidents of suicidal ideation or suicide attempts
8 among covered members in the respective unit each
9 such team serves.

10 (5) The means used by such teams to respond
11 to such incidents, including the extent to which post-
12 incident programs are available to covered members.

13 (6) Such other matters as the Inspector Gen-
14 eral considers appropriate in connection with the
15 prevention of deaths by suicide, suicide attempts,
16 and suicidal ideation among covered members.

17 (c) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Inspector
19 General of the Department of Defense shall submit to the
20 Committees on Armed Services of the Senate and House
21 of Representatives a report that includes a summary of
22 the results of the review conducted under subsection (a).

23 (d) COVERED MEMBER DEFINED.—In this section
24 the term “covered member” means a member of the Navy
25 assigned to sea duty or shore duty.

1 **SEC. 599B. REPORT ON OFFICER PERSONNEL MANAGE-**
2 **MENT AND THE DEVELOPMENT OF THE PRO-**
3 **FESSIONAL MILITARY ETHIC OF THE SPACE**
4 **FORCE.**

5 (a) REPORT REQUIRED.—Not later than June 1,
6 2023, the Secretary of the Air Force shall submit to the
7 Committees on Armed Services of the Senate and House
8 of Representatives a report on officer personnel manage-
9 ment and the development of the professional military
10 ethic of the Space Force.

11 (b) ELEMENTS.—The report required under sub-
12 section (a) shall include the following elements:

13 (1) A description of issues related to officer de-
14 velopment in the Space Force, including—

15 (A) the professional military education
16 model for professional education of, and con-
17 tinual learning for, officers of the Space Force;

18 (B) the career development model for offi-
19 cers of the Space Force, including key knowl-
20 edge, skills, and attributes expected of Space
21 Force officers at each of the company grade,
22 field grade, and general officer levels;

23 (C) desired career trajectories for Space
24 Force officers, including key assignments
25 throughout identified Space Force career tracks
26 and how the flexibility of the Space Force Com-

1 ponent proposal will be used to achieve these
2 desired career paths;

3 (D) how proposed constructive credit for
4 civilian education and non-military experience
5 in related space industry or government sectors
6 will align with the proposed PME and career
7 development models; and

8 (E) how the Space Force Component pro-
9 posal will enable officers to achieve joint quali-
10 fications required for promotion to general offi-
11 cer.

12 (2) A description of issues related to officer ac-
13 cessions of the Space Force, including—

14 (A) the expected sources of commissioning
15 for officers of the Space Force, including the
16 desired proportions of officer assessments from
17 the Reserve Officer Training Corps, military
18 service academies, Officer Training School, and
19 direct commissions at each grade above O-1;

20 (B) the role of proposed constructive credit
21 for civilian education and non-military experi-
22 ence in accessing officers at each grade above
23 O-1 and the extent to which the Space Force
24 plans to grant constructive credit in deter-

1 mining an officer's entry grade at each grade
2 above O-1; and

3 (C) the role of targeted recruiting, as de-
4 scribed in the Guardian Ideal, for officer acces-
5 sions, including how it will work, how frequently
6 it will be used, for what positions, and how it
7 will fit into overall officer accessions.

8 (3) A description of issues related to the profes-
9 sional military ethic of the Space Force, including—

10 (A) how the proposed talent management
11 system, career development model, PME model,
12 and proposed Space Force Component structure
13 will affect the development of a unique military
14 culture of the Space Force as an Armed Force
15 with space as a warfighting domain;

16 (B) the role of the professional military
17 ethic in the Space Force, including expectations
18 of commissioned officers as public servants and
19 military leaders;

20 (C) the expected role of civilian employees
21 of the Space Force in the development and
22 stewardship of the Space Force as an Armed
23 Force, and how such employees are distinct
24 from members of the Space Force;

1 (D) the ethical implications of creating a
2 force that is designed to “partner effectively
3 with other space-interested entities,” as de-
4 scribed in the Guardian Ideal, and how the
5 Space Force intends to address any ethical con-
6 flicts arising from its desired close partnership
7 with non-military and non-governmental entities
8 in private industry; and

9 (E) the specific barriers between officers,
10 enlisted members, and civilian employees that
11 are described as “unnecessary” in the Guardian
12 Ideal, how and why such barriers are unneces-
13 sary for the Space Force, and any statutory or
14 policy changes the Space Force proposes to re-
15 move such barriers, including any proposed
16 changes to the Uniform Code of Military Jus-
17 tice.

18 (4) Any other issues related to personnel man-
19 agement and professional development of officers of
20 the Space Force that the Secretary of the Air Force
21 determines appropriate.

22 (c) DEFINITIONS.—In this section:

23 (1) The term “Guardian Ideal” means the doc-
24 ument with that title, dated September 17, 2021,
25 and issued by the Chief of Space Operations.

- 1 (2) The term “PME” means professional mili-
2 tary education.

3 **TITLE VI—COMPENSATION AND**
4 **OTHER PERSONNEL BENEFITS**

 Subtitle A—Bonus and Incentive Pays

- Sec. 601. One-year extension of certain expiring bonus and special pay authorities.
- Sec. 602. Increase to maximum amounts of certain bonus and special pay authorities.
- Sec. 603. Cold weather duty: authorization of assignment or special duty pay; travel allowance for members of the Armed Forces assigned to Alaska.
- Sec. 604. Air Force rated officer retention demonstration program.

 Subtitle B—Allowances Other Than Travel and Transportation Allowances

- Sec. 611. Increases in maximum allowable income for purposes of eligibility for basic needs allowance.
- Sec. 612. Extension of authority to temporarily adjust basic allowance for housing in certain areas.
- Sec. 613. Temporary continuation of rate of basic allowance for housing for members of the Armed Forces whose sole dependent dies while residing with the member.
- Sec. 614. Basic allowance for housing for members without dependents when home port change would financially disadvantage member.
- Sec. 615. Revival and redesignation of provision establishing benefits for certain members assigned to the Defense Intelligence Agency.
- Sec. 616. Extension of one-time uniform allowance for officers who transfer to the Space Force.
- Sec. 617. OCONUS cost of living allowance: adjustments; notice to certain congressional committees.

 Subtitle C—Travel and Transportation Allowances

- Sec. 621. Allowable travel and transportation allowances: complex overhaul.
- Sec. 622. Expansion of authority to reimburse a member of the uniformed services for spousal business costs arising from a permanent change of station.
- Sec. 623. Extension of authority to reimburse members for spouse relicensing costs pursuant to a permanent change of station.
- Sec. 624. Reimbursement of a member of the uniformed services for costs to relocate a pet that arise from a permanent change of station.
- Sec. 625. Travel and transportation allowances for certain members of the Armed Forces who attend a professional military education institution or training classes.
- Sec. 626. Conforming amendments to update references to travel and transportation authorities.
- Sec. 627. Pilot program to reimburse members of the Armed Forces for certain child care costs incident to a permanent change of station or assignment.

Subtitle D—Leave

- Sec. 631. Technical amendments to leave entitlement and accumulation.
- Sec. 632. Modification of authority to allow members of the Armed Forces to accumulate leave in excess of 60 days.
- Sec. 633. Convalescent leave for a member of the Armed Forces.

Subtitle E—Family and Survivor Benefits

- Sec. 641. Claims relating to the return of personal effects of a deceased member of the Armed Forces.
- Sec. 642. Extension of parent fee discount to child care employees.
- Sec. 643. Survivor Benefit Plan open season.
- Sec. 644. Military installations with limited child care: briefing.
- Sec. 645. Food insecurity among military families: data collection; training; report.

Subtitle F—Defense Resale Matters

- Sec. 651. Prohibition of the sale of certain goods from the Xinjiang Uyghur Autonomous Region in commissaries and exchanges.

Subtitle G—Miscellaneous Studies, Briefings and Reports

- Sec. 661. Study on basic pay.
- Sec. 662. Report on accuracy of basic allowance for housing.
- Sec. 663. Review of dislocation and relocation allowances.
- Sec. 664. Complex overhaul pay: briefing.
- Sec. 665. Studies on compensation for DOD child care providers.
- Sec. 666. Barriers to home ownership for members of the Armed Forces: study; report.

1 **Subtitle A—Bonus and Incentive**
2 **Pays**

3 **SEC. 601. ONE-YEAR EXTENSION OF CERTAIN EXPIRING**
4 **BONUS AND SPECIAL PAY AUTHORITIES.**

5 (a) AUTHORITIES RELATING TO RESERVE
6 FORCES.—Section 910(g) of title 37, United States Code,
7 relating to income replacement payments for reserve com-
8 ponent members experiencing extended and frequent mo-
9 bilization for active duty service, is amended by striking
10 “December 31, 2022” and inserting “December 31,
11 2023”.

1 (b) TITLE 10 AUTHORITIES RELATING TO HEALTH
2 CARE PROFESSIONALS.—The following sections of title
3 10, United States Code, are amended by striking “Decem-
4 ber 31, 2022” and inserting “December 31, 2023”:

5 (1) Section 2130a(a)(1), relating to nurse offi-
6 cer candidate accession program.

7 (2) Section 16302(d), relating to repayment of
8 education loans for certain health professionals who
9 serve in the Selected Reserve.

10 (c) AUTHORITIES RELATING TO NUCLEAR OFFI-
11 CERS.—Section 333(i) of title 37, United States Code, is
12 amended by striking “December 31, 2022” and inserting
13 “December 31, 2023”.

14 (d) AUTHORITIES RELATING TO TITLE 37 CONSOLI-
15 DATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AU-
16 THORITIES.—The following sections of title 37, United
17 States Code, are amended by striking “December 31,
18 2022” and inserting “December 31, 2023”:

19 (1) Section 331(h), relating to general bonus
20 authority for enlisted members.

21 (2) Section 332(g), relating to general bonus
22 authority for officers.

23 (3) Section 334(i), relating to special aviation
24 incentive pay and bonus authorities for officers.

1 (4) Section 335(k), relating to special bonus
2 and incentive pay authorities for officers in health
3 professions.

4 (5) Section 336(g), relating to contracting
5 bonus for cadets and midshipmen enrolled in the
6 Senior Reserve Officers' Training Corps.

7 (6) Section 351(h), relating to hazardous duty
8 pay.

9 (7) Section 352(g), relating to assignment pay
10 or special duty pay.

11 (8) Section 353(i), relating to skill incentive
12 pay or proficiency bonus.

13 (9) Section 355(h), relating to retention incen-
14 tives for members qualified in critical military skills
15 or assigned to high priority units.

16 (e) AUTHORITY TO PROVIDE TEMPORARY INCREASE
17 IN RATES OF BASIC ALLOWANCE FOR HOUSING.—Section
18 403(b) of title 37, United States Code, is amended—

19 (1) in paragraph (7)(E), by striking “December
20 31, 2022” and inserting “December 31, 2023”; and

21 (2) in paragraph (8)(C), by striking “Sep-
22 tember 30, 2022” and inserting “December 31,
23 2023”.

1 **SEC. 602. INCREASE TO MAXIMUM AMOUNTS OF CERTAIN**
2 **BONUS AND SPECIAL PAY AUTHORITIES.**

3 (a) GENERAL BONUS AUTHORITY FOR ENLISTED
4 MEMBERS.—Section 331(c)(1) of title 37, United States
5 Code, is amended—

6 (1) in subparagraph (A), by striking “\$50,000”
7 and inserting “\$75,000”; and

8 (2) in subparagraph (B), by striking “\$30,000”
9 and inserting “\$50,000”.

10 (b) SPECIAL BONUS AND INCENTIVE PAY AUTHORI-
11 TIES FOR NUCLEAR OFFICERS.—Section 333(d)(1)(A) of
12 title 37, United States Code, is amended by striking
13 “\$50,000” and inserting “\$75,000”.

14 (c) SPECIAL AVIATION INCENTIVE PAY AND BONUS
15 AUTHORITIES FOR OFFICERS.—Section 334(c)(1) of title
16 37, United States Code, is amended—

17 (1) in subparagraph (A), by striking “\$1,000”
18 and inserting “\$1,500”; and

19 (2) in subparagraph (B), by striking “\$35,000”
20 and inserting “\$50,000”.

21 (d) SKILL INCENTIVE PAY OR PROFICIENCY
22 BONUS.—Section 353(c)(1)(A) of title 37, United States
23 Code, is amended by striking “\$1,000” and inserting
24 “\$1,750”.

1 **SEC. 603. COLD WEATHER DUTY: AUTHORIZATION OF AS-**
2 **SIGNMENT OR SPECIAL DUTY PAY; TRAVEL**
3 **ALLOWANCE FOR MEMBERS OF THE ARMED**
4 **FORCES ASSIGNED TO ALASKA.**

5 (a) **PAY.**—Section 352(a)(2) of title 37, United
6 States Code, is amended by inserting “(including a cold
7 weather location)” after “location”.

8 (b) **TRAVEL ALLOWANCE.**—

9 (1) **ESTABLISHMENT.**—During the period speci-
10 fied in paragraph (5), the Secretary of a military de-
11 partment shall reimburse an eligible member of the
12 armed forces for the cost of airfare for that member
13 to travel to the home of record of the member.

14 (2) **ELIGIBLE MEMBERS.**—A member of the
15 armed forces is eligible for a reimbursement under
16 paragraph (1) if—

17 (A) the member is assigned to a duty loca-
18 tion in Alaska; and

19 (B) an officer in a grade above O-5 in the
20 chain of command of the member authorizes
21 the travel of the member.

22 (3) **TREATMENT OF TIME AS LEAVE.**—The time
23 during which an eligible member is absent from duty
24 for travel reimbursable under paragraph (1) shall be
25 treated as leave for purposes of section 704 of title
26 10, United States Code.

1 (4) BRIEFING REQUIRED.—Not later than Feb-
2 ruary 1, 2024, the Secretary shall provide to the
3 Committees on Armed Services of the Senate and
4 the House of Representatives a briefing on—

5 (A) the use and effectiveness of reimburse-
6 ments under paragraph (1);

7 (B) the calculation and use of the cost of
8 living allowance for a member assigned to a
9 duty location in Alaska; and

10 (C) the use of special pays and other allow-
11 ances as incentives for cold weather proficiency
12 or duty location.

13 (5) PERIOD SPECIFIED.—The period specified
14 in this paragraph is the period—

15 (A) beginning on the date of the enactment
16 of this Act; and

17 (B) ending on December 31, 2023.

18 **SEC. 604. AIR FORCE RATED OFFICER RETENTION DEM-**
19 **ONSTRATION PROGRAM.**

20 (a) PROGRAM REQUIREMENT.—The Secretary shall
21 establish and carry out within the Department of the Air
22 Force a demonstration program to assess and improve re-
23 tention on active duty in the Air Force of rated officers
24 described in subsection (b).

1 (b) RATED OFFICERS DESCRIBED.—Rated officers
2 described in this subsection are rated officers serving on
3 active duty in the Air Force, excluding rated officers with
4 a reserve appointment in the Air National Guard or Air
5 Force Reserve—

6 (1) whose continued service on active duty
7 would be in the best interest of the Department of
8 the Air Force, as determined by the Secretary; and

9 (2) who have not more than three years and not
10 less than one year remaining on an active duty serv-
11 ice obligation under section 653 of title 10, United
12 States Code.

13 (c) WRITTEN AGREEMENT.—

14 (1) IN GENERAL.—Under the demonstration
15 program required under subsection (a), the Sec-
16 retary shall offer retention incentives under sub-
17 section (d) to a rated officer described in subsection
18 (b) who executes a written agreement to remain on
19 active duty in a regular component of the Air Force
20 for not less than four years after the completion of
21 the active duty service obligation of the officer under
22 section 653 of title 10, United States Code.

23 (2) EXCEPTION.—If the Secretary of the Air
24 Force determines that an assignment previously
25 guaranteed under subsection (d)(1) to a rated officer

1 described in subsection (b) cannot be fulfilled, the
2 agreement of the officer under paragraph (1) to re-
3 main on active duty shall expire not later than one
4 year after that determination.

5 (d) RETENTION INCENTIVES.—

6 (1) GUARANTEE OF FUTURE ASSIGNMENT LO-
7 CATION.—Under the demonstration program re-
8 quired under subsection (a), the Secretary may offer
9 to a rated officer described in subsection (b) a guar-
10 antee of future assignment locations based on the
11 preference of the officer.

12 (2) AVIATION BONUS.—Under the demonstra-
13 tion program required under subsection (a), notwith-
14 standing section 334(c) of title 37, United States
15 Code, the Secretary may pay to a rated officer de-
16 scribed in subsection (b) an aviation bonus not to
17 exceed an average annual amount of \$50,000 (sub-
18 ject to paragraph (3)(B)).

19 (3) COMBINATION OF INCENTIVES.—The Sec-
20 retary may offer to a rated officer described in sub-
21 section (b) a combination of incentives under para-
22 graphs (1) and (2).

23 (e) ANNUAL BRIEFING.—Not later than December
24 31, 2023, and annually thereafter until the termination
25 of the demonstration program required under subsection

1 (a), the Secretary shall provide to the Committees on
2 Armed Services of the Senate and the House of Represent-
3 atives a briefing describing the use of such demonstration
4 program and its effects on the retention on active duty
5 in the Air Force of rated officers described in subsection
6 (b).

7 (f) DEFINITIONS.—In this section:

8 (1) RATED OFFICER.—The term “rated officer”
9 means an officer specified in section 9253 of title
10 10, United States Code.

11 (2) SECRETARY.—The term “Secretary” means
12 the Secretary of the Air Force.

13 (g) TERMINATION.—This section shall terminate on
14 December 31, 2028.

15 **Subtitle B—Allowances Other Than**
16 **Travel and Transportation Al-**
17 **lowances**

18 **SEC. 611. INCREASES IN MAXIMUM ALLOWABLE INCOME**
19 **FOR PURPOSES OF ELIGIBILITY FOR BASIC**
20 **NEEDS ALLOWANCE.**

21 (a) IN GENERAL.—Section 402b(b) of title 37,
22 United States Code, is amended—

23 (1) by striking “130 percent” both places it ap-
24 pears and inserting “150 percent”; and

25 (2) in paragraph (2)—

1 (A) by inserting “(A)” before “the gross”;

2 (B) by striking “; and” and inserting “;

3 or”; and

4 (C) by inserting at the end the following:

5 “(B) if the Secretary concerned determines it
6 appropriate (based on location, household need, or
7 special circumstance), the gross household income of
8 the member during the most recent calendar year
9 did not exceed an amount equal to 200 percent of
10 the Federal poverty guidelines of the Department of
11 Health and Human Services for the location of the
12 member and the number of individuals in the house-
13 hold of the member for such year; and”.

14 (b) IMPLEMENTATION.—Not later than January 1,
15 2024, the Secretary concerned (as defined in section 101
16 of title 37, United States Code) shall modify the calcula-
17 tion of the basic needs allowance under section 402b of
18 title 37, United States Code, to implement the amend-
19 ments made by subsection (a).

20 **SEC. 612. EXTENSION OF AUTHORITY TO TEMPORARILY AD-**
21 **JUST BASIC ALLOWANCE FOR HOUSING IN**
22 **CERTAIN AREAS.**

23 Section 403(b)(8)(C) of title 37, United States Code,
24 is amended by striking “2022” and inserting “2024”.

1 **SEC. 613. TEMPORARY CONTINUATION OF RATE OF BASIC**
2 **ALLOWANCE FOR HOUSING FOR MEMBERS**
3 **OF THE ARMED FORCES WHOSE SOLE DE-**
4 **PENDENT DIES WHILE RESIDING WITH THE**
5 **MEMBER.**

6 (a) **AUTHORITY.**—Section 403 of title 37, United
7 States Code, as amended by section 612, is further amend-
8 ed—

9 (1) by redesignating subsections (m) through
10 (p) as subsections (n) through (q); and

11 (2) by inserting after subsection (l) the fol-
12 lowing new subsection (m):

13 “(m) **TEMPORARY CONTINUATION OF RATE OF**
14 **BASIC ALLOWANCE FOR MEMBERS OF THE ARMED**
15 **FORCES WHOSE SOLE DEPENDENT DIES WHILE RESID-**
16 **ING WITH THE MEMBER.**—(1) Notwithstanding sub-
17 section (a)(2) or any other section of law, the Secretary
18 of Defense or the Secretary of the Department in which
19 the Coast Guard is operating, may, after the death of the
20 sole dependent of a member of the armed forces, continue
21 to pay a basic allowance for housing to such member at
22 the rate paid to such member on the date of such death
23 if—

24 “(A) such sole dependent dies—

25 “(i) while the member is on active duty;

26 and

1 “(ii) while residing with the member, un-
2 less separated by the necessity of military serv-
3 ice or to receive institutional care as a result of
4 disability or incapacitation or under such other
5 circumstances as the Secretary concerned may
6 by regulation prescribe; and

7 “(B) the member is not occupying a housing fa-
8 cility under the jurisdiction of the Secretary con-
9 cerned on the date of the death of the sole depend-
10 ent.

11 “(2) The continuation of the rate of an allowance
12 under this subsection shall terminate upon the earlier of
13 the following to occur:

14 “(A) The day that is one year after the date of
15 the death of the sole dependent.

16 “(B) The permanent change of station, or per-
17 manent change of assignment with movement of per-
18 sonal property and household goods under section
19 453(c) of this title, of the member.”.

20 (b) CONFORMING AMENDMENT.—Section 2881a(c)
21 of title 10, United States Code, is amended by striking
22 “section 403(n)” and inserting “section 403(o)”.

1 **SEC. 614. BASIC ALLOWANCE FOR HOUSING FOR MEMBERS**
2 **WITHOUT DEPENDENTS WHEN HOME PORT**
3 **CHANGE WOULD FINANCIALLY DISADVAN-**
4 **TAGE MEMBER.**

5 Subsection (p) of section 403 of title 37, United
6 States Code, as redesignated by section 612, is further
7 amended in subsection (p)—

8 (1) in the subsection heading, by striking
9 “LOW-COST AND NO-COST” and inserting “CER-
10 TAIN”;

11 (2) by inserting “(1)” before “In the case of a
12 member who is assigned”; and

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

15 “(2)(A) In the case of a member without dependents
16 who is assigned to a unit that undergoes a change of home
17 port or a change of permanent duty station, if the Sec-
18 retary concerned determines that it would be inequitable
19 to base the member’s entitlement to, and amount of, a
20 basic allowance for housing on the new home port or per-
21 manent duty station, the Secretary concerned may—

22 “(i) waive the requirement to base the mem-
23 ber’s entitlement to, and amount of, a basic allow-
24 ance for housing on the new home port or perma-
25 nent duty station member; and

1 “(ii) treat that member for the purposes of this
2 section as if the unit to which the member is as-
3 signed did not undergo such a change.

4 “(B) The Secretary concerned may grant a waiver
5 under subparagraph (A) to not more than 100 members
6 in a calendar year.

7 “(C) Not later than March 1 of each calendar year,
8 the Secretary concerned shall provide a briefing to the
9 Committees on Armed Services of the Senate and the
10 House of Representatives on the use of the authority pro-
11 vided by subparagraph (A) during the preceding calendar
12 year that includes—

13 “(i) the number of members granted a waiver
14 under subparagraph (A) during that year; and

15 “(ii) for each such waiver, an identification of—

16 “(I) the grade of the member;

17 “(II) the home port or permanent duty
18 station of the unit to which the member is as-
19 signed before the change described in subpara-
20 graph (A); and

21 “(III) the new home port or permanent
22 duty station of that unit.

23 “(D) This paragraph shall cease to be effective on
24 December 31, 2027.”.

1 **SEC. 615. REVIVAL AND REDESIGNATION OF PROVISION ES-**
2 **TABLISHING BENEFITS FOR CERTAIN MEM-**
3 **BERS ASSIGNED TO THE DEFENSE INTEL-**
4 **LIGENCE AGENCY.**

5 (a) REVIVAL.—Section 491 of title 37, United States
6 Code—

7 (1) is revived to read as it did immediately be-
8 fore its repeal under section 604 of the National De-
9 fense Authorization Act for Fiscal Year 2022 (Pub-
10 lic Law 117–81); and

11 (2) is redesignated as section 431 of such title.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 7 of such title is amended by
14 inserting, after the item relating to section 427, the fol-
15 lowing new item:

“431. Benefits for certain members assigned to the Defense Intelligence Agen-
cy.”.

16 **SEC. 616. EXTENSION OF ONE-TIME UNIFORM ALLOWANCE**
17 **FOR OFFICERS WHO TRANSFER TO THE**
18 **SPACE FORCE.**

19 Subsection (d)(1) of section 606 of the William M.
20 (Mac) Thornberry National Defense Authorization Act for
21 Fiscal Year 2021 (Public Law 116–283; 134 Stat. 3672;
22 37 U.S.C. 416 note) is amended by striking “September
23 30, 2022” and inserting “September 30, 2023”.

1 **SEC. 617. OCONUS COST OF LIVING ALLOWANCE: ADJUST-**
2 **MENTS; NOTICE TO CERTAIN CONGRES-**
3 **SIONAL COMMITTEES.**

4 (a) ADJUSTMENTS.—

5 (1) REDUCTIONS: LIMITATION.—The Secretary
6 of Defense and the Secretary of the Department in
7 which the Coast Guard is operating may reduce the
8 cost-of-living allowance for a member of the Armed
9 Forces assigned to a duty station located outside the
10 United States—

11 (A) not more than once every six months;

12 or

13 (B) in connection with a permanent change
14 of station for such member.

15 (2) INCREASES.—The Secretary of Defense and
16 the Secretary of the Department in which the Coast
17 Guard is operating may increase the allowance de-
18 scribed in paragraph (1) for a member of the Armed
19 Forces at any time.

20 (b) NOTICE.—The Secretary of Defense shall notify
21 the Committees on Armed Services of the Senate and
22 House of Representatives not less than 180 days before
23 modifying a table used to calculate the living allowance
24 described in subsection (a).

25 (c) BRIEFING.—Not later than March 1, 2023, the
26 Secretary of Defense shall submit to the Committees on

1 Armed Services of the Senate and House of Representa-
2 tives a briefing containing—

3 (1) the determination of the Secretary regard-
4 ing the effects of this section on the allowance de-
5 scribed in subsection (a);

6 (2) an assessment of the representative market
7 basket of goods and services used to determine such
8 allowance, including the methodology to identify
9 such market basket and the frequency with which
10 such allowance is adjusted; and

11 (3) the methodology and process by which sur-
12 veys regarding such allowance are updated, including
13 the average response rates and the efforts under-
14 taken to ensure a representative sample of bene-
15 ficiaries are surveyed.

16 **Subtitle C—Travel and** 17 **Transportation Allowances**

18 **SEC. 621. ALLOWABLE TRAVEL AND TRANSPORTATION AL-** 19 **LOWANCES: COMPLEX OVERHAUL.**

20 Section 452 of title 37, United States Code, is
21 amended, in subsection (b)—

22 (1) by redesignating the second paragraph (18)
23 as paragraph (21); and

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

1 “(22) Permanent change of assignment to or
2 from a naval vessel undergoing nuclear refueling or
3 defueling and any concurrent complex overhaul, even
4 if such assignment is within the same area as the
5 current assignment of the member.

6 “(23) Current assignment to a naval vessel en-
7 tering or exiting nuclear refueling or defueling and
8 any concurrent complex overhaul.”.

9 **SEC. 622. EXPANSION OF AUTHORITY TO REIMBURSE A**
10 **MEMBER OF THE UNIFORMED SERVICES FOR**
11 **SPOUSAL BUSINESS COSTS ARISING FROM A**
12 **PERMANENT CHANGE OF STATION.**

13 (a) IN GENERAL.—Section 453 of title 37, United
14 States Code, is amended, in subsection (g)—

15 (1) in the heading, by inserting “OR BUSINESS
16 Costs” after “RELICENSING COSTS”;

17 (2) in paragraph (1), by inserting “or qualified
18 business costs” after “qualified relicensing costs”;

19 (3) in paragraph (2)—

20 (A) by inserting “(A)” before “Reimburse-
21 ment”;

22 (B) by inserting “for qualified relicensing
23 costs” after “subsection”;

24 (C) by striking “\$1000” and inserting
25 “\$1,000”; and

1 (D) by adding at the end the following new
2 subparagraph:

3 “(B) Reimbursement provided to a member under
4 this subsection for qualified business costs may not exceed
5 \$1,000 in connection with each reassignment described in
6 paragraph (1).”;

7 (4) in paragraph (3), by inserting “or qualified
8 business costs” after “qualified relicensing costs”;

9 (5) in paragraph (4)—

10 (A) in the matter preceding subparagraph
11 (A), by inserting “business license, permit,”
12 after “courses,”;

13 (B) in subparagraph (A)—

14 (i) by inserting “, or owned a busi-
15 ness,” before “during”;

16 (ii) by inserting “professional” before
17 “license”; and

18 (iii) by inserting “, or business license
19 or permit,” after “certification”; and

20 (C) in subparagraph (B)—

21 (i) by inserting “professional” before
22 “license”; and

23 (ii) by inserting “, or business license
24 or permit,” after “certification”; and

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

3 “(5) In this subsection, the term ‘qualified business
4 costs’ means costs, including moving services for equip-
5 ment, equipment removal, new equipment purchases, in-
6 formation technology expenses, and inspection fees, in-
7 curred by the spouse of a member if—

8 “(A) the spouse owned a business during the
9 member’s previous duty assignment and the costs re-
10 sult from a movement described in paragraph (1)(B)
11 in connection with the member’s change in duty lo-
12 cation pursuant to reassignment described in para-
13 graph (1)(A); and

14 “(B) the costs were incurred or paid to move
15 such business to a new location in connection with
16 such reassignment.”.

17 (b) BRIEFING.—Not later than one year after the
18 date of the enactment of this Act, each Secretary of a mili-
19 tary department shall submit to the Committees on Armed
20 Services of the Senate and House of Representatives a
21 briefing regarding implementation of the amendments
22 made by subsection (a), including—

23 (1) the number of times such Secretary used
24 the authority under such amendments; and

1 (2) the costs to the Federal Government arising
2 from such usage.

3 **SEC. 623. EXTENSION OF AUTHORITY TO REIMBURSE MEM-**
4 **BERS FOR SPOUSE RELICENSING COSTS PUR-**
5 **SUANT TO A PERMANENT CHANGE OF STA-**
6 **TION.**

7 Section 453 of title 37, United States Code, as
8 amended by section 622, is further amended, in subsection
9 (g)(3), by striking “December 31, 2024” and inserting
10 “December 31, 2029”.

11 **SEC. 624. REIMBURSEMENT OF A MEMBER OF THE UNI-**
12 **FORMED SERVICES FOR COSTS TO RELOCATE**
13 **A PET THAT ARISE FROM A PERMANENT**
14 **CHANGE OF STATION.**

15 Section 453 of title 37, United States Code, as
16 amended by sections 622, and 623, is further amended
17 by adding at the end the following new subsection:

18 “(h) REIMBURSEMENT FOR TRANSPORTATION OF
19 PETS ARISING FROM CERTAIN PERMANENT CHANGES OF
20 STATIONS.—(1) The Secretary concerned may reimburse
21 a member for any cost related to the relocation of a pet
22 that arises from a permanent change of station of such
23 member within the continental United States. Such reim-
24 bursement may not exceed \$550 for each such permanent
25 change of station.

1 “(2) The Secretary concerned may reimburse a mem-
2 ber for any cost related to the relocation of a pet that
3 arises from a permanent change of station of such member
4 to or from a duty station located outside the continental
5 United States. Such reimbursement may not exceed
6 \$4,000 for each such permanent change of station.”.

7 **SEC. 625. TRAVEL AND TRANSPORTATION ALLOWANCES**
8 **FOR CERTAIN MEMBERS OF THE ARMED**
9 **FORCES WHO ATTEND A PROFESSIONAL**
10 **MILITARY EDUCATION INSTITUTION OR**
11 **TRAINING CLASSES.**

12 Section 453 of title 37, United States Code, as
13 amended by sections 622, 623, and 624, is further amend-
14 ed by adding at the end the following new subsection:

15 “(i) ATTENDANCE AT PROFESSIONAL MILITARY
16 EDUCATION INSTITUTION OR TRAINING CLASSES.—

17 “(1) The Secretary of the military department
18 concerned may authorize temporary duty status, and
19 travel and transportation allowances payable to a
20 member in such status, for a member under the ju-
21 risdiction of such Secretary who is reassigned—

22 “(A) between duty stations located within
23 the United States;

24 “(B) for a period of not more than one
25 year;

1 “(C) for the purpose of participating in
2 professional military education or training
3 classes,

4 “(D) with orders to return to the duty sta-
5 tion where the member maintains primary resi-
6 dence and the dependents of such member re-
7 side.

8 “(2) If the Secretary of the military department
9 concerned assigns permanent duty status to a mem-
10 ber described in paragraph (1), such member shall
11 be eligible for travel and transportation allowances
12 including the following:

13 “(A) Transportation, including mileage at
14 the same rate paid for a permanent change of
15 station.

16 “(B) Per diem while traveling between the
17 permanent duty station and professional mili-
18 tary education institution or training site.

19 “(C) Per diem paid in the same manner
20 and amount as temporary lodging expenses.

21 “(D) Per diem equal to the amount of the
22 basic allowance for housing under section 403
23 of this title paid to a member—

24 “(i) in the grade of such member;

25 “(ii) without dependents;

1 “(iii) who resides in the military hous-
2 ing area in which the professional military
3 education institution or training site is lo-
4 cated.

5 “(E) Movement of household goods in an
6 amount determined under applicable regula-
7 tions.”.

8 **SEC. 626. CONFORMING AMENDMENTS TO UPDATE REF-**
9 **ERENCES TO TRAVEL AND TRANSPORTATION**
10 **AUTHORITIES.**

11 (a) **BALANCED BUDGET AND EMERGENCY DEFICIT**
12 **CONTROL ACT OF 1985.**—Section 256(g)(2)(B)(ii) of the
13 **Balanced Budget and Emergency Deficit Control Act of**
14 **1985 (2 U.S.C. 906(g)(2)(B)(ii))** is amended by striking
15 “sections 403a and 475” and inserting “sections 403b and
16 405”.

17 (b) **TITLE 5.**—Title 5, United States Code, is amend-
18 ed—

19 (1) in section 4109(a)(2)—

20 (A) in subparagraph (A), by striking “sec-
21 tions 474 and 475” and inserting “sections 405
22 and 452”; and

23 (B) in subparagraph (B), by striking “sec-
24 tions 476 and 479” and inserting “sections 452
25 and 453(c)”;

1 (2) in section 5725(c)(2)(B), by striking “sec-
2 tion 476(b)(1)(H)(iii)” and inserting “subsections
3 (c) and (d) of section 453”; and

4 (3) in section 5760—

5 (A) in subsection (c), by striking “section
6 481h(b)” and inserting “section 451(a)”; and

7 (B) in subsection (d)—

8 (i) in paragraph (2), by striking “sec-
9 tion 474(d)” and inserting “section 464”;

10 and

11 (ii) in paragraph (3), by striking “sec-
12 tion 481h(d)(1)” and inserting “section
13 452(d)”.

14 (c) TITLE 10.—Title 10, United States Code, is
15 amended—

16 (1) in section 710—

17 (A) in subsection (f)(4)(A), in the matter
18 preceding clause (i), by striking “section 474”
19 and inserting “section 452”; and

20 (B) in subsection (h)(4), by striking “sec-
21 tion 481f” and inserting “section 453(f)”; and

22 (2) in section 1174a(b)(2)(B), by striking “sec-
23 tions 474 and 476” and inserting “sections 452 and
24 453(c)”; and

1 (3) in section 1175(j), by striking “sections 474
2 and 476” and inserting “sections 452 and 453(c)”;

3 (4) in section 1175a(e)(2)(B), by striking “sec-
4 tions 474 and 476” and inserting “sections 452 and
5 453(c)”;

6 (5) in section 1491(d)(3), by striking “section
7 495(a)(2)” and inserting “section 435(a)(2)”;

8 (6) in section 2013(b)(2)—

9 (A) in subparagraph (A), by striking “sec-
10 tions 474 and 475” and inserting “sections 405
11 and 452”; and

12 (B) in subparagraph (B), by striking “sec-
13 tions 476 and 479” and inserting “sections 452
14 and 453(c)”;

15 (7) in section 2493(a)(4)(B)(ii), by striking
16 “section 481f(d)” and inserting “section 453(f)”;

17 (8) in section 2613(g), by striking “section
18 481h(b)” and inserting “section 451(a)”;

19 (9) in section 12503—

20 (A) in subsection (a), in the second sen-
21 tence, by striking “sections 206 and 495” and
22 inserting “sections 206 and 435”;

23 (B) in subsection (b)(2)(A), by striking
24 “section 495” and inserting “section 435”; and

1 (C) in subsection (c), by striking “chapter
2 7” and inserting “section 452”.

3 (d) TITLE 14.—Section 2764 of title 14, United
4 States Code, is amended, in the first and third sentences,
5 by striking “subsection (b) of section 476” and inserting
6 “section 453(c)”.

7 (e) TITLE 32.—Section 115 of title 32, United States
8 Code, is amended—

9 (1) in subsection (a), in the third sentence, by
10 striking “sections 206 and 495” and inserting “sec-
11 tions 206 and 435”;

12 (2) in subsection (b)(2)(A), by striking “section
13 495” and inserting “section 435”; and

14 (3) in subsection (c), by striking “chapter 7”
15 and inserting “section 452”.

16 (f) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
17 ISTRATION COMMISSIONED OFFICER CORPS ACT OF
18 2002.—Section 236(f)(4)(A) of the National Oceanic and
19 Atmospheric Administration Commissioned Officer Corps
20 Act of 2002 (33 U.S.C. 3036(f)(4)(A)) is amended, in the
21 matter preceding clause (i), by striking “section 474” and
22 inserting “section 452”.

23 (g) TITLE 36.—Section 2101(b)(2) of title 36,
24 United States Code, is amended by striking “section 475”
25 and inserting “section 405”.

1 (h) TITLE 37.—Title 37, United States Code, is
2 amended—

3 (1) in section 403—

4 (A) in subsection (d)(2)(A), by striking
5 “section 476” and inserting “section 452”; and

6 (B) in subsection (g)—

7 (i) in paragraph (2), in the second
8 sentence, by striking “section 474” and in-
9 serting “section 452”; and

10 (ii) in paragraph (3), by striking “sec-
11 tion 476” and inserting “section 453(e)”;

12 (2) in section 420(b), by striking “sections
13 474–481” and inserting “section 452”;

14 (3) in section 422(a), by striking “section 480”
15 and inserting “section 452”;

16 (4) in section 427—

17 (A) in subsection (a)(1)(A), by striking
18 “section 476” and inserting “section 452”; and

19 (B) in subsection (c)(1), by striking “sec-
20 tion 476” and inserting “section 452”;

21 (5) in section 433(b), by striking “section
22 474(d)(2)(A)” and inserting “section 452”;

23 (6) in section 451(a)(2)(H)—

24 (A) in clause (i), by striking “section
25 481f” and inserting “section 453(f)”;

1 (B) in clause (ii), by striking “section
2 481h” and inserting “section 452(b)(12)”;

3 (C) in clause (iii), by striking “section
4 481j” and inserting “section 452(b)(13)”;

5 (D) in clause (iv), by striking “section
6 481k” and inserting “section 452(b)(14)”;

7 (E) in clause (v), by striking “section
8 481l” and inserting “section 452(b)(15)”;

9 (7) in section 1002(b)(1), by striking “section
10 474(a)–(d), and (f),” and inserting “section 452”;

11 (8) in section 1003, by striking “sections 402–
12 403b, 474–477, 479–481, and 414” and inserting
13 “sections 402 through 403b, 405, 414, 452, and
14 453”; and

15 (9) in section 1006(g)—

16 (A) by striking “section 477” and insert-
17 ing “section 452(c)(2)”;

18 (B) by striking “section 475a(a)” and in-
19 serting “section 452(b)(11)”.

20 (i) CHILD NUTRITION ACT OF 1966.—Section
21 17(d)(2)(B)(ii) of the Child Nutrition Act of 1966 (42
22 U.S.C. 1786(d)(2)(B)(ii)) is amended by striking “section
23 475” and inserting “section 405”.

1 **SEC. 627. PILOT PROGRAM TO REIMBURSE MEMBERS OF**
2 **THE ARMED FORCES FOR CERTAIN CHILD**
3 **CARE COSTS INCIDENT TO A PERMANENT**
4 **CHANGE OF STATION OR ASSIGNMENT.**

5 (a) ESTABLISHMENT.—The Secretary of Defense
6 shall carry out a pilot program to reimburse members of
7 the Armed Forces for certain child care costs incident to
8 a permanent change of station or assignment.

9 (b) TRAVEL AND TRANSPORTATION ALLOWANCES.—
10 Under the pilot program, the Secretary of Defense shall
11 treat a designated child care provider as an authorized
12 traveler if child care is not available to a member of the
13 Armed Forces at a military child development center at
14 the permanent duty location of such member not later
15 than 30 days after the member arrives at such location.

16 (c) REIMBURSEMENT OF CERTAIN CHILD CARE
17 COSTS.—

18 (1) AUTHORITY.—Under the pilot program, the
19 Secretary of Defense may reimburse a member of
20 the Armed Forces for travel expenses for a des-
21 ignated child care provider when—

22 (A) the member is reassigned, either as a
23 permanent change of station or permanent
24 change of assignment, to a new duty station;

25 (B) the movement of the member's de-
26 pendants is authorized at the expense of the

1 United States under section 451 of title 37,
2 United States Code, as part of the reassign-
3 ment;

4 (C) child care is not available at a military
5 child development center at such duty station
6 not later than 30 days after the member arrives
7 at such duty station; and

8 (D) the dependent child is on the wait list
9 for child care at such military child develop-
10 ment center.

11 (2) MAXIMUM AMOUNTS.—Reimbursement pro-
12 vided to a member under this subsection may not ex-
13 ceed—

14 (A) \$500 for a reassignment between duty
15 stations within the continental United States;
16 and

17 (B) \$1,500 for a reassignment involving a
18 duty station outside of the continental United
19 States.

20 (3) DEADLINE.—A member may not apply for
21 reimbursement under this subsection later than one
22 year after a reassignment described in paragraph
23 (1).

24 (4) CONCURRENT RECEIPT PROHIBITED.—In
25 the event a household contains more than one mem-

1 ber eligible for reimbursement under this subsection,
2 reimbursement may be paid to one member among
3 such members as such members shall jointly elect.

4 (d) REPORT.—Not later than January 1, 2027, the
5 Secretary shall submit to the Committees on Armed Serv-
6 ices of the Senate and House of Representatives a report
7 on the pilot program, including the recommendation of the
8 Secretary whether to make the pilot program permanent.

9 (e) TERMINATION.—The pilot program shall termi-
10 nate on September 30, 2028.

11 (f) DEFINITIONS.—In this section:

12 (1) The term “authorized traveler” has the
13 meaning given such term in section 451 of title 37,
14 United States Code.

15 (2) The term “designated child care provider”
16 means an adult selected by a member of the armed
17 forces to provide child care to a dependent child of
18 such member.

19 (3) The term “military child development cen-
20 ter” has the meaning given such term in section
21 1800 of title 10, United States Code.

1 **Subtitle D—Leave**

2 **SEC. 631. TECHNICAL AMENDMENTS TO LEAVE ENTITLE-**
3 **MENT AND ACCUMULATION.**

4 (a) REPEAL OF OBSOLETE AUTHORITY.—Section
5 701 of title 10, United States Code, is amended—

6 (1) by striking subsection (d); and

7 (2) by redesignating subsections (e) through
8 (m) as subsections (d) through (l).

9 (b) CONFORMING AMENDMENTS TO SECTION 701 OF
10 TITLE 10.—Section 701 of title 10, United States Code,
11 is amended—

12 (1) in subsection (b), by striking “subsections
13 (d), (f), and (g)” and inserting “subsections (e) and
14 (f)”;

15 (2) in subsection (f), as redesignated by sub-
16 section (a)(2), in the first sentence, by striking
17 “subsections (b), (d), and (f)” and inserting “sub-
18 sections (b) and (e)”;

19 (3) in subsection (i), as so redesignated, in the
20 first sentence, by striking “subsections (b), (d), and
21 (f)” and inserting “subsections (b) and (e)”.

22 (c) CONFORMING AMENDMENTS TO OTHER PROVI-
23 SIONS OF LAW.—

1 (1) TITLE 14.—Section 2508(a) of title 14,
2 United States Code, is amended by striking “section
3 701(f)(2)” and inserting “section 701(e)”.

4 (2) TITLE 37.—Title 37, United States Code, is
5 amended—

6 (A) in section 501—

7 (i) in subsection (b)(6), by striking
8 “120 days of leave under section
9 701(f)(1)” and inserting “90 days of leave
10 under section 701(e)”; and

11 (ii) in subsection (h), by striking “sec-
12 tion 701(g)” and inserting “section
13 701(f)”; and

14 (B) in section 502(b), by striking “section
15 701(h)” and inserting “section 701(g)”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section take effect on January 1, 2023.

18 **SEC. 632. MODIFICATION OF AUTHORITY TO ALLOW MEM-**
19 **BERS OF THE ARMED FORCES TO ACCUMU-**
20 **LATE LEAVE IN EXCESS OF 60 DAYS.**

21 (a) IN GENERAL.—Section 701 of title 10, United
22 States Code, as amended by section 631, is further amend-
23 ed by striking subsection (e) and inserting the following:

24 “(e)(1) The Secretary concerned, under uniform reg-
25 ulations to be prescribed by the Secretary of Defense, may

1 authorize a member described in paragraph (2) to retain
2 not more than 30 days of excess leave.

3 “(2) A member described in this paragraph is a mem-
4 ber who—

5 “(A)(i) serves on active duty for a continuous
6 period of at least 120 days for which the member is
7 entitled to special pay under section 310(a) of title
8 37; or

9 “(ii) is assigned to a deployable ship or mobile
10 unit or to other duty designated for the purposes of
11 this section;

12 “(B) except for this subsection, would lose any
13 excess leave at the end of the fiscal year; and

14 “(C) receives, from the first officer in a grade
15 above O-6 in the chain of command of such member,
16 written authorization to retain such excess leave.

17 “(3) Excess leave retained by a member under this
18 subsection shall be forfeited unless used before the end
19 of the second fiscal year after the end of the fiscal year
20 in which the service or assignment described in paragraph
21 (2)(A) terminated.

22 “(4) In this subsection, the term ‘excess leave’ means
23 leave accrued by a member in excess of the number of
24 days of leave authorized to be accumulated under sub-
25 section (b).’”.

1 (b) TRANSITION RULE.—Leave in excess of 90 days,
2 accumulated by a member of the Armed Forces under sec-
3 tion 701 of such title before the effective date under sub-
4 section (c), is forfeited unless—

5 (1) used by the member on or before September
6 30, 2026; or

7 (2) the retention of such leave is otherwise au-
8 thorized by law.

9 (c) EFFECTIVE DATE.—The amendment made by
10 subsection (a) takes effect on January 1, 2023.

11 **SEC. 633. CONVALESCENT LEAVE FOR A MEMBER OF THE**
12 **ARMED FORCES.**

13 (a) IN GENERAL.—Section 701 of title 10, United
14 States Code, as amended by sections 631 and 632, is fur-
15 ther amended by adding at the end the following new sub-
16 section:

17 “(m)(1) Except as provided by subsection (h)(3), and
18 under regulations prescribed by the Secretary of Defense,
19 a member of the armed forces diagnosed with a medical
20 condition is allowed convalescent leave if—

21 “(A) the medical or behavioral health provider
22 of the member—

23 “(i) determines that the member is not yet
24 fit for duty as a result of that condition; and

1 “(ii) recommends such leave for the mem-
2 ber to provide for the convalescence of the
3 member from that condition; and

4 “(B) the commanding officer of the member or
5 the commander of the military medical treatment fa-
6 cility authorizes such leave for the member.

7 “(2) A member may take not more than 30 days of
8 convalescent leave under paragraph (1) with respect to a
9 condition described in that paragraph unless—

10 “(A) such leave in excess of 30 days is author-
11 ized by—

12 “(i) the Secretary concerned; or

13 “(ii) an individual at the level designated
14 by the Secretary concerned, but not below the
15 grade of O-5 or the civilian equivalent; or

16 “(B) the member is authorized to receive con-
17 valescent leave under subsection (h)(3) in conjunc-
18 tion with the birth of a child.

19 “(3)(A) Convalescent leave may be authorized under
20 paragraph (1) only for a medical condition of a member
21 and may not be authorized for a member in connection
22 with a condition of a dependent or other family member
23 of the member.

24 “(B) In authorizing convalescent leave for a member
25 under paragraph (1) with respect to a condition described

1 in that paragraph, the commanding officer of the member
2 or the commander of the military medical treatment facil-
3 ity, as the case may be, shall—

4 “(i) limit the duration of such leave to the min-
5 imum necessary in relation to the diagnosis, prog-
6 nosis, and probable final disposition of the condition
7 of the member; and

8 “(ii) authorize leave tailored to the specific
9 medical needs of the member rather than (except for
10 convalescent leave provided for under subsection
11 (h)(3)) authorizing leave based on a predetermined
12 formula.

13 “(4) A member taking convalescent leave under para-
14 graph (1) shall not have the member’s leave account re-
15 duced as a result of taking such leave.

16 “(5) In this subsection, the term ‘military medical
17 treatment facility’ means a facility described in subsection
18 (b), (c), or (d) of section 1073d of this title.”.

19 (b) TREATMENT OF CONVALESCENT LEAVE FOR
20 BIRTH OF CHILD.—Paragraph (4) of subsection (h) of
21 such section, as redesignated by section 632, is amend-
22 ed—

23 (1) by redesignating subparagraphs (A) and
24 (B) as clauses (i) and (ii), respectively;

25 (2) by inserting “(A)” after “(4)”; and

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

3 “(B) Convalescent leave may be authorized under
4 subparagraph (A) only for a medical condition of a mem-
5 ber and may not be authorized for a member in connection
6 with a condition of a dependent or other family member
7 of the member.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall take effect on January 1, 2023.

10 **Subtitle E—Family and Survivor** 11 **Benefits**

12 **SEC. 641. CLAIMS RELATING TO THE RETURN OF PER-** 13 **SONAL EFFECTS OF A DECEASED MEMBER** 14 **OF THE ARMED FORCES.**

15 Section 1482(a) of title 10, United States Code, is
16 amended by adding at the end the following new para-
17 graph:

18 “(11)(A) Delivery of personal effects of a dece-
19 dent to the next of kin or other appropriate person.

20 “(B) If the Secretary concerned enters into an
21 agreement with an entity to carry out subparagraph
22 (A), the Secretary concerned may, at the request of
23 the person described in such subparagraph, pursue
24 a claim against such entity that arises from the fail-

1 ure of such entity to substantially perform such sub-
2 paragraph.

3 “(C) If an entity described in subparagraph (B)
4 fails to substantially perform subparagraph (A) by
5 damaging, losing, or destroying the personal effects
6 of a decedent, the Secretary concerned shall reim-
7 burse the person designated under subsection (c) the
8 greater of \$1,000 or the fair market value of such
9 damage, loss, or destruction. The Secretary con-
10 cerned may request, from the person designated
11 under subsection (c), proof of fair market value and
12 ownership of the personal effects.”.

13 **SEC. 642. EXTENSION OF PARENT FEE DISCOUNT TO CHILD**
14 **CARE EMPLOYEES.**

15 Section 1793 of title 10, United States Code, is
16 amended by adding at the end the following new sub-
17 section:

18 “(d) CHILD CARE EMPLOYEE DISCOUNT.—The Sec-
19 retary of Defense may, to support recruitment and reten-
20 tion initiatives, charge a child care employee, whose child
21 attends a military child development center, a reduced fee
22 for such attendance.”.

23 **SEC. 643. SURVIVOR BENEFIT PLAN OPEN SEASON.**

24 (a) ELECTIONS BY PERSONS NOT CURRENTLY PAR-
25 TICIPATING IN SURVIVOR BENEFIT PLAN.—

1 (1) ELECTION OF SBP COVERAGE.—An eligible
2 retired or former member may elect to participate in
3 the Survivor Benefit Plan during the open season
4 described in subsection (e).

5 (2) ELIGIBLE RETIRED OR FORMER MEM-
6 BERS.—For purposes of paragraph (1), an eligible
7 retired or former member is a member or former
8 member of the uniformed services who, on or before
9 the day before the first day of the open season de-
10 scribed in subsection (e)—

11 (A) is entitled to retired pay; or

12 (B) would be entitled to retired pay under
13 chapter 1223 of title 10, United States Code
14 (or chapter 67 of such title as in effect before
15 October 5, 1994), but for the fact that such
16 member or former member is under 60 years of
17 age.

18 (3) STATUS UNDER SBP OF PERSONS MAKING
19 ELECTIONS.—

20 (A) STANDARD ANNUITY.—A person mak-
21 ing an election under paragraph (1) by reason
22 of eligibility under paragraph (2)(A) shall be
23 treated for all purposes as providing a standard
24 annuity under the Survivor Benefit Plan.

1 (B) RESERVE-COMPONENT ANNUITY.—A
2 person making an election under paragraph (1)
3 by reason of eligibility under paragraph (2)(B)
4 shall be treated for all purposes as providing a
5 reserve-component annuity under the Survivor
6 Benefit Plan.

7 (4) PREMIUMS FOR OPEN SEASON.—

8 (A) PREMIUMS TO BE CHARGED.—The
9 Secretary of Defense shall prescribe in regula-
10 tions premiums that a person who makes an
11 election under paragraph (1) shall be required
12 to pay for participating in the Survivor Benefit
13 Plan pursuant to the election.

14 (B) AMOUNT OF PREMIUMS.—The total
15 amount of the premiums to be paid by a person
16 under the regulations prescribed under subpara-
17 graph (A) shall be equal to the sum of—

18 (i) the total amount by which the re-
19 tired pay of the person would have been re-
20 duced before the effective date of the elec-
21 tion under subsection (d) if the person had
22 elected to participate in the Survivor Ben-
23 efit Plan (for the same base amount speci-
24 fied in the election) at the first opportunity
25 that was afforded the person to participate

1 under chapter 73 of title 10, United States
2 Code;

3 (ii) interest on the amount by which
4 the retired pay of the person would have
5 been so reduced, computed from the date
6 on which the retired pay would have been
7 so reduced at such rate or rates and ac-
8 cording to such methodology as the Sec-
9 retary determines reasonable; and

10 (iii) any additional amount that the
11 Secretary determines necessary to protect
12 the actuarial soundness of the Department
13 of Defense Military Retirement Fund
14 against any increased risk for the fund
15 that is associated with the election.

16 (C) PREMIUMS TO BE CREDITED TO RE-
17 TIREMENT FUND.—Premiums paid under the
18 regulations prescribed under subparagraph (A)
19 shall be credited to the Department of Defense
20 Military Retirement Fund.

21 (b) ELECTIONS BY PERSONS CURRENTLY PARTICI-
22 PATING IN SURVIVOR BENEFIT PLAN.—

23 (1) ELECTION OF TO DISCONTINUE SBP PAR-
24 TICIPATION.—A person participating in the Survivor
25 Benefit Plan on the day before the first day of the

1 open season described in subsection (e) may elect to
2 discontinue such participation during the open sea-
3 son.

4 (2) CONSENT OF BENEFICIARIES.—

5 (A) IN GENERAL.—Except as provided in
6 subparagraph (B), a person described in para-
7 graph (1) may not make an election under that
8 paragraph without the concurrence of—

9 (i) each designated beneficiary of such
10 person under the Survivor Benefit Plan;
11 and

12 (ii) the spouse of such person, if such
13 person is married.

14 (B) EXCEPTION WHEN BENEFICIARY UN-
15 AVAILABLE.—A person may make an election
16 under paragraph (1) without a concurrence re-
17 quired under subparagraph (2) if the person es-
18 tablishes to the satisfaction of the Secretary
19 concerned—

20 (i) that the whereabouts of the spouse
21 or beneficiary, as the case may be, cannot
22 be determined; or

23 (ii) that, due to exceptional cir-
24 cumstances, requiring the person to seek
25 the consent of the spouse or beneficiary, as

1 the case may be, would otherwise be inap-
2 propriate.

3 (3) TREATMENT OF PREMIUMS.—

4 (A) DISCONTINUATION OF REDUCTIONS IN
5 PAY.—As of the effective date under subsection
6 (d) of an election by a person under paragraph
7 (1), the Secretary concerned shall discontinue
8 the reduction being made in the retired pay of
9 the person arising from participation in the
10 Survivor Benefit Plan or, in the case of a per-
11 son who has been required to make deposits in
12 the Treasury on account of participation in the
13 Survivor Benefit Plan, that person may dis-
14 continue making such deposits effective on such
15 effective date.

16 (B) TREATMENT OF PREVIOUS REDUC-
17 TIONS.—A person who makes an election under
18 paragraph (1) is not entitled to a refund of any
19 reduction or deposit described in subparagraph
20 (A) made before such effective date.

21 (c) MANNER OF MAKING ELECTIONS.—

22 (1) IN GENERAL.—An election under subsection
23 (a) or (b) shall be made in writing, signed by the
24 person making the election, and received by the Sec-

1 retary concerned before the end of the open season
2 described in subsection (e).

3 (2) CONDITIONS.—Except as provided in para-
4 graph (3), an election under subsection (a) shall be
5 made subject to the same conditions, and with the
6 same opportunities for designation of beneficiaries
7 and specification of base amount, that apply under
8 the Survivor Benefit Plan.

9 (3) ELECTION MUST BE VOLUNTARY.—An elec-
10 tion under subsection (a) or (b) is not effective un-
11 less the person making the election declares the elec-
12 tion to be voluntary. An election under subsection
13 (a) or (b) to participate or not to participate in the
14 Survivor Benefit Plan may not be required by any
15 court. An election by a person under subsection (a)
16 to participate in the Survivor Benefit Plan is not
17 subject to the concurrence of a spouse or former
18 spouse of the person.

19 (4) DESIGNATION WITH RESPECT TO RESERVE-
20 COMPONENT ANNUITY.—A person making an elec-
21 tion under subsection (a) to provide a reserve-com-
22 ponent annuity shall make a designation described
23 in section 1448(e) of title 10, United States Code.

24 (d) EFFECTIVE DATE FOR ELECTIONS.—An election
25 under subsection (a) or (b) shall be effective on the first

1 day of the first calendar month following the month in
2 which the election is received by the Secretary concerned.

3 (e) OPEN SEASON DESCRIBED.—The open season de-
4 scribed in this subsection is the period beginning on the
5 date of the enactment of this Act and ending on January
6 1, 2024.

7 (f) APPLICABILITY OF CERTAIN PROVISIONS OF
8 LAW.—The provisions of sections 1449, 1453, and 1454
9 of title 10, United States Code, are applicable to a person
10 making an election, and to an election, under subsection
11 (a) or (b) in the same manner as if the election were made
12 under the Survivor Benefit Plan.

13 (g) DEFINITIONS.—In this section:

14 (1) The terms “base amount”, “reserve-compo-
15 nent annuity”, and “standard annuity” have the
16 meanings given those terms in section 1447 of title
17 10, United States Code.

18 (2) The term “Department of Defense Military
19 Retirement Fund” means the fund established under
20 section 1461(a) of title 10, United States Code.

21 (3) The term “retired pay” includes retainer
22 pay.

23 (4) The terms “Secretary concerned” and “uni-
24 formed services” have the meanings given those
25 terms in section 101 of title 37, United States Code.

1 (5) The term “Survivor Benefit Plan” means
2 the program established under subchapter II of
3 chapter 73 of title 10, United States Code.

4 **SEC. 644. MILITARY INSTALLATIONS WITH LIMITED CHILD**

5 **CARE: BRIEFING.**

6 (a) BRIEFING.—Not later than one year after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall submit to the congressional defense committees a
9 briefing regarding child care at military installations of
10 the covered Armed Forces—

11 (1) that are not served by a military child de-
12 velopment center; or

13 (2) where the military child development center
14 has few available spots.

15 (b) ELEMENTS.—The briefing under subsection (a)
16 shall include the following elements:

17 (1) With regards to each military installation
18 described in such subsection:

19 (A) The current and maximum possible en-
20 rollment at the military child development cen-
21 ter (if one exists).

22 (B) Plans of the Secretary to expand an
23 existing, or construct a new, military child de-
24 velopment center.

1 (C) The resulting capacity of each military
2 child development center described in subpara-
3 graph (B).

4 (D) The median cost of services at accred-
5 ited child care facilities located near such mili-
6 tary installation compared to the amount of as-
7 sistance provided by the Secretary of the mili-
8 tary department concerned to members for
9 child care services.

10 (2) Any policy recommendations of the Sec-
11 retary of Defense—

12 (A) to address the rising cost of child care
13 near military installations; and

14 (B) regarding the rates of child care fee
15 assistance provided to members of the covered
16 Armed Forces.

17 (c) DEFINITIONS.—In this section:

18 (1) The term “covered Armed Force” means
19 the following:

20 (A) The Army.

21 (B) The Navy.

22 (C) The Marine Corps.

23 (D) The Air Force.

24 (E) The Space Force.

1 (2) The term “military child development cen-
2 ter” has the meaning given such term in section
3 1800 of title 10, United States Code.

4 **SEC. 645. FOOD INSECURITY AMONG MILITARY FAMILIES:**
5 **DATA COLLECTION; TRAINING; REPORT.**

6 (a) DATA COLLECTION.—Not later than one year
7 after the date of the enactment of this Act, the Under
8 Secretary of Defense for Personnel and Readiness, in co-
9 ordination with the Under Secretary for Food, Nutrition,
10 and Consumer Services of the Department of Agriculture,
11 shall—

12 (1) develop a survey, in collaboration with the
13 Department of Agriculture, to determine how many
14 members of the Armed Forces serving on active
15 duty, and dependents of such members, are food in-
16 secure;

17 (2) issue the survey to such members and de-
18 pendents;

19 (3) collect data related to the number of such
20 members and dependents who—

21 (A) are eligible for the basic needs allow-
22 ance under section 402b of title 37, United
23 States Code;

24 (B) receive such basic needs allowance; and

1 (C) are surveyed on the use, by such mem-
2 bers and dependents, of Federal nutrition as-
3 sistance programs, including—

4 (i) the supplemental nutrition assist-
5 ance program under the Food and Nutri-
6 tion Act of 2008 (7 U.S.C. 2011 et seq.);

7 (ii) the special supplemental nutrition
8 program for women, infants, and children
9 under section 17 of the Child Nutrition
10 Act of 1966 (42 U.S.C. 1786); and

11 (iii) the school lunch program under
12 the Richard B. Russell National School
13 Lunch Act (42 U.S.C. 1751 et seq.), and
14 the school breakfast program under section
15 4 of the Child Nutrition Act of 1966 (42
16 U.S.C. 1773);

17 (4) develop and carry out a plan to train and
18 designate an individual who will assist members at
19 military installations on how and where to refer such
20 members and their dependents for participation in
21 Federal nutrition assistance programs described in
22 paragraph (3)(C); and

23 (5) coordinate efforts of the Department of De-
24 fense to address food insecurity and nutrition.

1 (b) REPORT.—Not later than one year after the date
2 of the enactment of this Act, and annually thereafter for
3 the four subsequent years, the Under Secretary of Defense
4 for Personnel & Readiness shall submit to the congress-
5 sional defense committees, the Committees on Agriculture
6 and Education and Labor of the House of Representa-
7 tives, and the Committee on Agriculture, Nutrition, and
8 Forestry of the Senate, a report including the following:

9 (1) The number of members of the Armed
10 Forces serving on active duty and their dependents
11 who are food insecure.

12 (2) The number of such members and their de-
13 pendents who use the Federal nutrition assistance
14 programs described in subsection (a)(3).

15 (3) The number of such members and their de-
16 pendents described in subsection (a)(3).

17 (4) The status of implementation of the plan
18 under subsection (a)(5).

19 **Subtitle F—Defense Resale Matters**

20 **SEC. 651. PROHIBITION OF THE SALE OF CERTAIN GOODS**

21 **FROM THE XINJIANG UYGHUR AUTONOMOUS**

22 **REGION IN COMMISSARIES AND EXCHANGES.**

23 (a) PROHIBITION.—Subchapter III of chapter 147 of
24 title 10, United States Code, is amended by adding at the
25 end the following new section:

1 **“§ 2496. Sale of certain goods from the Xinjiang**
2 **Uyghur Autonomous Region prohibited**

3 “(a) PROHIBITION.—The Secretary of Defense may
4 not knowingly permit the sale, at a commissary store or
5 military exchange, of any good, ware, article, or merchan-
6 dise—

7 “(1) containing any product mined, produced,
8 or manufactured, wholly or in part, by forced labor
9 from the XUAR; or

10 “(2) from an entity that has used labor from
11 within or transferred from XUAR as part of a ‘pov-
12 erty alleviation’ or ‘pairing assistance’ program.

13 “(b) DEFINITIONS.—In this section:

14 “(1) The term ‘forced labor’ means any work or
15 service that is exacted from any person under the
16 menace of any penalty for nonperformance and that
17 the worker does not offer to perform.

18 “(2) The term ‘XUAR’ means the Xinjiang
19 Uyghur Autonomous Region of the People’s Repub-
20 lic of China.”.

21 (b) CLERICAL AMENDMENT.—The table of sections
22 at the beginning of such subchapter is amended by adding
23 at the end the following new item:

“2496. Sale of certain goods from the Xinjiang Uyghur Autonomous Region
prohibited.”.

1 **Subtitle G—Miscellaneous Studies,**
2 **Briefings and Reports**

3 **SEC. 661. STUDY ON BASIC PAY.**

4 (a) IN GENERAL.—The Secretary of Defense shall
5 seek to enter into an agreement with a nonprofit entity
6 or a federally funded research and development center to
7 conduct research and analysis on the value of basic pay
8 for members of the Armed Forces. The Secretary may in-
9 clude such research and analysis in the next quadrennial
10 review of military compensation.

11 (b) ELEMENTS.—The research and analysis con-
12 ducted under subsection (a) shall include the following:

13 (1) An assessment of the model used to deter-
14 mine the basic pay in the current basic pay tables,
15 including—

16 (A) an analysis of whether to update the
17 current model to meet the needs of the 2023
18 employment market;

19 (B) a historical understanding of when the
20 current model was established and how fre-
21 quently it has been during the last 10 years;

22 (C) an understanding of the assumptions
23 on which the model is based and how such as-
24 sumptions are validated;

1 (D) an analysis of time-in-grade require-
2 ments and how they may affect retention and
3 promotion; and

4 (E) an assessment of how recruiting and
5 retention information is used to adjust the
6 model.

7 (2) An assessment of whether to modify current
8 basic pay tables to consider higher rates of pay for
9 specialties the Secretary determines are in critical
10 need of personnel.

11 (3) An analysis of—

12 (A) how basic pay has compared with civil-
13 ian pay since the 70th percentile benchmark for
14 basic pay was established; and

15 (B) whether to change the 70th percentile
16 benchmark.

17 (4) An assessment of whether—

18 (A) to adjust the annual increase in basic
19 pay, currently guided by changes in the Em-
20 ployment Cost Index as a measure of the
21 growth in private-sector employment costs; or

22 (B) to use a different index, such as the
23 Defense Employment Cost Index.

1 (5) Legislative and policy recommendations re-
2 garding basic pay table based on analyses and as-
3 sessments under paragraphs (1) through (4).

4 (c) BRIEFINGS AND PROGRESS REPORT.—

5 (1) INTERIM BRIEFING.—Not later than April
6 1, 2023, the Secretary shall provide to the appro-
7 priate congressional committees an interim briefing
8 on the elements described in subsection (b).

9 (2) PROGRESS REPORT.—Not later than one
10 year after the date of the enactment of this Act, the
11 Secretary shall submit to the appropriate congres-
12 sional committees a progress report on the study
13 under this section.

14 (3) FINAL BRIEFING.—Not later than two years
15 after the date of the enactment of this Act, the Sec-
16 retary shall submit to the appropriate congressional
17 committees a final briefing on the study under this
18 section.

19 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
20 DEFINED.—In this section, the term “appropriate con-
21 gressional committees” means the following:

22 (1) The Committee on Armed Services of the
23 House of Representatives.

24 (2) The Committee on Armed Services of the
25 Senate.

1 **SEC. 662. REPORT ON ACCURACY OF BASIC ALLOWANCE**
2 **FOR HOUSING.**

3 (a) REPORT; ELEMENTS.—Not later than one year
4 after the date of the enactment of this Act, the Secretary
5 of Defense, in consultation with the Secretary of the de-
6 partment in which the Coast Guard is operating, shall sub-
7 mit to the Committees on Armed Services of the Senate
8 and House of Representatives a report on BAH. Such re-
9 port shall contain the following elements:

10 (1) The evaluation of the Secretary—

11 (A) of the efficiency and accuracy of the
12 current system used to calculate BAH;

13 (B) the appropriateness of using mean and
14 median housing costs in such calculation;

15 (C) of existing MHAs, in relation to
16 choices in, and availability of, housing to
17 servicemembers;

18 (D) of the suitability of the six standard
19 housing profiles in relation to the average fam-
20 ily sizes of servicemembers, disaggregated by
21 uniformed service, rank, and MHA;

22 (E) of the flexibility of BAH to respond to
23 changes in real estate markets; and

24 (F) of residential real estate processes to
25 determine rental rates.

26 (2) The recommendation of the Secretary—

1 (A) regarding the feasibility of including
2 information, furnished by Federal entities, re-
3 garding school districts, in calculating BAH;

4 (B) whether to calculate BAH more fre-
5 quently, including in response to a sudden
6 change in the housing market;

7 (C) whether to enter into an agreement
8 with a covered entity, to compile data and de-
9 velop an enterprise grade, objective, data-driven
10 algorithm to calculate BAH;

11 (D) whether to publish the methods used
12 by the Secretary to calculate BAH on a publicly
13 accessible website of the Department of De-
14 fense; and

15 (E) whether BAH calculations appro-
16 priately account for increased housing costs as-
17 sociated with Coast Guard facilities.

18 (b) DEFINITIONS.—In this section:

19 (1) The term “BAH” means the basic allow-
20 ance for housing for members of the uniformed serv-
21 ices under section 403 of title 37, United States
22 Code.

23 (2) The term “covered entity” means a nation-
24 ally recognized entity in the field of commercial real

1 estate that has data on local rental rates in real es-
2 tate markets across the United States.

3 (3) The term “MHA” means military housing
4 area.

5 (4) The term “servicemember” has the meaning
6 given such term in section 101 of the
7 Servicemembers Civil Relief Act (50 U.S.C. 3911).

8 **SEC. 663. REVIEW OF DISLOCATION AND RELOCATION AL-**
9 **LOWANCES.**

10 (a) IN GENERAL.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall submit to the congressional defense committees a re-
13 port—

14 (1) reviewing the adequacy of the amounts of
15 dislocation and relocation allowances paid under sec-
16 tion 452 of title 37, United States Code, to members
17 of the covered Armed Forces, in connection with
18 changes in such members’ temporary or permanent
19 duty assignment locations, taking into consideration
20 the rising costs of moving, challenges in the housing
21 market, and other expenses incurred by such mem-
22 bers;

23 (2) assessing the effects of delays in the
24 issuance of orders relating to changes to temporary
25 or permanent duty assignment locations on the tim-

1 ing of dislocation and relocation allowances paid to
2 members of the covered Armed Forces;

3 (3) assessing the feasibility and advisability of
4 paying dislocation or relocation allowances to mem-
5 bers of the covered Armed Forces who are perma-
6 nently assigned from one unit to another with no
7 change of permanent duty station when the units
8 are within the same metropolitan area; and

9 (4) making recommendations with respect to
10 the matters described in paragraphs (1), (2), and
11 (3).

12 (b) COVERED ARMED FORCES DEFINED.—In this
13 section, the term “covered Armed Forces” means the
14 Army, Navy, Marine Corps, Air Force, and Space Force.

15 **SEC. 664. COMPLEX OVERHAUL PAY: BRIEFING.**

16 (a) BRIEFING.—Not later than six months after the
17 date of the enactment of this Act, the Secretary of the
18 Navy shall submit to the Committees on Armed Services
19 of the Senate and House of Representatives a briefing re-
20 garding the feasibility and advisability of establishing com-
21 plex overhaul pay.

22 (b) COMPLEX OVERHAUL PAY DEFINED.—In this
23 section, the term “complex overhaul pay” means a special
24 monthly pay—

1 (1) established pursuant to regulations pre-
2 scribed under section 352 of title 37, United States
3 Code;

4 (2) paid to a member of the Armed Forces as-
5 signed to a naval vessel undergoing nuclear refueling
6 or defueling, and any concurrent complex overhaul;

7 (3) in addition to any other pay or allowance to
8 which a member is entitled; and

9 (4) in an amount equal to \$200 per month.

10 **SEC. 665. STUDIES ON COMPENSATION FOR DOD CHILD**
11 **CARE PROVIDERS.**

12 (a) IN GENERAL.—

13 (1) STUDIES REQUIRED.—The Secretary of De-
14 fense shall, for each geographic area in which the
15 Secretary of a military department operates a mili-
16 tary child development center, conduct a study—

17 (A) comparing the total compensation, in-
18 cluding all pay and benefits, of child care em-
19 ployees of each military child development cen-
20 ter in the geographic area to the total com-
21 pensation of similarly credentialed employees in
22 such geographic area; and

23 (B) estimating the difference in average
24 pay and the difference in average benefits be-
25 tween such child care employees.

1 (2) SCHEDULE.—The Secretary of Defense
2 shall complete the studies required under paragraph
3 (1)—

4 (A) for the geographic areas containing the
5 military installations with the 25 longest wait
6 lists for child care services at military child de-
7 velopment centers, not later than one year after
8 the date of the enactment of this Act; and

9 (B) for geographic areas other than geo-
10 graphic areas described in subparagraph (A),
11 not later than two years after the date of the
12 enactment of this Act.

13 (3) REPORTS.—

14 (A) INTERIM REPORT.—Not later than one
15 year after the date of the enactment of this Act,
16 the Secretary of Defense shall submit to the
17 Committees on Armed Services of the Senate
18 and House of Representatives a report summa-
19 rizing the results of the studies required under
20 paragraph (1) that have been completed as of
21 the date of the submission of such report.

22 (B) FINAL REPORT.—Not later than 120
23 days after the completion of all the studies re-
24 quired under paragraph (1), the Secretary shall
25 submit to the Committees on Armed Services of

1 the Senate and House of Representatives a re-
2 port summarizing the results of such studies.

3 (b) DEFINITIONS.—In this section:

4 (1) The term “benefits” includes—

5 (A) retirement benefits;

6 (B) any insurance premiums paid by an
7 employer;

8 (C) education benefits, including tuition re-
9 imbursement and student loan repayment; and

10 (D) any other compensation an employer
11 provides to an employee for service performed
12 as an employee (other than pay), as determined
13 appropriate by the Secretary of Defense.

14 (2) The terms “child care employee” and “mili-
15 tary child development center” have the meanings
16 given such terms in section 1800 of title 10, United
17 States Code.

18 (3) The term “pay” includes the basic rate of
19 pay of an employee and any additional payments an
20 employer pays to an employee for service performed
21 as an employee.

22 **SEC. 666. BARRIERS TO HOME OWNERSHIP FOR MEMBERS**
23 **OF THE ARMED FORCES: STUDY; REPORT.**

24 (a) STUDY.—Not later than one year after the date
25 of the enactment of this Act, the Secretary of Defense

1 shall seek to enter into an agreement with a federally
2 funded research and development center or non-profit en-
3 tity to conduct a study on the unique barriers to home
4 ownership for members of the Armed Forces.

5 (b) REPORT.—At the conclusion of the study under
6 subsection (a), the Secretary shall submit to the Commit-
7 tees on Armed Services of the Senate and House of Rep-
8 resentatives a report containing the results of such study.

9 **TITLE VII—HEALTH CARE**
10 **PROVISIONS**

Subtitle A—TRICARE and Other Health Care Benefits

- Sec. 701. Improvements to TRICARE dental program.
- Sec. 702. Health benefits for members of the National Guard following required training or other duty to respond to a national emergency.
- Sec. 703. Improvement of referrals for specialty care under TRICARE Prime during permanent changes of station.
- Sec. 704. Confidentiality requirements for mental health care services for members of the Armed Forces.
- Sec. 705. Audit of behavioral health care network providers listed in TRICARE directory.
- Sec. 706. Independent analysis of quality and patient safety review process under direct care component of TRICARE program.
- Sec. 707. Study on providing benefits under TRICARE Reserve Select and TRICARE dental program to members of the Selected Reserve and dependents thereof.
- Sec. 708. GAO study on certain contracts relating to TRICARE program and oversight of such contracts.
- Sec. 709. GAO study on coverage of mental health services under TRICARE program and relationship to certain mental health parity laws.

Subtitle B—Health Care Administration

- Sec. 711. Accountability for wounded warriors undergoing disability evaluation.
- Sec. 712. Inclusion of level three trauma care capabilities in requirements for medical centers.
- Sec. 713. Centers of excellence for specialty care in military health system.
- Sec. 714. Maintenance of Core Casualty Receiving Facilities to improve medical force readiness.
- Sec. 715. Congressional notification requirement to modify scope of services provided at military medical treatment facilities.
- Sec. 716. Improvements to processes to reduce financial harm caused to civilians for care provided at military medical treatment facilities.

- Sec. 717. Authority to carry out studies and demonstration projects relating to delivery of health and medical care through use of other transaction authority.
- Sec. 718. Licensure requirement for certain health-care professionals providing services as part of mission relating to emergency, humanitarian, or refugee assistance.
- Sec. 719. Authorization of permanent program to improve opioid management in the military health system.
- Sec. 720. Modification of requirement to transfer research and development and public health functions to Defense Health Agency.
- Sec. 721. Access to certain dependent medical records by remarried former spouses.
- Sec. 722. Authority for Department of Defense program to promote early literacy among certain young children.
- Sec. 723. Plan for Accountable Care Organization demonstration.
- Sec. 724. Feasibility study and plan on establishing a Military Health System Medical Logistics Directorate and Military Health System Education and Training Directorate.

Subtitle C—Reports and Other Matters

- Sec. 731. Briefing and report on reduction or realignment of military medical manning and medical billets.
- Sec. 732. Independent analysis of Department of Defense Comprehensive Autism Care Demonstration program.
- Sec. 733. Clarification of membership requirements and compensation authority for independent suicide prevention and response review committee.
- Sec. 734. Termination of veterans' advisory board on radiation dose reconstruction.
- Sec. 735. Brain health initiative of Department of Defense.
- Sec. 736. Establishment of partnership program between United States and Ukraine for military trauma care and research.
- Sec. 737. Improvements relating to behavioral health care available under military health system.
- Sec. 738. Certification program in provision of mental health services to members of the Armed Forces and military families.
- Sec. 739. Standardization of policies relating to service in Armed Forces by individuals diagnosed with HBV.
- Sec. 740. Suicide cluster: standardized definition for use by Department of Defense; congressional notification.
- Sec. 741. Limitation on reduction of military medical manning end strength: certification requirement and other reforms.
- Sec. 742. Feasibility study on establishment of Department of Defense internship programs relating to civilian behavioral health providers.
- Sec. 743. Updates to prior feasibility studies on establishment of new command on defense health.
- Sec. 744. Capability assessment and action plan with respect to effects of exposure to open burn pits and other environmental hazards.
- Sec. 745. Kyle Mullen Navy SEAL medical training review.
- Sec. 746. Reports on composition of medical personnel of each military department and related matters.
- Sec. 747. Report on effects of low recruitment and retention on operational tempo and physical and mental health of members of the Armed Forces.

Sec. 748. Guidance for addressing healthy relationships and intimate partner violence through TRICARE Program.

Sec. 749. Briefing on suicide prevention reforms for members of the Armed Forces.

1 **Subtitle A—TRICARE and Other**
2 **Health Care Benefits**

3 **SEC. 701. IMPROVEMENTS TO TRICARE DENTAL PROGRAM.**

4 (a) IN GENERAL.—Section 1076a of title 10, United
5 States Code, is amended—

6 (1) in subsection (b)—

7 (A) by striking “The plans” and inserting
8 the following:

9 “(1) IN GENERAL.—The plans”; and

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

12 “(2) PREMIUM SHARING PLANS.—Effective as
13 of January 1, 2026, the regulations prescribed pur-
14 suant to paragraph (1) shall include, with respect to
15 premium sharing plans referred to in subsection
16 (d)(1), the following elements:

17 “(A) A third party administrator shall
18 manage the administrative features of such
19 plans, including eligibility, enrollment, plan
20 change and premium payment processes, sub-
21 mission of qualifying life events changes, and
22 address changes.

1 “(B) Such plans shall include the following
2 three enrollment options:

3 “(i) Self.

4 “(ii) Self plus one.

5 “(iii) Family.

6 “(C) In the United States, to the extent
7 practicable, individuals eligible to enroll in such
8 a plan shall be offered options to enroll in plans
9 of not fewer than two and not more than four
10 dental insurance carriers.

11 “(D) To the extent practicable, each car-
12 rier described in subparagraph (C)—

13 “(i) shall manage dental care delivery
14 matters, including claims adjudication
15 (with required electronic submission of
16 claims), coordination of benefits, covered
17 services, enrollment verification, and pro-
18 vider networks;

19 “(ii) shall, in addition to offering a
20 standard option plan, offer a non-standard
21 option plan;

22 “(iii) may offer a non-standard option
23 plan managed as a dental health mainte-
24 nance organization plan;

- 1 “(iv) shall establish and operate den-
2 tal provider networks that provide—
3 “(I) accessible care with a pre-
4 vention or wellness focus;
5 “(II) continuity of care;
6 “(III) coordinated care (including
7 appropriate dental and medical refer-
8 rals);
9 “(IV) patient-centered care (in-
10 cluding effective communications, in-
11 dividualized care, and shared decision-
12 making); and
13 “(V) high-quality, safe care;
14 “(v) shall develop and implement
15 adult and pediatric dental quality meas-
16 ures, including effective measurements
17 for—
18 “(I) access to care;
19 “(II) continuity of care;
20 “(III) cost;
21 “(IV) adverse patient events;
22 “(V) oral health outcomes; and
23 “(VI) patient experience; and
24 “(vi) may conduct in the provider net-
25 works established and operated by the car-

1 rier under clause (iv), to the extent prac-
2 ticable, pilot programs on the development
3 of a model of care based on the model of
4 care commonly referred to as patient-cen-
5 tered dental homes.”;

6 (2) in subsection (d)(1)—

7 (A) in subparagraph (B), by striking “The
8 member’s” and inserting “During the period
9 preceding January 1, 2026, the member’s”;

10 (B) in subparagraph (C), by striking “of
11 each year,” and inserting “of each year during
12 the period preceding January 1, 2026,”;

13 (C) in subparagraph (D), by striking “The
14 Secretary of Defense” and inserting “During
15 the period preceding January 1, 2026, the Sec-
16 retary of Defense”; and

17 (D) by adding at the end the following new
18 subparagraphs:

19 “(E) Beginning on January 1, 2026, the
20 amount of the premium required under subpara-
21 graph (A)—

22 “(i) for standard option plans, shall be es-
23 tablished by the Secretary annually such that in
24 the aggregate (taking into account the adjust-
25 ments under subparagraph (F) and subsection

1 (e)(3), the Secretary’s share of each premium is
2 60 percent of the premium for each enrollment
3 category (self, self plus one, and family, respec-
4 tively) of each standard option plan; and

5 “(ii) for non-standard option plans, shall
6 be equal to the amount determined under clause
7 (i) plus 100 percent of the additional premium
8 amount applicable to such non-standard option
9 plan.

10 “(F) Beginning on January 1, 2026, the Sec-
11 retary of Defense shall reduce the monthly premium
12 required to be paid under paragraph (1) in the case
13 of enlisted members in pay grade E–1, E–2, E–3, or
14 E–4.”;

15 (3) in subsection (e), by adding at the end the
16 following new paragraph:

17 “(3) Beginning on January 1, 2026, the Secretary
18 of Defense shall reduce copayments required to be paid
19 under paragraph (1) in the case of enlisted members in
20 pay grade E–1, E–2, E–3, or E–4.”;

21 (4) in subsection (j), by striking “The Secretary
22 of Defense may not reduce benefits provided under
23 a plan established under this section until” and in-
24 serting “During the period preceding January 1,
25 2026, the Secretary of Defense may not reduce ben-

1 efits provided under a plan established under this
2 section, and on or after January 1, 2026, the Sec-
3 retary may not reduce benefits provided under a
4 standard option plan under this section, until”; and

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

7 “(1) DEFINITIONS.—In this section:

8 “(1) The term ‘non-standard option plan’
9 means a high option dental insurance plan that in-
10 cludes covered services in addition to, or provides
11 greater coverage with respect to, services covered
12 under a standard option plan.

13 “(2) The term ‘standard option plan’ means a
14 dental insurance plan that provides for the coverage
15 of preventive services, basic restorative services, and
16 specialty dental care services at a level that is at
17 least commensurate with the coverage of the same
18 services provided under the premium sharing plans
19 under this section during the period preceding Janu-
20 ary 1, 2026.”.

21 (b) RULEMAKING.—Pursuant to the authority under
22 section 1076a(b)(1) of title 10, United States Code, as
23 amended by subsection (a), the Secretary of Defense
24 shall—

1 (1) not later than January 1, 2025, prescribe
2 an interim final rule to carry out the amendments
3 made by subsection (a); and

4 (2) after prescribing the interim final rule
5 under subparagraph (A) and considering public com-
6 ments with respect to such interim final rule, pre-
7 scribe a final rule, effective on January 1, 2026, to
8 carry out such amendments.

9 (c) BRIEFINGS.—Not later than January 1 of each
10 of 2024, 2025, and 2026, the Secretary of Defense shall
11 provide to the Committees on Armed Services of the
12 House of Representatives and the Senate a briefing on the
13 status of the implementation of the amendments made by
14 subsection (a).

15 **SEC. 702. HEALTH BENEFITS FOR MEMBERS OF THE NA-**
16 **TIONAL GUARD FOLLOWING REQUIRED**
17 **TRAINING OR OTHER DUTY TO RESPOND TO**
18 **A NATIONAL EMERGENCY.**

19 (a) TRANSITIONAL HEALTH CARE.—Subsection
20 (a)(2) of section 1145 of title 10, United States Code, is
21 amended by adding at the end the following new subpara-
22 graph:

23 “(G) A member of the National Guard who is
24 separated from full-time National Guard Duty to
25 which called or ordered under section 502(f) of title

1 32 for a period of active service of more than 30
2 days to perform duties that are authorized by the
3 President or the Secretary of Defense for the pur-
4 pose of responding to a national emergency declared
5 by Congress or the President and supported by Fed-
6 eral funds.”.

7 (b) CONFORMING AMENDMENTS.—Such section is
8 further amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1), in the matter pre-
11 ceding subparagraph (A), by striking “active
12 duty” and inserting “active service”;

13 (B) in paragraph (3), by striking “para-
14 graph (2)(B)” and inserting “subparagraph (B)
15 or (G) of paragraph (2)”;

16 (C) in paragraph (4)—

17 (i) by striking “active duty” each
18 place it appears and inserting “active serv-
19 ice”; and

20 (ii) in the second sentence, by striking
21 “or (D)” and inserting “(D), or (G)”;

22 (D) in paragraph (5), in subparagraphs
23 (A) and (B), by striking “active duty” each
24 place it appears and inserting “active service”;
25 and

1 (E) in paragraph (7)(A)—

2 (i) by striking “service on active
3 duty” and inserting “active service”; and

4 (ii) by striking “active duty for” and
5 inserting “active service for”;

6 (2) in subsection (b)(1), by striking “active
7 duty” and inserting “active service”; and

8 (3) in subsection (d)(1)(A), by striking “active
9 duty” and inserting “active service”.

10 **SEC. 703. IMPROVEMENT OF REFERRALS FOR SPECIALTY**
11 **CARE UNDER TRICARE PRIME DURING PER-**
12 **MANENT CHANGES OF STATION.**

13 (a) IN GENERAL.—Section 714 of the John S.
14 McCain National Defense Authorization Act for Fiscal
15 Year 2019 (Public Law 115–232; 10 U.S.C. 1095f note)
16 is amended—

17 (1) by redesignating subsection (e) as sub-
18 section (f); and

19 (2) by inserting after subsection (d) the fol-
20 lowing new subsection (e):

21 “(e) IMPROVEMENT OF SPECIALTY CARE REFER-
22 RALS DURING PERMANENT CHANGES OF STATION.—In
23 conducting evaluations and improvements under sub-
24 section (d) to the referral process described in subsection
25 (a), the Secretary shall ensure beneficiaries enrolled in

1 TRICARE Prime who are undergoing a permanent
2 change of station receive referrals from their primary care
3 manager to such specialty care providers in the new loca-
4 tion as the beneficiary may need before undergoing the
5 permanent change of station.”.

6 (b) BRIEFING.—Not later than 180 days after the
7 date of the enactment of this Act, the Secretary of Defense
8 shall provide to the Committees on Armed Services of the
9 Senate and the House of Representatives a briefing on the
10 contractual and technical barriers preventing record shar-
11 ing between civilian provider networks under the
12 TRICARE program that lead to increased wait times for
13 care for members of the Armed Forces and the dependents
14 thereof undergoing permanent changes of station across
15 provider network regions.

16 **SEC. 704. CONFIDENTIALITY REQUIREMENTS FOR MENTAL**
17 **HEALTH CARE SERVICES FOR MEMBERS OF**
18 **THE ARMED FORCES.**

19 (a) IN GENERAL.—In order to reinforce the policies
20 of eliminating stigma in obtaining mental health care serv-
21 ices and further encouraging help-seeking behavior by
22 members of the Armed Forces, not later than July 1,
23 2023, the Secretary of Defense shall—

24 (1) update and reissue Department of Defense
25 Instruction 6490.08, titled “Command Notification

1 Requirements to Dispel Stigma in Providing Mental
2 Health Care to Service Members” and issued on Au-
3 gust 17, 2011, taking into account—

4 (A) experience implementing the Instruc-
5 tion; and

6 (B) opportunities to more effectively dispel
7 stigma in obtaining mental health care services
8 and encourage help-seeking behavior; and

9 (2) develop standards within the Department of
10 Defense that—

11 (A) ensure, except in a case in which there
12 is an exigent circumstance, the confidentiality
13 of mental health care services provided to mem-
14 bers who voluntarily seek such services;

15 (B) include a model for making determina-
16 tions with respect to exigent circumstances that
17 clarifies the responsibilities regarding the deter-
18 mination of the effect on military function and
19 the prevention of self-harm by the individual;
20 and

21 (C) in a case in which there is an exigent
22 circumstance, prevent health care providers
23 from disclosing more than the minimum
24 amount of information necessary to address the
25 exigent circumstance.

1 (b) ELEMENTS.—The standards required by sub-
2 section (a)(2) shall include the following elements:

3 (1) Requirements for confidentiality regarding
4 the request and receipt by a member of the Armed
5 Forces of mental health care services under the self-
6 initiated referral process under section 1090a(e) of
7 title 10, United States Code.

8 (2) Requirements for confidentiality regarding
9 the results of any drug testing incident to such men-
10 tal health care services.

11 (3) Procedures that reflect best practices of the
12 mental health profession with respect to suicide pre-
13 vention.

14 (4) A prohibition against retaliating against a
15 member of the Armed Forces who requests mental
16 health care services.

17 (5) Such other elements as the Secretary deter-
18 mines will most effectively support the policies of—

19 (A) eliminating stigma in obtaining mental
20 health care services; and

21 (B) encouraging help-seeking behavior by
22 members of the Armed Forces.

23 (c) JOINT POLICY WITH THE SECRETARY OF VET-
24 ERANS AFFAIRS.—

1 (1) IN GENERAL.—Not later than July 1, 2023,
2 the Secretary of Defense and the Secretary of Vet-
3 erans Affairs shall issue a joint policy that provides,
4 except in a case in which there is an exigent cir-
5 cumstance, for the confidentiality of mental health
6 care services provided by the Secretary of Veterans
7 Affairs to members of the Armed Forces, including
8 the reserve components, under section 1712A,
9 1720F, 1720H, or 1789 of title 38, United States
10 Code, or other applicable law.

11 (2) ELEMENTS.—The joint policy issued under
12 paragraph (1) shall, to the extent practicable, in-
13 clude standards comparable to the standards devel-
14 oped under subsection (a)(2).

15 (d) REPORT.—Not later than July 1, 2023, the Sec-
16 retary of Defense shall submit to the Committees on
17 Armed Services of the Senate and the House of Represent-
18 atives a copy of the standards developed under subsection
19 (a)(2) and the joint policy issued under subsection (c).

20 (e) EXIGENT CIRCUMSTANCE DEFINED.—In this sec-
21 tion, the term “exigent circumstance” means a cir-
22 cumstance in which the Secretary of Defense determines
23 the need to prevent serious harm to an individual or essen-
24 tial military function clearly outweighs the need for con-
25 fidentiality of information obtained by a health care pro-

1 vider incident to mental health care services voluntarily
2 sought by a member of the Armed Forces.

3 **SEC. 705. AUDIT OF BEHAVIORAL HEALTH CARE NETWORK**
4 **PROVIDERS LISTED IN TRICARE DIRECTORY.**

5 (a) **AUDIT REQUIRED.**—The Comptroller General of
6 the United States shall conduct an audit of the behavioral
7 health care providers listed in the TRICARE directory.

8 (b) **REPORT.**—Not later than one year after the date
9 of the enactment of this Act, the Comptroller General shall
10 submit to the Committees on Armed Services of the House
11 of Representatives and the Senate a report on the findings
12 of the audit under subsection (a). Such report shall in-
13 clude the following:

14 (1) An identification of the following,
15 disaggregated by provider specialty and TRICARE
16 provider network region:

17 (A) The number of such behavioral health
18 care providers with respect to which there are
19 duplicate listings in the TRICARE directory.

20 (B) The number of such behavioral health
21 care providers that, as of the commencement of
22 the audit, were listed in the TRICARE direc-
23 tory as available and accepting new TRICARE
24 patients.

1 (C) The number of such behavioral health
2 care providers that, as a result of the audit, the
3 Comptroller General determines are no longer
4 available or accepting new TRICARE patients.

5 (D) The number of such behavioral health
6 care providers that were not previously listed in
7 the TRICARE directory as available and ac-
8 cepting new TRICARE patients but that, as a
9 result of the audit, the Comptroller General de-
10 termines are so available and accepting.

11 (E) The number of behavioral health care
12 providers listed in the TRICARE directory that
13 are no longer practicing.

14 (F) The number of behavioral health care
15 providers that, in conducting the audit, the
16 Comptroller General could not reach for pur-
17 poses of verifying information relating to avail-
18 ability or status.

19 (2) An identification of the number of
20 TRICARE beneficiaries in each TRICARE region,
21 disaggregated by beneficiary category.

22 (3) A description of the methods by which the
23 Secretary of Defense measures the following:

1 (A) The accessibility and accuracy of the
2 TRICARE directory, with respect to behavioral
3 health care providers listed therein.

4 (B) The adequacy of behavioral health care
5 providers under the TRICARE program.

6 (4) A description of the efforts of the Secretary
7 of Defense to recruit and retain behavioral health
8 care providers.

9 (5) Recommendations by the Comptroller Gen-
10 eral, based on the findings of the audit, on how to
11 improve the availability of behavioral health care
12 providers that are network providers under the
13 TRICARE program, including through the inclusion
14 of specific requirements in the next generation of
15 TRICARE contracts.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “TRICARE directory” means the
18 directory of network providers under the TRICARE
19 program.

20 (2) The term “TRICARE program” has the
21 meaning given such term in section 1072 of title 10,
22 United States Code.

1 **SEC. 706. INDEPENDENT ANALYSIS OF QUALITY AND PA-**
2 **TIENT SAFETY REVIEW PROCESS UNDER DI-**
3 **RECT CARE COMPONENT OF TRICARE PRO-**
4 **GRAM.**

5 (a) AGREEMENT.—

6 (1) IN GENERAL.—The Secretary of Defense
7 shall seek to enter into an agreement with a feder-
8 ally funded research and development center for the
9 federally funded research and development center to
10 carry out the activities described in subsections (b)
11 and (c).

12 (2) TIMING.—The Secretary shall seek to enter
13 into the agreement described in paragraph (1) not
14 later October 1, 2023.

15 (b) ANALYSIS BY FFRDC.—

16 (1) ANALYSIS.—Under an agreement between
17 the Secretary and a federally funded research and
18 development center entered into pursuant to sub-
19 section (a), the federally funded research and devel-
20 opment center shall conduct an analysis of the qual-
21 ity and patient safety review process for health care
22 provided under the direct care component of the
23 TRICARE program and develop recommendations
24 for the Secretary based on such analysis.

25 (2) ELEMENTS.—The analysis conducted and
26 recommendations developed under paragraph (1)

1 shall include, with respect to the direct care compo-
2 nent of the TRICARE program, an assessment of
3 the following:

4 (A) The procedures under such component
5 regarding credentialing and privileging for
6 health care providers (and an assessment of
7 compliance with such procedures).

8 (B) The processes under such component
9 for quality assurance, standard of care, and in-
10 cident review (and an assessment of compliance
11 with such processes).

12 (C) The accountability processes under
13 such component for health care providers who
14 are found to have not met a required standard
15 of care.

16 (D) The transparency activities carried out
17 under such component, including an assessment
18 of the publication of clinical quality metrics (at
19 the level of military medical treatment facilities
20 and other operational medical units of the De-
21 partment of Defense), and a comparison with
22 similar metrics for non-Department health care
23 entities.

24 (E) The standardization activities carried
25 under such component, including activities

1 aimed at eliminating unwarranted variation in
2 clinical quality metrics at the level of military
3 medical treatment facilities and other oper-
4 ational medical units of the Department.

5 (F) The implementation under such com-
6 ponent of the requirements of section 744 of
7 the National Defense Authorization Act for Fis-
8 cal Year 2021 (Public Law 116–283; 134 Stat.
9 3708; 10 U.S.C. 1071 note), including with re-
10 spect to health care delivery on ships and
11 planes, in deployed settings, and in all other
12 circumstances outside of military medical treat-
13 ment facilities.

14 (G) The organizational roles and respon-
15 sibilities of military health system entities in-
16 volved in clinical quality management functions
17 under such component, including the Assistant
18 Secretary of Defense for Health Affairs, the Di-
19 rector of the Defense Health Agency, and the
20 Surgeons General of the Army, Navy, and Air
21 Force, each of whom shall conduct and submit
22 to the federally funded research and develop-
23 ment center an internal assessment of the re-
24 spective entity regarding each element set forth
25 under this paragraph.

1 (3) INFORMATION ACCESS AND PRIVACY.—

2 (A) ACCESS TO RECORDS.—Notwith-
3 standing section 1102 of title 10, United States
4 Code, the Secretary shall provide the federally
5 funded research and development center with
6 access to such records of the Department of
7 Defense as the Secretary may determine nec-
8 essary for purposes of the federally funded re-
9 search and development center conducting the
10 analysis and developing the recommendations
11 under paragraph (1).

12 (B) PRIVACY OF INFORMATION.—In con-
13 ducting the analysis and developing the rec-
14 ommendations under paragraph (1), the feder-
15 ally funded research and development center—

16 (i) shall maintain any personally iden-
17 tifiable information in records accessed by
18 the federally funded research and develop-
19 ment center pursuant to subparagraph (A)
20 in accordance with applicable laws, protec-
21 tions, and best practices regarding the pri-
22 vacy of information; and

23 (ii) may not permit access to such in-
24 formation by any individual or entity not

1 engaged in conducting such analysis or de-
2 veloping such recommendations.

3 (c) BRIEFING AND REPORTS.—

4 (1) INTERIM BRIEFING.—Not later than 180
5 days after the date of the enactment of this Act, the
6 Secretary shall submit to the Committees on Armed
7 Services of the House of Representatives and the
8 Senate an interim briefing on—

9 (A) the selection of a federally funded re-
10 search and development center with which the
11 Secretary shall seek to enter into an agreement
12 with under subsection (a);

13 (B) any related guidance issued by the
14 Secretary; and

15 (C) the methodology for conducting the
16 study to be used by such federally funded re-
17 search and development center.

18 (2) REPORT TO SECRETARY.—Under an agree-
19 ment entered into between the Secretary and a fed-
20 erally funded research and development center under
21 subsection (a), the federally funded research and de-
22 velopment center, not later than one year after the
23 date of the execution of the agreement, shall submit
24 to the Secretary a report on the findings of the fed-
25 erally funded research and development center with

1 respect to the analysis conducted and recommenda-
2 tions developed under subsection (b).

3 (3) REPORT TO CONGRESS.—Not later than
4 120 days after the date on which the Secretary re-
5 ceives the report of the federally funded research
6 and development center under paragraph (1), the
7 Secretary shall submit to the Committees on Armed
8 Services of the House of Representatives and the
9 Senate such report, along with an assessment by the
10 Secretary of the analysis, findings, and recommenda-
11 tions contained therein and the plan of the Secretary
12 for strengthening clinical quality management in the
13 military health system.

14 (4) PUBLICATION.—The Secretary shall make
15 the report under paragraph (2) available on a public
16 website in unclassified form.

17 (d) TRICARE PROGRAM DEFINED.—In this section,
18 the term “TRICARE program” has the meaning given
19 such term in section 1072 of title 10, United States Code.

1 **SEC. 707. STUDY ON PROVIDING BENEFITS UNDER**
2 **TRICARE RESERVE SELECT AND TRICARE**
3 **DENTAL PROGRAM TO MEMBERS OF THE SE-**
4 **LECTED RESERVE AND DEPENDENTS THERE-**
5 **OF.**

6 (a) **STUDY.**—The Secretary of Defense may conduct
7 a study on the feasibility, potential cost effects to the
8 budget of the Department of Defense, changes in out-of-
9 pocket costs to beneficiaries, and effects on other Federal
10 programs of expanding eligibility for TRICARE Reserve
11 Select and the TRICARE dental program to include all
12 members of the Selected Reserve of the Ready Reserve of
13 a reserve component of the Armed Forces, the dependents
14 thereof, and the non-dependent children thereof under the
15 age of 26.

16 (b) **SPECIFICATIONS.**—If the Secretary conducts the
17 study under subsection (a), the Secretary shall include in
18 the study an assessment of the following:

19 (1) Cost-shifting to the Department of Defense
20 to support the expansion of TRICARE Reserve Se-
21 lect and the TRICARE dental program from—

22 (A) health benefit plans under chapter 89
23 of title 5, United States Code;

24 (B) employer-sponsored health insurance;

25 (C) private health insurance;

1 (D) insurance under a State health care
2 exchange; and

3 (E) the Medicaid program under title XIX
4 of the Social Security Act (42 U.S.C. 1396 et
5 seq.).

6 (2) New costs for the Department of Defense to
7 enroll in TRICARE Reserve Select and the
8 TRICARE dental program members of the Selected
9 Reserve of the Ready Reserve of a reserve compo-
10 nent of the Armed Forces who were previously unin-
11 sured.

12 (3) The resources needed to implement
13 TRICARE Reserve Select and the TRICARE dental
14 program for all such members, the dependents there-
15 of, and the non-dependent children thereof under the
16 age of 26.

17 (4) Cost-savings, if any, resulting from the ex-
18 pansion of TRICARE Reserve Select and the
19 TRICARE dental program with regard to increased
20 training days performed in support of mass medical
21 events during battle assemblies of the reserve com-
22 ponents, including an assessment of the impact of
23 such expansion on—

24 (A) medical readiness;

25 (B) overall deployability rates;

1 (C) deployability timelines;

2 (D) fallout rates at mobilization sites;

3 (E) cross-leveling of members of the re-
4 serve components to backfill medical fallouts at
5 mobilization sites; and

6 (F) any other readiness metrics affected by
7 such expansion.

8 (5) Any effect of such expansion on recruitment
9 and retention of members of the Armed Forces, in-
10 cluding members of the Ready Reserve of the reserve
11 components of the Armed Forces.

12 (6) Cost-savings, if any, in contracts that imple-
13 ment the Reserve Health Readiness Program of the
14 Department of Defense.

15 (c) DETERMINATION OF COST EFFECTS.—If the Sec-
16 retary conducts the study under subsection (a), the Sec-
17 retary shall include in such study an assessment of the
18 potential cost effects to the budget of the Department of
19 Defense for scenarios of expanded eligibility for
20 TRICARE Reserve Select and the TRICARE dental pro-
21 gram as follows:

22 (1) Premium free for members of the Selected
23 Reserve of the Ready Reserve of a reserve compo-
24 nent of the Armed Forces, the dependents thereof,

1 and the non-dependent children thereof under the
2 age of 26.

3 (2) Premium free for such members and sub-
4 sidized premiums for such dependents and non-de-
5 pendent children.

6 (3) Subsidized premiums for such members, de-
7 pendants, and non-dependent children.

8 (d) USE OF A FEDERALLY FUNDED RESEARCH AND
9 DEVELOPMENT CENTER.—The Secretary may enter into
10 a contract with a federally funded research and develop-
11 ment center the Secretary determines is qualified and ap-
12 propriate to conduct the study under subsection (a).

13 (e) BRIEFING; REPORT.—

14 (1) BRIEFING.—If the Secretary conducts the
15 study under subsection (a), not later than one year
16 after the date of the enactment of this Act, the Sec-
17 retary shall provide to the Committees on Armed
18 Services of the Senate and the House of Representa-
19 tives a briefing on the methodology and approach of
20 the study.

21 (2) REPORT.—If the Secretary conducts the
22 study under subsection (a), not later than two years
23 after the date of the enactment of this Act, the Sec-
24 retary shall submit to the Committees on Armed

1 Services of the Senate and the House of Representa-
2 tives a report on the results of the study.

3 (f) DEFINITIONS.—In this section:

4 (1) The term “TRICARE dental program”
5 means dental benefits under section 1076a of title
6 10, United States Code.

7 (2) The term “TRICARE Reserve Select”
8 means health benefits under section 1076d of such
9 title.

10 **SEC. 708. GAO STUDY ON CERTAIN CONTRACTS RELATING**
11 **TO TRICARE PROGRAM AND OVERSIGHT OF**
12 **SUCH CONTRACTS.**

13 (a) STUDY.—The Comptroller General of the United
14 States shall conduct a study on certain contracts relating
15 to the TRICARE program and the oversight provided by
16 the Director of the Defense Health Agency with respect
17 to such contracts.

18 (b) MATTERS.—The study under subsection (a) shall
19 include an assessment of the following:

20 (1) TRICARE MANAGED CARE SUPPORT CON-
21 TRACTS.—With respect to TRICARE managed care
22 support contracts (including the TRICARE man-
23 aged care support contract for which the Director of
24 the Defense Health Agency published a request for
25 proposals on April 15, 2021, commonly referred to

1 as “T-5”), the process used in awarding such con-
2 tracts.

3 (2) OTHER CONTRACTS.—With respect to each
4 contract relating to the TRICARE program other
5 than a contract specified in paragraph (1) entered
6 into by the Director of the Defense Health Agency
7 during the period beginning on October 1, 2017, and
8 ending on September 30, 2022, where the value of
9 such contract is greater than \$500,000,000, the fol-
10 lowing:

11 (A) The total number of such contracts,
12 disaggregated by fiscal year, contract type, type
13 of product or service procured, and total ex-
14 penditure under each such contract by fiscal
15 year.

16 (B) The total number of bid protests filed
17 with respect to such contracts, and the outcome
18 of such protests.

19 (C) The total number of such contracts
20 awarded through means other than full and
21 open competition.

22 (3) DEFENSE HEALTH AGENCY CONTRACT
23 OVERSIGHT.—With respect to the period beginning
24 on October 1, 2017, and ending on September 30,
25 2022, the following:

1 (A) The staff of the Defense Health Agen-
2 cy responsible for performing oversight of the
3 contracts specified in paragraphs (1) and (2),
4 including the following:

5 (i) The number of such staff.

6 (ii) Any professional training require-
7 ments for such staff.

8 (iii) Any acquisition certifications or
9 accreditations held by such staff.

10 (B) Any office or other element of the De-
11 fense Health Agency responsible for contract
12 award, administration, or oversight with respect
13 to the TRICARE program, including the orga-
14 nizational structure, responsibilities, authorities,
15 and key roles of each such office or element.

16 (C) The process used by the Director of
17 the Defense Health Agency for determining
18 staffing needs and competencies relating to con-
19 tract award, administration, or oversight with
20 respect to the TRICARE program.

21 (c) INTERIM BRIEFING; REPORT.—

22 (1) INTERIM BRIEFING.—Not later than one
23 year after the date of the enactment of this Act, the
24 Comptroller General shall provide to the Committees
25 on Armed Services of the House of Representatives

1 and the Senate an interim briefing on the study
2 under subsection (a).

3 (2) REPORT.—Not later than two years after
4 the date of the enactment of this Act, the Comp-
5 troller General shall submit to the Committees on
6 Armed Services of the House of Representatives and
7 the Senate a report containing the results of the
8 study under subsection (a).

9 **SEC. 709. GAO STUDY ON COVERAGE OF MENTAL HEALTH**
10 **SERVICES UNDER TRICARE PROGRAM AND**
11 **RELATIONSHIP TO CERTAIN MENTAL**
12 **HEALTH PARITY LAWS.**

13 (a) STUDY AND REPORT REQUIRED.—Not later than
14 one year after the date of the enactment of this Act, the
15 Comptroller General of the United States shall—

16 (1) conduct a study to describe—

17 (A) coverage of mental health services
18 under the TRICARE program;

19 (B) any limits on such coverage that are
20 not also imposed on health services other than
21 mental health services under the TRICARE
22 program; and

23 (C) the efforts of the Department of De-
24 fense to align coverage of mental health services
25 under the TRICARE program with coverage re-

1 requirements under mental health parity laws;
2 and

3 (2) submit to the Secretary of Defense, the con-
4 gressional defense committees, and (with respect to
5 any findings concerning the Coast Guard when it is
6 not operating as a service in the Department of the
7 Navy), the Secretary of Homeland Security, the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives, and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate a report containing the findings of such study.

12 (b) DEFINITIONS.—In this section:

13 (1) The term “mental health parity laws”
14 means—

15 (A) section 2726 of the Public Health
16 Service Act (42 U.S.C. 300gg–26);

17 (B) section 712 of the Employee Retirement
18 Income Security Act of 1974 (29 U.S.C.
19 1185a);

20 (C) section 9812 of the Internal Revenue
21 Code of 1986 (26 U.S.C. 9812); or

22 (D) any other Federal law that applies the
23 requirements under any of the sections de-
24 scribed in subparagraph (A), (B), or (C), or re-
25 quirements that are substantially similar to

1 those provided under any such section, as deter-
2 mined by the Comptroller General.

3 (2) The term “TRICARE program” has the
4 meaning given such term in section 1072 of title 10,
5 United States Code.

6 **Subtitle B—Health Care** 7 **Administration**

8 **SEC. 711. ACCOUNTABILITY FOR WOUNDED WARRIORS UN-** 9 **DERGOING DISABILITY EVALUATION.**

10 (a) **POLICY.**—Not later than April 1, 2023, the Sec-
11 retary of Defense, in consultation with the Secretaries
12 concerned, shall establish a policy to ensure accountability
13 for actions taken under the authorities of the Defense
14 Health Agency and the Armed Forces, respectively, con-
15 cerning wounded, ill, and injured members of the Armed
16 Forces during the integrated disability evaluation system
17 process. Such policy shall include the following:

18 (1) A restatement of the requirement that, in
19 accordance with section 1216(b) of title 10, United
20 States Code, a determination of fitness for duty of
21 a member of the Armed Forces under chapter 61 of
22 title 10, United States Code, is the responsibility of
23 the Secretary concerned.

24 (2) A description of the role of the Director of
25 the Defense Health Agency in supporting the Secre-

1 taries concerned in carrying out determinations of
2 fitness for duty as specified in paragraph (1).

3 (3) A description of how the medical evaluation
4 board processes of the Armed Forces are integrated
5 with the Defense Health Agency, including with re-
6 spect to case management, appointments, and other
7 relevant matters.

8 (4) A requirement that, in determining fitness
9 for duty of a member of the Armed Forces under
10 chapter 61 of title 10, United States Code, the Sec-
11 retary concerned shall consider the results of any
12 medical evaluation of the member provided under
13 the authority of the Defense Health Agency pursu-
14 ant to section 1073c of title 10, United States Code.

15 (5) A description of how the Director of the De-
16 fense Health Agency adheres to the medical evalua-
17 tion processes of the Armed Forces, including an
18 identification of each applicable regulation or policy
19 to which the Director is required to so adhere.

20 (6) An assessment of the feasibility of affording
21 various additional due process protections to mem-
22 bers of the Armed Forces undergoing the medical
23 evaluation board process.

24 (7) A restatement of the requirement that
25 wounded, ill, and injured members of the Armed

1 Forces may not be denied any due process protection
2 afforded under applicable law or regulation of the
3 Department of Defense or the Armed Forces.

4 (8) A description of the types of due process
5 protections specified in paragraph (7), including an
6 identification of each specific due process protection.

7 (b) CLARIFICATION OF RESPONSIBILITIES REGARD-
8 ING MEDICAL EVALUATION BOARDS.—Section 1073c of
9 title 10, United States Code, is amended—

10 (1) by redesignating subsection (h) as sub-
11 section (i); and

12 (2) by inserting after subsection (g) the fol-
13 lowing new subsection (h):

14 “(h) RULE OF CONSTRUCTION REGARDING SECRE-
15 TARIES CONCERNED AND MEDICAL EVALUATION
16 BOARDS.—Nothing in this section shall be construed as
17 transferring to the Director of the Defense Health Agency,
18 or otherwise revoking, any authority or responsibility of
19 the Secretary concerned under chapter 61 of this title with
20 respect to a member of the armed forces (including with
21 respect to the administration of morale and welfare and
22 the determination of fitness for duty for the member)
23 while the member is being considered by a medical evalua-
24 tion board.”.

1 (c) BRIEFING.—Not later than February 1, 2023, the
2 Secretary of Defense shall provide to the Committees on
3 Armed Services of the House of Representatives and the
4 Senate a briefing on the status of the implementation of
5 subsections (a) and (b).

6 (d) REPORT.—Not later than one year after the date
7 of the enactment of this Act, the Secretary of Defense
8 shall submit to the Committees on Armed Services of the
9 House of Representatives and the Senate a report on the
10 implementation of subsections (a) and (b), lessons learned
11 as a result of such implementation, and the recommenda-
12 tions of the Secretary relating to the policy on wounded,
13 ill, and injured members of the Armed Forces undergoing
14 the integrated disability evaluation system process.

15 (e) SECRETARY CONCERNED DEFINED.—In this sec-
16 tion, the term “Secretary concerned” has the meaning
17 given that term in section 101 of title 10, United States
18 Code.

19 **SEC. 712. INCLUSION OF LEVEL THREE TRAUMA CARE CA-**
20 **PABILITIES IN REQUIREMENTS FOR MEDICAL**
21 **CENTERS.**

22 Section 1073d(b)(3) of title 10, United States Code,
23 is amended by striking “or level two” and inserting “, level
24 two, or level three”.

1 **SEC. 713. CENTERS OF EXCELLENCE FOR SPECIALTY CARE**
2 **IN MILITARY HEALTH SYSTEM.**

3 (a) CENTERS OF EXCELLENCE.—Section
4 1073d(b)(4) of title 10, United States Code, is amended
5 to read as follows:

6 “(4)(A) The Secretary shall designate certain major
7 medical centers as regional centers of excellence for the
8 provision of specialty care services in the areas of specialty
9 care described in subparagraph (D). A major medical cen-
10 ter may be designated as a center of excellence under this
11 subparagraph for more than one such area of specialty
12 care.

13 “(B) The Secretary may designate certain medical
14 centers as satellite centers of excellence for the provision
15 of specialty care services for specific conditions, such as
16 the following:

17 “(i) Post-traumatic stress.

18 “(ii) Traumatic brain injury.

19 “(iii) Such other conditions as the Secretary de-
20 termines appropriate.

21 “(C) Centers of excellence designated under this
22 paragraph shall serve the purposes of—

23 “(i) ensuring the military medical force readi-
24 ness of the Department of Defense and the medical
25 readiness of the armed forces;

1 “(ii) improving the quality of health care fur-
2 nished by the Secretary to eligible beneficiaries; and

3 “(iii) improving health outcomes for eligible
4 beneficiaries.

5 “(D) The areas of specialty care described in this
6 subparagraph are as follows:

7 “(i) Oncology.

8 “(ii) Burn injuries and wound care.

9 “(iii) Rehabilitation medicine.

10 “(iv) Psychological health and traumatic brain
11 injury.

12 “(v) Amputations and prosthetics.

13 “(vi) Neurosurgery.

14 “(vii) Orthopedic care.

15 “(viii) Substance abuse.

16 “(ix) Infectious diseases and preventive medi-
17 cine.

18 “(x) Cardiothoracic surgery.

19 “(xi) Such other areas of specialty care as the
20 Secretary determines appropriate.

21 “(E)(i) Centers of excellence designated under this
22 paragraph shall be the primary source within the military
23 health system for the receipt by eligible beneficiaries of
24 specialty care.

1 “(ii) Eligible beneficiaries seeking a specialty care
2 service through the military health system shall be re-
3 ferred to a center of excellence designated under subpara-
4 graph (A) for that area of specialty care or, if the specialty
5 care service sought is unavailable at such center, to an
6 appropriate specialty care provider in the private sector.

7 “(F) Not later than 90 days prior to the designation
8 of a center of excellence under this paragraph, the Sec-
9 retary shall notify the Committees on Armed Services of
10 the House of Representatives and the Senate of such des-
11 ignation.

12 “(G) In this paragraph, the term ‘eligible beneficiary’
13 means any beneficiary under this chapter.”.

14 (b) DEADLINE.—The Secretary of Defense shall des-
15 ignate certain major medical centers as regional centers
16 of excellence in accordance with section 1073d(b)(4)(A) of
17 title 10, United States Code, as added by subsection (a),
18 by not later than one year after the date of the enactment
19 of this Act.

20 (c) REPORT.—

21 (1) SUBMISSION.—Not later than 180 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall submit to the Committees on
24 Armed Services of the House of Representatives and
25 the Senate a report that sets forth the plan of the

1 Department of Defense to designate centers of excel-
2 lence under section 1073d(b)(4) of title 10, United
3 States Code, as added by subsection (a).

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

6 (A) A list of the centers of excellence to be
7 designated under such section 1073d(b)(4) and
8 the locations of such centers.

9 (B) A description of the specialty care
10 services to be provided at each such center and
11 a staffing plan for each such center.

12 (C) A description of how each such center
13 shall improve—

14 (i) the military medical force readi-
15 ness of the Department and the medical
16 readiness of the Armed Forces;

17 (ii) the quality of care received by eli-
18 gible beneficiaries; and

19 (iii) the health outcomes of eligible
20 beneficiaries.

21 (D) A comprehensive plan for the referral
22 of eligible beneficiaries for specialty care serv-
23 ices at centers of excellence designated under
24 such section 1073d(b)(4) and appropriate spe-
25 cialty care providers in the private sector.

1 (E) A plan to assist eligible beneficiaries
2 with travel and lodging, if necessary, in connec-
3 tion with the receipt of specialty care services at
4 centers of excellence designated under such sec-
5 tion 1073d(b)(4) or appropriate specialty care
6 providers in the private sector.

7 (F) A plan to transfer specialty care pro-
8 viders of the Department to centers of excel-
9 lence designated under such section
10 1073d(b)(4), in a number as determined by the
11 Secretary to be required to provide specialty
12 care services to eligible beneficiaries at such
13 centers.

14 (G) A plan to monitor access to care, bene-
15 ficiary satisfaction, experience of care, and clin-
16 ical outcomes to understand better the impact
17 of such centers on the health care of eligible
18 beneficiaries.

19 (d) ELIGIBLE BENEFICIARY DEFINED.—In this sec-
20 tion, the term “eligible beneficiary” means any beneficiary
21 under chapter 55 of title 10, United States Code.

1 **SEC. 714. MAINTENANCE OF CORE CASUALTY RECEIVING**
2 **FACILITIES TO IMPROVE MEDICAL FORCE**
3 **READINESS.**

4 (a) IN GENERAL.—Section 1073d(b) of title 10,
5 United States Code, as amended by section 713, is further
6 amended by adding at the end the following new para-
7 graph:

8 “(5)(A) The Secretary of Defense shall designate and
9 maintain certain military medical treatment facilities as
10 core casualty receiving facilities, to ensure the medical ca-
11 pability and capacity required to diagnose, treat, and reha-
12 bilitate large volumes of combat casualties and, as may
13 be directed by the President or the Secretary, provide a
14 medical response to events the President determines or de-
15 clares as natural disasters, mass casualty events, or other
16 national emergencies.

17 “(B) The Secretary shall ensure that the military
18 medical treatment facilities selected for designation pursu-
19 ant to subparagraph (A) are geographically located to fa-
20 cilitate the aeromedical evacuation of casualties from thea-
21 ters of operations.

22 “(C) The Secretary—

23 “(i) shall ensure that the Secretaries of the
24 military departments assign military personnel to
25 core casualty receiving facilities designated under
26 subparagraph (A) at not less than 90 percent of the

1 staffing level required to maintain the operating bed
2 capacity necessary to support operation planning re-
3 quirements;

4 “(ii) may augment the staffing of military per-
5 sonnel at core casualty receiving facilities under sub-
6 paragraph (A) with civilian employees of the Depart-
7 ment of Defense to fulfil the staffing requirement
8 under clause (i); and

9 “(iii) shall ensure that each core casualty re-
10 ceiving facility under subparagraph (A) is staffed
11 with a civilian Chief Financial Officer and a civilian
12 Chief Operating Officer with experience in the man-
13 agement of civilian hospital systems, for the purpose
14 of ensuring continuity in the management of the fa-
15 cility.

16 “(D) In this paragraph:

17 “(i) The term ‘core casualty receiving facility’
18 means a Role 4 medical treatment facility that
19 serves as a medical hub for the receipt and treat-
20 ment of casualties, including civilian casualties, that
21 may result from combat or from an event the Presi-
22 dent determines or declares as a natural disaster,
23 mass casualty event, or other national emergency.

24 “(ii) The term ‘Role 4 medical treatment facil-
25 ity’ means a medical treatment facility that provides

1 the full range of preventative, curative, acute, con-
2 valescent, restorative, and rehabilitative care.”.

3 (b) **TIMELINE FOR ESTABLISHMENT.**—

4 (1) **DESIGNATION.**—Not later than October 1,
5 2024, the Secretary of Defense shall designate four
6 military medical treatment facilities as core casualty
7 receiving facilities under section 1073d(b)(5) of title
8 10, United States Code (as added by subsection (a)).

9 (2) **OPERATIONAL.**—Not later than October 1,
10 2025, the Secretary shall ensure that each such des-
11 ignated military medical treatment facility is fully
12 staffed and operational as a core casualty receiving
13 facility, in accordance with the requirements of such
14 section 1073d(b)(5).

15 **SEC. 715. CONGRESSIONAL NOTIFICATION REQUIREMENT**
16 **TO MODIFY SCOPE OF SERVICES PROVIDED**
17 **AT MILITARY MEDICAL TREATMENT FACILI-**
18 **TIES.**

19 Section 1073d of title 10, United States Code, as
20 amended by section 714, is further amended by adding
21 at the end the following new subsection:

22 “(f) **NOTIFICATION REQUIRED TO MODIFY SCOPE OF**
23 **SERVICES PROVIDED AT MILITARY MEDICAL TREATMENT**
24 **FACILITIES.**—(1) The Secretary of Defense may not mod-
25 ify the scope of medical care provided at a military medical

1 treatment facility, or the beneficiary population served at
2 the facility, unless—

3 “(A) the Secretary submits to the Committees
4 on Armed Services of the House of Representatives
5 and the Senate a notification of the proposed modi-
6 fication in scope;

7 “(B) a period of 180 days has elapsed following
8 the date on which the Secretary submits such notifi-
9 cation; and

10 “(C) if the proposed modification in scope in-
11 volves the termination or reduction of inpatient ca-
12 pabilities at a military medical treatment facility lo-
13 cated outside the United States, the Secretary has
14 provided to each member of the armed forces or cov-
15 ered beneficiary receiving services at such facility a
16 transition plan for the continuity of health care for
17 such member or covered beneficiary.

18 “(2) Each notification under paragraph (1) shall con-
19 tain information demonstrating, with respect to the mili-
20 tary medical treatment facility for which the modification
21 in scope has been proposed, the extent to which the com-
22 mander of the military installation at which the facility
23 is located has been consulted regarding such modification,
24 to ensure that the proposed modification in scope would

1 have no impact on the operational plan for such installa-
2 tion.”.

3 **SEC. 716. IMPROVEMENTS TO PROCESSES TO REDUCE FI-**
4 **NANCIAL HARM CAUSED TO CIVILIANS FOR**
5 **CARE PROVIDED AT MILITARY MEDICAL**
6 **TREATMENT FACILITIES.**

7 (a) CLARIFICATION OF FEE WAIVER PROCESS.—Sec-
8 tion 1079b of title 10, United States Code, is amended—

9 (1) by amending subsection (b) to read as fol-
10 lows:

11 “(b) WAIVER OF FEES.—The Director of the Defense
12 Health Agency may issue a waiver for a fee that would
13 otherwise be charged under the procedures implemented
14 under subsection (a) to a civilian provided medical care
15 who is not a covered beneficiary if the provision of such
16 care enhances the knowledge, skills, and abilities of health
17 care providers, as determined by the Director of the De-
18 fense Health Agency.”; and

19 (2) by redesignating subsection (c) as sub-
20 section (d).

21 (b) MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-
22 IANS.—Such section is further amended—

23 (1) by inserting after subsection (b), as amend-
24 ed by subsection (a), the following:

1 “(c) MODIFIED PAYMENT PLAN FOR CERTAIN CIVIL-
2 IANS.—(1)(A) If a civilian specified in subsection (a) is
3 covered by a covered payer at the time care under this
4 section is provided, the civilian shall only be responsible
5 to pay the standard copays, coinsurance, deductibles, or
6 nominal fees that are otherwise applicable under the cov-
7 ered payer plan.

8 “(B) Except with respect to the copays, coinsurance,
9 deductibles, and nominal fees specified in subparagraph
10 (A)—

11 “(i) the Secretary of Defense may bill only the
12 covered payer for care provided to a civilian de-
13 scribed in subparagraph (A); and

14 “(ii) payment received by the Secretary from
15 the covered payer of a civilian for care provided
16 under this section that is provided to the civilian
17 shall be considered payment in full for such care.

18 “(2) If a civilian specified in subsection (a) does not
19 meet the criteria under paragraph (1), is underinsured,
20 or has a remaining balance and is at risk of financial
21 harm, the Director of the Defense Health Agency shall
22 reduce each fee that would otherwise be charged to the
23 civilian under this section according to a sliding fee dis-
24 count program, as prescribed by the Director of the De-
25 fense Health Agency.

1 “(3) If a civilian specified in subsection (a) does not
2 meet the criteria under paragraph (1) or (2), the Director
3 of the Defense Health Agency shall implement an addi-
4 tional catastrophic waiver to prevent severe financial
5 harm.

6 “(4) The modified payment plan under this sub-
7 section may not be administered by a Federal agency other
8 than the Department of Defense.”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(e) DEFINITIONS.—In this section:

12 “(1) The term ‘covered payer’ means a third-
13 party payer or other insurance, medical service, or
14 health plan.

15 “(2) The terms ‘third-party payer’ and ‘insur-
16 ance, medical service, or health plan’ have the mean-
17 ing given those terms in section 1095(h) of this
18 title.”.

19 (c) APPLICABILITY.—The amendments made by sub-
20 sections (a) and (b) shall apply with respect to care pro-
21 vided on or after the date that is 180 days after the date
22 of the enactment of this Act.

1 **SEC. 717. AUTHORITY TO CARRY OUT STUDIES AND DEM-**
2 **ONSTRATION PROJECTS RELATING TO DE-**
3 **LIVERY OF HEALTH AND MEDICAL CARE**
4 **THROUGH USE OF OTHER TRANSACTION AU-**
5 **THORITY.**

6 (a) IN GENERAL.—Section 1092(b) of title 10,
7 United States Code, is amended by inserting “or trans-
8 actions (other than contracts, cooperative agreements, and
9 grants)” after “contracts”.

10 (b) BRIEFING.—Not later than 180 days after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall provide to the Committees on Armed Services of the
13 Senate and the House of Representatives a briefing on
14 how the Secretary intends to use the authority to enter
15 into transactions under section 1092(b) of title 10, United
16 States Code, as amended by subsection (a).

17 **SEC. 718. LICENSURE REQUIREMENT FOR CERTAIN**
18 **HEALTH-CARE PROFESSIONALS PROVIDING**
19 **SERVICES AS PART OF MISSION RELATING TO**
20 **EMERGENCY, HUMANITARIAN, OR REFUGEE**
21 **ASSISTANCE.**

22 Section 1094(d)(2) of title 10, United States Code,
23 is amended by inserting “ contractor not covered under
24 section 1091 of this title who is providing medical treat-
25 ment as part of a mission relating to emergency, humani-

1 tarian, or refugee assistance,” after “section 1091 of this
2 title,”.

3 **SEC. 719. AUTHORIZATION OF PERMANENT PROGRAM TO**
4 **IMPROVE OPIOID MANAGEMENT IN THE MILI-**
5 **TARY HEALTH SYSTEM.**

6 Section 716 of the John S. McCain National Defense
7 Authorization Act for Fiscal Year 2019 (Public Law 115–
8 232; 10 U.S.C. 1090 note), is amended—

9 (1) in subsection (a)(1), by striking “Beginning
10 not” and inserting “Except as provided in sub-
11 section (e), beginning not”;

12 (2) by redesignating subsection (e) as sub-
13 section (f); and

14 (3) by inserting after subsection (d) the fol-
15 lowing new subsection (e):

16 “(e) ALTERNATIVE INITIATIVE TO IMPROVE OPIOID
17 MANAGEMENT.—As an alternative to the pilot program
18 under this section, the Director of the Defense Health
19 Agency, not later than January 1, 2023—

20 “(1) may implement a permanent program to
21 improve opioid management for beneficiaries under
22 the TRICARE program; and

23 “(2) if the Director decides to implement such
24 a permanent program, shall submit to the Commit-
25 tees on Armed Services of the Senate and the House

1 of Representatives the specifications of and reasons
2 for implementing such program.”.

3 **SEC. 720. MODIFICATION OF REQUIREMENT TO TRANSFER**
4 **RESEARCH AND DEVELOPMENT AND PUBLIC**
5 **HEALTH FUNCTIONS TO DEFENSE HEALTH**
6 **AGENCY.**

7 (a) TEMPORARY RETENTION.—Notwithstanding sec-
8 tion 1073c(e) of title 10, United States Code, at the dis-
9 cretion of the Secretary of Defense, a military department
10 may retain, until not later than February 1, 2024, a cov-
11 ered function if the Secretary of Defense determines the
12 covered function—

13 (1) addresses a need that is unique to the mili-
14 tary department; and

15 (2) is in direct support of operating forces and
16 necessary to execute strategies relating to national
17 security and defense.

18 (b) BRIEFING.—

19 (1) IN GENERAL.—Not later than March 1,
20 2023, the Secretary of Defense shall provide to the
21 Committees on Armed Services of the House of Rep-
22 resentatives and the Senate a briefing on any cov-
23 ered function that the Secretary has determined
24 should be retained by a military department pursu-
25 ant to subsection (a).

1 (2) ELEMENTS.—The briefing required by
2 paragraph (1) shall address the following:

3 (A) A description of each covered function
4 that the Secretary has determined should be re-
5 tained by a military department pursuant to
6 subsection (a).

7 (B) The rationale for each such determina-
8 tion.

9 (C) Recommendations for amendments to
10 section 1073c of title 10, United States Code,
11 to authorize the ongoing retention of covered
12 functions by military departments.

13 (c) MODIFICATION TO NAMES OF PUBLIC HEALTH
14 COMMANDS.—Section 1073c(e)(2)(B) of title 10, United
15 States Code, is amended by striking “Army Public Health
16 Command, the Navy–Marine Corps Public Health Com-
17 mand” and inserting “Army Public Health Center, the
18 Navy–Marine Corps Public Health Center”.

19 (d) COVERED FUNCTION DEFINED.—In this section,
20 the term “covered function” means—

21 (1) a function relating to research and develop-
22 ment that would otherwise be transferred to the De-
23 fense Health Agency Research and Development
24 pursuant to section 1073c(e)(1) of title 10, United
25 States Code; or

1 (2) a function relating to public health that
2 would otherwise be transferred to the Defense
3 Health Agency Public Health pursuant to section
4 1073c(e)(2) of such title.

5 **SEC. 721. ACCESS TO CERTAIN DEPENDENT MEDICAL**
6 **RECORDS BY REMARRIED FORMER SPOUSES.**

7 (a) **ACCESS.**—The Secretary of Defense may author-
8 ize a remarried former spouse who is a custodial parent
9 of a dependent child to retain electronic access to the priv-
10 ileged medical records of such dependent child, notwith-
11 standing that the former spouse is no longer a dependent
12 under section 1072(2) of title 10, United States Code.

13 (b) **DEFINITIONS.**—In this section:

14 (1) The term “dependent” has the meaning
15 given that term in section 1072 of title 10, United
16 States Code.

17 (2) The term “dependent child” means a de-
18 pendent child of a remarried former spouse and a
19 member or former member of a uniformed service.

20 (3) The term “remarried former spouse” means
21 a remarried former spouse of a member or former
22 member of a uniformed service.

1 **SEC. 722. AUTHORITY FOR DEPARTMENT OF DEFENSE PRO-**
2 **GRAM TO PROMOTE EARLY LITERACY**
3 **AMONG CERTAIN YOUNG CHILDREN.**

4 (a) **AUTHORITY.**—The Secretary of Defense may
5 carry out a program to promote early literacy among
6 young children in child development centers and libraries
7 located on installations of the Department of Defense.

8 (b) **ACTIVITIES.**—Activities under the program under
9 subsection (a) shall include the following:

10 (1) The provision of training on early literacy
11 promotion to appropriate personnel of the Depart-
12 ment.

13 (2) The purchase and distribution of age-appro-
14 priate books to covered caregivers assigned to or
15 serving at an installation of the Department with a
16 child development center or library at which the Sec-
17 retary is carrying out the program.

18 (3) The dissemination to covered caregivers of
19 education materials on early literacy.

20 (4) Such other activities as the Secretary deter-
21 mines appropriate.

22 (c) **LOCATIONS.**—In carrying out the program under
23 subsection (a), the Secretary may conduct the activities
24 under subsection (b) at any child development center or
25 library located on an installation of the Department.

1 (d) BRIEFING.—Not later than one year after the
2 date of the enactment of this Act, the Secretary shall pro-
3 vide to the Committees on Armed Services of the House
4 of Representatives and the Senate a briefing on the extent
5 to which the authority under subsection (a) is used, in-
6 cluding—

7 (1) a description of any activities carried out
8 under the program so authorized; and

9 (2) an evaluation of the potential expansion of
10 such program to be included as a part of the pedi-
11 atric primary care of young children and to be car-
12 ried out in military medical treatment facilities.

13 (b) DEFINITIONS.—In this section:

14 (1) The term “covered caregiver” means a
15 member of the Armed Forces who is a caregiver of
16 a young child.

17 (2) The term “young child” means any child
18 from birth to the age of five years old, inclusive.

19 **SEC. 723. PLAN FOR ACCOUNTABLE CARE ORGANIZATION**
20 **DEMONSTRATION.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of De-
23 fense, acting through the Director of the Defense Health
24 Agency, shall submit to the Committees on Armed Serv-
25 ices of the House of Representatives and the Senate a plan

1 for the conduct of the Accountable Care Organization
2 demonstration, notice of which was published in the Fed-
3 eral Register on August 16, 2019 (84 Fed. Reg. 41974),
4 (in this section referred to as the “Demonstration”).

5 (b) ELEMENTS.—The plan under subsection (a) shall
6 include, the following:

7 (1) A description of how the Demonstration
8 shall be conducted to deliver improved health out-
9 comes, improved quality of care, and lower costs
10 under the TRICARE program.

11 (2) A description of the results for the
12 TRICARE program that the Secretary plans to
13 achieve through the Demonstration, with respect to
14 the following outcome measures:

15 (A) Clinical performance.

16 (B) Utilization improvement.

17 (C) Beneficiary engagement.

18 (D) Membership growth and retention.

19 (E) Case management.

20 (F) Continuity of care.

21 (G) Use of telehealth.

22 (3) A description of how the Demonstration
23 shall be conducted to shift financial risk from the
24 Department of Defense to civilian health care pro-
25 viders.

1 (4) A description of how investment in the
2 Demonstration shall serve as a bridge to future com-
3 petitive demonstrations of the Department of De-
4 fense with accountable care organizations.

5 (5) A detailed description of the geographic lo-
6 cations at which the Secretary plans to conduct such
7 future competitive demonstrations.

8 (6) A description of how a third-party adminis-
9 trator shall manage the administrative components
10 of the Demonstration, including with respect to eligi-
11 bility, enrollment, premium payment processes, sub-
12 mission of qualifying life events changes, and mail-
13 ing address changes.

14 (c) TRICARE PROGRAM DEFINED.—In this section,
15 the term “TRICARE program” has the meaning given
16 that term in section 1072 of title 10, United States Code.

17 **SEC. 724. FEASIBILITY STUDY AND PLAN ON ESTABLISHING**
18 **A MILITARY HEALTH SYSTEM MEDICAL LO-**
19 **GISTICS DIRECTORATE AND MILITARY**
20 **HEALTH SYSTEM EDUCATION AND TRAINING**
21 **DIRECTORATE.**

22 (a) STUDY AND PLAN.—The Secretary of Defense,
23 in consultation with the Secretaries of the military depart-
24 ments and the Joint Chiefs of Staff, shall—

1 (1) conduct a study on the feasibility of the es-
2 tablishment within the Defense Health Agency of
3 two subordinate organizations, to be known as the
4 Military Health System Medical Logistics Direc-
5 torate and the Military Health System Education
6 and Training Directorate, respectively; and

7 (2) develop a plan for such establishment.

8 (b) ELEMENTS.—The plan under subsection (a)(2)
9 shall include the following:

10 (1) MILITARY HEALTH SYSTEM MEDICAL LO-
11 GISTICS DIRECTORATE.—With respect to the Mili-
12 tary Health System Medical Logistics Directorate,
13 the following:

14 (A) A description of the organizational
15 structure of the Directorate (including any sub-
16 ordinate organizations), including the incorpo-
17 ration into the Directorate of existing organiza-
18 tions of the military departments that provide
19 operational theater medical materiel support.

20 (B) A description of the resourcing by the
21 Secretary of the executive leadership of the Di-
22 rectorate.

23 (C) A description of the geographic loca-
24 tion, or multiple such locations, of the elements
25 of the Directorate.

1 (D) A description of how the head of the
2 medical research and development organization
3 within the Defense Health Agency shall coordi-
4 nate with the Directorate.

5 (E) A description of the ability of the Di-
6 rectorate to address the medical logistics re-
7 quirements of the military departments, the
8 combatant commands, and the Joint Staff.

9 (F) A description of any additional funding
10 required to establish the Directorate.

11 (G) A description of any additional legisla-
12 tive authorities required to establish the Direc-
13 torate, including any such authorities required
14 for the leadership and direction of the Direc-
15 torate.

16 (H) A description of any military depart-
17 ment-specific capabilities, requirements, or best
18 practices relating to medical logistics necessary
19 to be considered prior to the establishment of
20 the Directorate.

21 (I) Such other matters relating to the es-
22 tablishment, operations, or activities of the Di-
23 rectorate as the Secretary may determine ap-
24 propriate.

1 (2) MILITARY HEALTH SYSTEM EDUCATION
2 AND TRAINING DIRECTORATE.—With respect to the
3 Military Health System Education and Training Di-
4 rectorate, the following:

5 (A) A description of the organizational
6 structure of the Directorate (including any sub-
7 ordinate organizations), including the incorpo-
8 ration into the Directorate of existing organiza-
9 tions that provide relevant medical education
10 and training, such as the following:

11 (i) The Uniformed Services University
12 of the Health Sciences.

13 (ii) The College of Allied Health
14 Sciences of the Uniformed Services Univer-
15 sity of the Health Sciences.

16 (iii) The Medical Education and
17 Training Campus of the Department of
18 Defense.

19 (iv) The medical education and train-
20 ing commands and organizations of the
21 military departments.

22 (v) The medical training programs of
23 the military departments affiliated with ci-
24 vilian academic institutions.

1 (B) A description of the resourcing by the
2 Secretary of the executive leadership of the Di-
3 rectorate.

4 (C) A description of the geographic loca-
5 tion, or multiple such locations, of the elements
6 of the Directorate.

7 (D) A description of the ability of the Di-
8 rectorate to address the medical education and
9 training requirements of the military depart-
10 ments.

11 (E) A description of any additional funding
12 required for the establishment the Directorate.

13 (F) A description of any additional legisla-
14 tive authorities required for the establishment
15 of the Directorate, including any such authori-
16 ties required for the leadership and direction of
17 the Directorate.

18 (G) Such other matters relating to the es-
19 tablishment, operations, or activities of the Di-
20 rectorate as the Secretary may determine ap-
21 propriate.

22 (c) SUBMISSION.—Not later than one year after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall submit to the Committees on Armed Services of the
25 House of Representatives and the Senate—

- 1 (1) the results of the study under subsection
2 (a)(1); and
3 (2) the plan under subsection (a)(2).

4 **Subtitle C—Reports and Other** 5 **Matters**

6 **SEC. 731. BRIEFING AND REPORT ON REDUCTION OR RE-** 7 **ALIGNMENT OF MILITARY MEDICAL MAN-** 8 **NING AND MEDICAL BILLETS.**

9 Section 731(a)(2)(A) of the National Defense Au-
10 thorization Act for Fiscal Year 2022 (Public Law 117–
11 81; 135 Stat. 1796) is amended to read as follows:

12 “(A) BRIEFING; REPORT.—The Comp-
13 troller General of the United States shall—

14 “(i) not later than February 1, 2023,
15 provide to the Committees on Armed Serv-
16 ices of the House of Representatives and
17 the Senate a briefing on preliminary obser-
18 vations regarding the analyses used to sup-
19 port any reduction or realignment of mili-
20 tary medical manning, including any re-
21 duction or realignment of medical billets of
22 the military departments; and

23 “(ii) not later than May 31, 2023,
24 submit to the Committees on Armed Serv-

1 ices of the House of Representatives and
2 the Senate a report on such analyses.”.

3 **SEC. 732. INDEPENDENT ANALYSIS OF DEPARTMENT OF**
4 **DEFENSE COMPREHENSIVE AUTISM CARE**
5 **DEMONSTRATION PROGRAM.**

6 Section 737 of the National Defense Authorization
7 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
8 1800) is amended—

9 (1) in subsection (b)(2)—

10 (A) in subparagraph (A)—

11 (i) by inserting “broadly” after “dis-
12 order”; and

13 (ii) by striking “demonstration
14 project” and inserting “demonstration pro-
15 gram”;

16 (B) in subparagraph (B), by striking
17 “demonstration project” and inserting “dem-
18 onstration program”;

19 (C) in subparagraph (C), by inserting “pa-
20 rental involvement in applied behavioral anal-
21 ysis treatment, and” after “including”;

22 (D) in subparagraph (D), by striking “for
23 an individual who has” and inserting “, includ-
24 ing mental health outcomes, for individuals who
25 have”;

1 (E) in subparagraph (E), by inserting
2 “since its inception” after “demonstration pro-
3 gram”;

4 (F) in subparagraph (F), by inserting
5 “cost effectiveness, program effectiveness, and
6 clinical” after “measure the”;

7 (G) in subparagraph (G), by inserting
8 “than in the general population” after “fami-
9 lies”;

10 (H) by redesignating subparagraph (H) as
11 subparagraph (I); and

12 (I) by inserting after subparagraph (G) the
13 following new subparagraph (H):

14 “(H) An analysis of whether the diagnosis
15 and treatment of autism is higher among the
16 children of military families than in the general
17 population.”; and

18 (2) in subsection (c), in the matter preceding
19 paragraph (1), by striking “nine” and inserting
20 “31”.

1 **SEC. 733. CLARIFICATION OF MEMBERSHIP REQUIRE-**
2 **MENTS AND COMPENSATION AUTHORITY FOR**
3 **INDEPENDENT SUICIDE PREVENTION AND**
4 **RESPONSE REVIEW COMMITTEE.**

5 Section 738 of the National Defense Authorization
6 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
7 1801) is amended—

8 (1) in subsection (b)(3), by striking “none of
9 whom may be” and all that follows through the clos-
10 ing period and inserting “none of whom may be—
11 ”

12 “(A) a member of an Armed Force; or
13 “(B) a civilian employee of the Depart-
14 ment of Defense, unless the individual is a
15 former member of an Armed Force.”.

16 (2) by redesignating subsections (f) through (h)
17 as subsections (g) through (i), respectively; and

18 (3) by inserting after subsection (e) the fol-
19 lowing new subsection (f):

20 “(f) COMPENSATION.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), the Secretary may compensate members
23 of the committee established under subsection (a)
24 for the work of such members for the committee.

25 “(2) EXCEPTION.—A member of the committee
26 established under subsection (a) who is a civilian

1 employee of the Department of Defense and a
2 former member of an Armed Force may not receive
3 compensation under paragraph (1).

4 “(3) TREATMENT OF COMPENSATION.—A mem-
5 ber of the committee established under subsection
6 (a) who receives compensation under paragraph (1)
7 shall not be considered a civilian employee of the
8 Department of Defense for purposes of subsection
9 (b)(3)(B).”.

10 **SEC. 734. TERMINATION OF VETERANS’ ADVISORY BOARD**
11 **ON RADIATION DOSE RECONSTRUCTION.**

12 Section 601 of the Veterans Benefit Act of 2003
13 (Public Law 108–183; 38 U.S.C. 1154 note) is amend-
14 ed—

15 (1) in subsection (b), by striking “, including
16 the establishment of the advisory board required by
17 subsection (c)”; and

18 (2) by striking subsection (c).

19 **SEC. 735. BRAIN HEALTH INITIATIVE OF DEPARTMENT OF**
20 **DEFENSE.**

21 (a) IN GENERAL.—The Secretary of Defense, in con-
22 sultation with the Secretaries concerned, shall establish a
23 comprehensive initiative for brain health to be known as
24 the “Warfighter Brain Health Initiative” (in this section
25 referred to as the “Initiative”) for the purpose of unifying

1 efforts and programs across the Department of Defense
2 to improve the cognitive performance and brain health of
3 members of the Armed Forces.

4 (b) OBJECTIVES.—The objectives of the Initiative
5 shall be the following:

6 (1) To enhance, maintain, and restore the cog-
7 nitive performance of members of the Armed Forces
8 through education, training, prevention, protection,
9 monitoring, detection, diagnosis, treatment, and re-
10 habilitation, including through the following activi-
11 ties:

12 (A) The establishment of a program to
13 monitor cognitive brain health across the De-
14 partment of Defense, with the goal of detecting
15 any need for cognitive enhancement or restora-
16 tion resulting from potential brain exposures of
17 members of Armed Forces, to mitigate possible
18 evolution of injury or disease progression.

19 (B) The identification and dissemination of
20 thresholds for blast pressure safety and associ-
21 ated emerging scientific evidence.

22 (C) The modification of high-risk training
23 and operational activities to mitigate the nega-
24 tive effects of repetitive blast exposure.

1 (D) The identification of individuals who
2 perform high-risk training or occupational ac-
3 tivities, for purposes of increased monitoring of
4 the brain health of such individuals.

5 (E) The development and operational field-
6 ing of non-invasive, portable, point-of-care med-
7 ical devices, to inform the diagnosis and treat-
8 ment of traumatic brain injury.

9 (F) The establishment of a standardized
10 monitoring program that documents and ana-
11 lyzes blast exposures that may affect the brain
12 health of members of the Armed Forces.

13 (G) The consideration of the findings and
14 recommendations of the report of the National
15 Academies of Science, Engineering, and Medi-
16 cine titled “Traumatic Brain Injury: A Road-
17 map for Accelerating Progress” and published
18 in 2022 (relating to the acceleration of progress
19 in traumatic brain injury research and care), or
20 any successor report, in relation to the activities
21 of the Department relating to brain health, as
22 applicable.

23 (2) To harmonize and prioritize the efforts of
24 the Department of Defense into a single approach to
25 brain health.

1 (c) ANNUAL BUDGET JUSTIFICATION DOCU-
2 MENTS.—In the budget justification materials submitted
3 to Congress in support of the Department of Defense
4 budget for each of fiscal years 2025 through 2029 (as sub-
5 mitted with the budget of the President under section
6 1105(a) of title 31, United States Code), the Secretary
7 of Defense shall include a budget justification display that
8 includes all activities of the Department relating to the
9 Initiative.

10 (d) PILOT PROGRAM RELATING TO MONITORING OF
11 BLAST COVERAGE.—

12 (1) AUTHORITY.—The Director of the Defense
13 Health Agency may conduct, as part of the Initia-
14 tive, a pilot program under which the Director shall
15 monitor blast overpressure exposure through the use
16 of commercially available, off-the-shelf, wearable sen-
17 sors, and document and evaluate data collected as a
18 result of such monitoring.

19 (2) LOCATIONS.—Monitoring activities under a
20 pilot program conducted pursuant to paragraph (1)
21 shall be carried out in each training environment
22 that the Director determines poses a risk for blast
23 overpressure exposure.

1 (3) DOCUMENTATION AND SHARING OF
2 DATA.—If the Director conducts a pilot program
3 pursuant to paragraph (1), the Director shall—

4 (A) ensure that any data collected pursu-
5 ant to such pilot program that is related to the
6 health effects of the blast overpressure exposure
7 of a member of the Armed Forces who partici-
8 pated in the pilot program is documented and
9 maintained by the Secretary of Defense in an
10 electronic health record for the member; and

11 (B) to the extent practicable, and in ac-
12 cordance with applicable provisions of law relat-
13 ing to data privacy, make data collected pursu-
14 ant to such pilot program available to other
15 academic and medical researchers for the pur-
16 pose of informing future research and treat-
17 ment options.

18 (e) STRATEGY AND IMPLEMENTATION PLAN.—Not
19 later than one year after the date of the enactment of this
20 Act, the Secretary of Defense shall submit to the Commit-
21 tees on Armed Services of the House of Representatives
22 and the Senate a report setting forth a strategy and imple-
23 mentation plan of the Department of Defense to achieve
24 the objectives of the Initiative under subsection (b).

1 (f) ANNUAL BRIEFINGS.—Not later than January
2 31, 2024, and annually thereafter until January 31, 2027,
3 the Secretary of Defense shall provide to the Committees
4 on Armed Services of the House of Representatives and
5 the Senate a report on the Initiative that includes the fol-
6 lowing:

7 (1) A description of the activities taken under
8 the Initiative and resources expended under the Ini-
9 tiative during the prior fiscal year.

10 (2) A summary of the progress made during the
11 prior fiscal year with respect to the objectives of the
12 Initiative under subsection (b).

13 (g) SECRETARY CONCERNED DEFINED.—In this sec-
14 tion, the term “Secretary concerned” has the meaning
15 given that term in section 101 of title 10, United States
16 Code.

17 **SEC. 736. ESTABLISHMENT OF PARTNERSHIP PROGRAM BE-**
18 **TWEEN UNITED STATES AND UKRAINE FOR**
19 **MILITARY TRAUMA CARE AND RESEARCH.**

20 Not later than February 24, 2023, the Secretary of
21 Defense shall seek to enter into a partnership with the
22 appropriate counterpart from the Government of Ukraine
23 for the establishment of a joint program on military trau-
24 ma care and research. Such program shall consist of the
25 following:

1 (1) The sharing of relevant lessons learned
2 from the Russo-Ukraine War.

3 (2) The conduct of relevant joint conferences
4 and exchanges with military medical professionals
5 from Ukraine and the United States.

6 (3) Collaboration with the armed forces of
7 Ukraine on matters relating to health policy, health
8 administration, and medical supplies and equipment,
9 including through knowledge exchanges.

10 (4) The conduct of joint research and develop-
11 ment on the health effects of new and emerging
12 weapons.

13 (5) The entrance into agreements with military
14 medical schools of Ukraine for reciprocal education
15 programs under which students at the Uniformed
16 Services University of the Health Sciences receive
17 specialized military medical instruction at the such
18 military medical schools of Ukraine and military
19 medical personnel of Ukraine receive specialized
20 military medical instruction at the Uniformed Serv-
21 ices University of the Health Sciences, pursuant to
22 section 2114(f) of title 10, United States Code.

23 (6) The provision of support to Ukraine for the
24 purpose of facilitating the establishment in Ukraine

1 of a program substantially similar to the Wounded
2 Warrior Program in the United States.

3 (7) The provision of training to the armed
4 forces of Ukraine in the following areas:

5 (A) Health matters relating to chemical,
6 biological, radiological, nuclear and explosive
7 weapons.

8 (B) Preventive medicine and infectious dis-
9 ease.

10 (C) Post traumatic stress disorder.

11 (D) Suicide prevention.

12 (8) The maintenance of a list of medical sup-
13 plies and equipment needed.

14 (9) Such other elements as the Secretary of De-
15 fense may determine appropriate.

16 **SEC. 737. IMPROVEMENTS RELATING TO BEHAVIORAL**
17 **HEALTH CARE AVAILABLE UNDER MILITARY**
18 **HEALTH SYSTEM.**

19 (a) STUDY RELATING TO UNIFORMED SERVICES
20 UNIVERSITY OF THE HEALTH SCIENCE.—

21 (1) STUDY.—The Secretary of Defense shall
22 conduct a study on the feasibility and advisability of
23 the following:

24 (A) Establishing graduate degree-granting
25 programs in counseling and social work at the

1 Uniformed Services University of the Health
2 Sciences.

3 (B) Expanding the clinical psychology
4 graduate program of the Uniformed Services
5 University of the Health Sciences.

6 (2) MATTERS.—The study under paragraph (1)
7 shall include a description of—

8 (A) the process by which, as a condition of
9 enrolling in a degree-granting program specified
10 in such paragraph, a civilian student would be
11 required to commit to post-award employment
12 obligations; and

13 (B) the processes and consequences that
14 would apply if such obligations are not met.

15 (3) REPORT.—Not later than one year after the
16 date of the enactment of this Act, the Secretary
17 shall submit to the Committees on Armed Services
18 of the House of Representatives and the Senate a
19 report containing the findings of the study under
20 paragraph (1).

21 (b) PILOT PROGRAM ON SCHOLARSHIP-FOR-SERVICE
22 FOR CIVILIAN BEHAVIORAL HEALTH PROVIDERS.—

23 (1) PILOT PROGRAM.—Not later than two years
24 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall commence the conduct of a
2 pilot program under which—

3 (A) the Secretary may provide—

4 (i) scholarships to cover tuition and
5 related fees at an institution of higher edu-
6 cation to an individual enrolled in a pro-
7 gram of study leading to a graduate degree
8 in clinical psychology, social work, coun-
9 seling, or a related field (as determined by
10 the Secretary); and

11 (ii) student loan repayment assistance
12 to a credentialed behavioral health provider
13 who has a graduate degree in clinical psy-
14 chology, social work, counseling, or a re-
15 lated field (as determined by the Sec-
16 retary); and

17 (B) in exchange for such assistance, the
18 recipient shall commit to work as a covered ci-
19 vilian behavioral health provider in accordance
20 with paragraph (2).

21 (2) POST-AWARD EMPLOYMENT OBLIGA-
22 TIONS.—

23 (A) IN GENERAL.—Subject to subpara-
24 graph (B), as a condition of receiving assistance
25 under paragraph (1), the recipient of such as-

1 sistance shall enter into an agreement with the
2 Secretary of Defense pursuant to which the re-
3 cipient agrees to work on a full-time basis as a
4 covered civilian behavioral health provider for a
5 period of a duration that is at least equivalent
6 to the period during which the recipient re-
7 ceived assistance under such paragraph.

8 (B) OTHER TERMS AND CONDITIONS.—An
9 agreement entered into pursuant to subpara-
10 graph (A) may include such other terms and
11 conditions as the Secretary of Defense may de-
12 termine necessary to protect the interests of the
13 United States or otherwise appropriate for pur-
14 poses of this section, including terms and condi-
15 tions providing for limited exceptions from the
16 post-award employment obligation specified in
17 such subparagraph.

18 (3) REPAYMENT.—

19 (A) IN GENERAL.—An individual who re-
20 ceives assistance under paragraph (1) and does
21 not complete the employment obligation re-
22 quired under the agreement entered into pursu-
23 ant to paragraph (2) shall repay to the Sec-
24 retary of Defense a prorated portion of the fi-

1 nancial assistance received by the individual
2 under paragraph (1).

3 (B) DETERMINATION OF AMOUNT.—The
4 amount of any repayment required under sub-
5 paragraph (A) shall be determined by the Sec-
6 retary.

7 (4) DURATION.—The authority to carry out the
8 pilot program under paragraph (1) shall terminate
9 on the date that is 10 years after the date on which
10 such pilot program commences.

11 (5) IMPLEMENTATION PLAN.—Not later than
12 one year after the date of the enactment of this Act,
13 the Secretary of Defense shall submit to the Com-
14 mittees on Armed Services of the House of Rep-
15 resentatives and the Senate a plan for the implemen-
16 tation of this section.

17 (6) REPORTS.—

18 (A) IN GENERAL.—Not later than each of
19 one year and five years after the commence-
20 ment of the pilot program under paragraph (1),
21 the Secretary of Defense shall submit to the
22 Committees on Armed Services of the House of
23 Representative and the Senate a report on the
24 pilot program.

1 (B) ELEMENTS.—Each report under sub-
2 paragraph (A) shall include, with respect to the
3 pilot program under subsection (1), the fol-
4 lowing:

5 (i) The number of students receiving
6 scholarships under the pilot program.

7 (ii) The institutions of higher edu-
8 cation at which such students are enrolled.

9 (iii) The total amount of financial as-
10 sistance expended under the pilot program
11 per academic year.

12 (iv) The average scholarship amount
13 per student under the pilot program.

14 (v) The number of students hired as
15 covered behavioral health providers pursu-
16 ant to the pilot program.

17 (vi) Any recommendations for termi-
18 nating the pilot program, extending the
19 pilot program, or making the pilot program
20 permanent.

21 (c) REPORT ON BEHAVIORAL HEALTH WORK-
22 FORCE.—

23 (1) REPORT.—Not later than 180 days after
24 the date of the enactment of this Act, the Secretary
25 of Defense shall conduct an analysis of the behav-

1 ioral health workforce under the direct care compo-
2 nent of the military health system and submit to the
3 Committees on Armed Services of the House of Rep-
4 resentatives and the Senate a report containing the
5 results of such analysis. Such report shall include,
6 with respect to such workforce, the following:

7 (A) The number of positions authorized for
8 military behavioral health providers within such
9 workforce, and the number of such positions
10 filled, disaggregated by the professions de-
11 scribed in paragraph (2).

12 (B) The number of positions authorized for
13 civilian behavioral health providers within such
14 workforce, and the number of such positions
15 filled, disaggregated by the professions de-
16 scribed in paragraph (2).

17 (C) For each military department, the
18 ratio of military behavioral health providers as-
19 signed to military medical treatment facilities
20 compared to civilian behavioral health providers
21 so assigned, disaggregated by the professions
22 described in paragraph (2).

23 (D) For each military department, the
24 number of military behavioral health providers
25 authorized to be embedded within an oper-

1 ational unit, and the number of such positions
2 filled, disaggregated by the professions de-
3 scribed in paragraph (2).

4 (E) Data on the historical demand for be-
5 havioral health services by members of the
6 Armed Forces.

7 (F) An estimate of the number of health
8 care providers necessary to meet the demand by
9 such members for behavioral health care serv-
10 ices under the direct care component of the
11 military health system, disaggregated by pro-
12 vider type.

13 (G) An identification of any shortfall be-
14 tween the estimated number under subpara-
15 graph (F) and the total number of positions for
16 behavioral health providers filled within such
17 workforce.

18 (H) Such other information as the Sec-
19 retary may determine appropriate.

20 (2) PROVIDER TYPES.—The professions de-
21 scribed in this paragraph are as follows:

22 (A) Clinical psychologists.

23 (B) Social workers.

24 (C) Counselors.

1 (D) Such other professions as the Sec-
2 retary may determine appropriate.

3 (3) BEHAVIORAL HEALTH WORKFORCE AT RE-
4 MOTE LOCATIONS.—In conducting the analysis of
5 the behavioral health workforce under paragraph
6 (1), the Secretary of Defense shall ensure such be-
7 havioral health workforce at remote locations (in-
8 cluding Guam and Hawaii) and any shortfalls there-
9 of, is taken into account.

10 (d) PLAN TO ADDRESS SHORTFALLS IN BEHAVIORAL
11 HEALTH WORKFORCE.—Not later than one year after the
12 date on which the report under subsection (c) is sub-
13 mitted, the Secretary of Defense shall submit to the Com-
14 mittees on Armed Services of the House of Representa-
15 tives and the Senate a plan to address any shortfall of
16 the behavioral health workforce identified under para-
17 graph (1)(G) of such subsection. Such plan shall address
18 the following:

19 (1) With respect to any such shortfall of mili-
20 tary behavioral health providers (addressed sepa-
21 rately with respect to such providers assigned to
22 military medical treatment facilities and such pro-
23 viders assigned to be embedded within operational
24 units), the recruitment, accession, retention, special
25 pay and other aspects of compensation, workload,

1 role of the Uniformed Services University of the
2 Health Sciences and the Armed Forces Health Pro-
3 fessions Scholarship Program under chapter 105 of
4 title 10, United States Code, any additional authori-
5 ties or resources necessary for the Secretary to in-
6 crease the number of such providers, and such other
7 considerations as the Secretary may consider appro-
8 priate.

9 (2) With respect to addressing any such short-
10 fall of civilian behavioral health providers, the re-
11 cruitment, hiring, retention, pay and benefits, work-
12 load, educational scholarship programs, any addi-
13 tional authorities or resources necessary for the Sec-
14 retary to increase the number of such providers, and
15 such other considerations as the Secretary may con-
16 sider appropriate.

17 (3) A recommendation as to whether the num-
18 ber of military behavioral health providers in each
19 military department should be increased, and if so,
20 by how many.

21 (4) A plan to ensure that remote installations
22 are prioritized for the assignment of military behav-
23 ioral health providers.

1 (5) Updated access standards for behavioral
2 health care under the military health system, taking
3 into account—

4 (A) the duration of time between a patient
5 receiving a referral for such care and the pa-
6 tient receiving individualized treatment (fol-
7 lowing an initial intake assessment) from a be-
8 havioral health provider; and

9 (B) the frequency of regular follow-up ap-
10 pointments subsequent to the first appointment
11 at which a patient receives such individualized
12 treatment.

13 (6) A plan to expand access to behavioral
14 health care under the military health system using
15 telehealth.

16 (e) DEFINITIONS.—In this section:

17 (1) The term “behavioral health” includes psy-
18 chiatry, clinical psychology, social work, counseling,
19 and related fields.

20 (2) The term “civilian behavioral health pro-
21 vider” means a behavioral health provider who is a
22 civilian employee of the Department of Defense.

23 (3) The term “counselor” means an individual
24 who holds—

1 (A) a master’s or doctoral degree from an
2 accredited graduate program in—

3 (i) marriage and family therapy; or

4 (ii) clinical mental health counseling;

5 and

6 (B) a current license or certification from
7 a State that grants the individual the authority
8 to provide counseling services as an independent
9 practitioner in the respective field of the indi-
10 vidual.

11 (4) The term “covered civilian behavioral health
12 provider” means a civilian behavioral health provider
13 whose employment by the Secretary of Defense in-
14 volves the provision of behavioral health services at
15 a military medical treatment facility.

16 (5) The term “institution of higher education”
17 has the meaning given that term in section 101 of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1001).

20 (6) The term “military behavioral health pro-
21 vider” means a behavioral health provider who is a
22 member of the Armed Forces.

23 (7) The term “military installation” has the
24 meaning given that term in section 2801 of title 10,
25 United States Code.

1 (8) The term “military medical treatment facil-
2 ity” means a facility specified in section 1073d of
3 such title.

4 (9) The term “remote installation” means a
5 military installation that the Secretary determines to
6 be in a remote location.

7 (10) The term “State” means each of the sev-
8 eral States, the District of Columbia, and each com-
9 monwealth, territory or possession of the United
10 States.

11 **SEC. 738. CERTIFICATION PROGRAM IN PROVISION OF**
12 **MENTAL HEALTH SERVICES TO MEMBERS OF**
13 **THE ARMED FORCES AND MILITARY FAMI-**
14 **LIES.**

15 (a) IN GENERAL.—The Secretary of Defense, in con-
16 sultation with the President of the Uniformed Services
17 University of the Health Sciences, shall develop a cur-
18 riculum and certification program to provide civilian men-
19 tal health professionals and students in mental health-re-
20 lated disciplines with the specialized knowledge and skills
21 necessary to address the unique mental health needs of
22 members of the Armed Forces and military families.

23 (b) IMPLEMENTATION.—Not later than 90 days after
24 completing the development of the curriculum and certifi-
25 cation program under subsection (a), the Secretary of De-

1 fense shall implement such curriculum and certification
2 program in the Uniformed Services University of the
3 Health Sciences.

4 (c) AUTHORITY TO DISSEMINATE BEST PRAC-
5 TICES.—The Secretary of Defense may disseminate best
6 practices based on the curriculum and certification pro-
7 gram developed and implemented under this section to
8 other institutions of higher education, as such term is de-
9 fined in section 102 of the Higher Education Act of 1965
10 (20 U.S.C. 1002).

11 (d) TERMINATION.—The authority to carry out the
12 curriculum and certification program under this section
13 shall terminate on the date that is five years after the date
14 of the enactment of this Act.

15 (e) BRIEFING.—Not later than 180 days after the
16 termination date specified in subsection (d), the Secretary
17 of Defense shall provide to the Committees on Armed
18 Services of the House of Representatives and the Senate
19 a briefing on the results of the curriculum and certifi-
20 cation program developed and implemented under this sec-
21 tion.

1 **SEC. 739. STANDARDIZATION OF POLICIES RELATING TO**
2 **SERVICE IN ARMED FORCES BY INDIVIDUALS**
3 **DIAGNOSED WITH HBV.**

4 (a) **IN GENERAL.**—Not later than one year after the
5 date of the enactment of this Act, the Secretary of De-
6 fense, in coordination with the Secretaries concerned,
7 shall—

8 (1) review regulations, establish policies, and
9 issue guidance relating to service in the Armed
10 Forces by individuals diagnosed with HBV, con-
11 sistent with the health care standards and clinical
12 guidelines of the Department of Defense; and

13 (2) identify areas where the regulations, poli-
14 cies, and guidance of the Department relating to in-
15 dividuals diagnosed with HBV (including with re-
16 spect to enlistments, assignments, deployments, and
17 retention standards) may be standardized across the
18 Armed Forces.

19 (b) **DEFINITIONS.**—In this section:

20 (1) The term “HBV” means the Hepatitis B
21 Virus.

22 (2) The term “Secretary concerned” has the
23 meaning given that term in section 101 of title 10,
24 United States Code.

1 **SEC. 740. SUICIDE CLUSTER: STANDARDIZED DEFINITION**
2 **FOR USE BY DEPARTMENT OF DEFENSE; CON-**
3 **GRESSIONAL NOTIFICATION.**

4 (a) STANDARDIZATION OF DEFINITION.—Not later
5 than one year after the date of the enactment of this Act,
6 the Secretary of Defense, in consultation with the Secre-
7 taries concerned, shall develop, for use across the Armed
8 Forces, a standardized definition for the term “suicide
9 cluster”.

10 (b) NOTIFICATION REQUIRED.—Beginning not later
11 than one year after the date of the enactment of this Act,
12 whenever the Secretary determines the occurrence of a sui-
13 cide cluster (as that term is defined pursuant to sub-
14 section (a)) among members of the Armed Forces, the
15 Secretary shall submit to the Committees on Armed Serv-
16 ices of the House of Representatives and the Senate a no-
17 tification of such determination.

18 (c) BRIEFING.—Not later than April 1, 2023, the
19 Secretary of Defense shall provide to the Committees on
20 Armed Services of the House of Representatives and the
21 Senate a briefing on the following:

22 (1) The methodology being used in the develop-
23 ment of the definition under subsection (a).

24 (2) The progress made towards the development
25 of the process for submitting required notifications
26 under subsection (b).

1 (3) An estimated timeline for the implementa-
2 tion of this section.

3 (d) **COORDINATION REQUIRED.**—In developing the
4 definition under subsection (a) and the process for submit-
5 ting required notifications under subsection (b), the Sec-
6 retary of Defense shall coordinate with the Secretaries
7 concerned.

8 (e) **SECRETARY CONCERNED DEFINED.**—In this sec-
9 tion, the term “Secretary concerned” has the meaning
10 given that term in section 101 of title 10, United States
11 Codes.

12 **SEC. 741. LIMITATION ON REDUCTION OF MILITARY MED-**
13 **ICAL MANNING END STRENGTH: CERTIFI-**
14 **CATION REQUIREMENT AND OTHER RE-**
15 **FORMS.**

16 (a) **LIMITATION.**—

17 (1) **IN GENERAL.**—Except as provided in para-
18 graph (2), and in addition to the limitation under
19 section 719 of the National Defense Authorization
20 Act for Fiscal Year 2020 (Public Law 116–92; 133
21 Stat. 1454), as most recently amended by section
22 731 of the National Defense Authorization Act for
23 Fiscal Year 2022 (Public Law 117–81; 135 Stat.
24 1795), during the five-year period beginning on the
25 date of the enactment of this Act, neither the Sec-

1 retary of Defense nor a Secretary concerned may re-
2 duce military medical end strength authorizations,
3 and following such period, neither may reduce such
4 authorizations unless the Secretary of Defense issues
5 a waiver pursuant to paragraph (6).

6 (2) EXCEPTION.—The limitation under para-
7 graph (1) shall not apply with respect to the fol-
8 lowing:

9 (A) Administrative billets of a military de-
10 partment that have remained unfilled since at
11 least October 1, 2018.

12 (B) Billets identified as non-clinical in the
13 budget of the President for fiscal year 2020
14 submitted to Congress pursuant to section
15 1105(a) of title 31, United States Code, except
16 that the number of such billets may not exceed
17 1,700.

18 (C) Medical headquarters billets of the
19 military departments not assigned to, or pro-
20 viding direct support to, operational commands.

21 (3) REPORT ON COMPOSITION OF MILITARY
22 MEDICAL WORKFORCE REQUIREMENTS.—The Sec-
23 retary of Defense, in coordination with the Secre-
24 taries of the military departments, shall conduct an
25 assessment of current military medical manning re-

1 requirements (taking into consideration factors includ-
2 ing future operational planning, training, and bene-
3 ficiary healthcare) and submit to the Committees on
4 Armed Services of the House of Representatives and
5 the Senate a report containing the findings of such
6 assessment. Such assessment shall be informed by
7 the following:

8 (A) The National Defense Strategy sub-
9 mitted under section 113(g) of title 10, United
10 States Code.

11 (B) The National Military Strategy pre-
12 pared under section 153(b) of such title.

13 (C) The campaign plans of the combatant
14 commands.

15 (D) Theater strategies.

16 (E) The joint medical estimate under sec-
17 tion 732 of the John S. McCain National De-
18 fense Authorization Act for Fiscal Year 2019
19 (Public Law 115–232; 132 Stat. 1817).

20 (F) The plan of the Department of De-
21 fense on integrated medical operations, as up-
22 dated pursuant to paragraph (1) of section
23 724(a) of the National Defense Authorization
24 Act for Fiscal Year 2022 (Public Law 117–81;
25 135 Stat. 1793; 10 U.S.C. 1096 note).

1 (G) The plan of the Department of De-
2 fense on global patient movement, as updated
3 pursuant to paragraph (2) of such section
4 724(a).

5 (H) The biosurveillance program of the
6 Department of Defense established pursuant to
7 Department of Defense Directive 6420.02 (re-
8 lating to biosurveillance).

9 (I) Requirements for graduate medical
10 education.

11 (J) The report of the COVID-19 Military
12 Health System Review Panel under section 731
13 of the William M. (Mac) Thornberry National
14 Defense Authorization Act for Fiscal Year 2021
15 (Public Law 116-283; 134 Stat. 3698).

16 (K) The report of the Inspector General of
17 the Department of Defense titled “Evaluation
18 of Department of Defense Military Medical
19 Treatment Facility Challenges During the
20 Coronavirus Disease-2019 (COVID-19) Pan-
21 demic in Fiscal Year 2021 (DODIG-2022-
22 081)” and published on April 5, 2022.

23 (L) Reports of the Comptroller General of
24 the United States relating to military health
25 system reforms undertaken on or after Janu-

1 ary, 1, 2017, including any such reports relat-
2 ing to military medical manning and force com-
3 position mix.

4 (M) Such other reports as may be deter-
5 mined appropriate by the Secretary of Defense.

6 (4) CERTIFICATION.—The Secretary of Defense
7 shall submit to the Committees on Armed Services
8 of the House of Representatives and the Senate a
9 certification containing the following:

10 (A) A certification of the completion of a
11 comprehensive review of military medical man-
12 ning, including with respect to the medical
13 corps (or other health- or medical-related com-
14 ponent of a military department), designator,
15 profession, occupation, and rating of medical
16 personnel.

17 (B) A justification for any proposed in-
18 crease, realignment, reduction, or other change
19 to the specialty or occupational composition of
20 military medical end strength authorizations,
21 which may include compliance with a require-
22 ment or recommendation set forth in a strategy,
23 plan, or other matter specified in paragraph
24 (3).

1 (C) A certification that, in the case that
2 any change to such specialty or occupational
3 composition is required, a vacancy resulting
4 from such change may not be filled with a posi-
5 tion other than a health- or medical-related po-
6 sition until such time as there are no military
7 medical billets remaining to fill the vacancy.

8 (D) A risk analysis associated with the po-
9 tential realignment or reduction of any military
10 medical end strength authorizations.

11 (E) An identification of any plans of the
12 Department to backfill military medical per-
13 sonnel positions with civilian personnel.

14 (F) A plan to address persistent vacancies
15 for civilian personnel in health- or medical-re-
16 lated positions, and a risk analysis associated
17 with the hiring, onboarding, and retention of
18 such civilian personnel, taking into account pro-
19 vider shortfalls across the United States.

20 (G) A comprehensive plan to mitigate any
21 risk identified pursuant to subparagraph (D) or
22 (F), including with respect to funding necessary
23 for such mitigation across fiscal years.

24 (5) PROCESS REQUIRED.—The Secretaries of
25 the military departments, in coordination with the

1 Secretary of Defense and the Chairman of the Joint
2 Chiefs of Staff, shall develop and submit to the
3 Committees on Armed Services of the House of Rep-
4 resentatives and the Senate a process for the author-
5 ization of proposed modifications to the composition
6 of the medical manning force mix across the military
7 departments while maintaining compliance with the
8 limitation under paragraph (1). Such process shall—

9 (A) take into consideration the funding re-
10 quired for any such proposed modification; and

11 (B) include distinct processes for proposed
12 increases and proposed decreases, respectively,
13 to the medical manning force mix of each mili-
14 tary department.

15 (6) WAIVER.—

16 (A) IN GENERAL.—Following the conclu-
17 sion of the five-year period specified in para-
18 graph (1), the Secretary of Defense may waive
19 the prohibition under such subsection if—

20 (i) the report requirement under para-
21 graph (3), the certification requirement
22 under paragraph (4), and the process re-
23 quirement under paragraph (5) have been
24 completed;

1 (ii) the Secretary determines that the
2 waiver is necessary and in the interests of
3 the national security of the United States;
4 and

5 (iii) the waiver is issued in writing.

6 (B) NOTIFICATION TO CONGRESS.—Not
7 later than five days after issuing a waiver under
8 subparagraph (A), the Secretary of Defense
9 shall submit to the Committees on Armed Serv-
10 ices of the House of Representatives and the
11 Senate a notification of the waiver (including
12 the text of the waiver and a justification for the
13 waiver) and provide to such committees a brief-
14 ing on the components of the waiver.

15 (b) TEMPORARY SUSPENSION OF IMPLEMENTATION
16 OF PLAN FOR RESTRUCTURE OR REALIGNMENT OF MILI-
17 TARY MEDICAL TREATMENT FACILITIES.—The Secretary
18 of Defense may not implement the plan under section
19 703(d)(1) of the National Defense Authorization Act for
20 Fiscal Year 2017 (Public Law 114–328; 130 Stat. 2199)
21 until the later of the following:

22 (1) The date that is one year after the date of
23 the enactment of this Act.

24 (2) The date on which the Secretary of Defense
25 completes the following:

1 (A) A risk analysis for each military med-
2 ical treatment facility to be realigned, restruc-
3 tured, or otherwise affected under the imple-
4 mentation plan under such section 703(d)(1),
5 including an assessment of the capacity of the
6 TRICARE network of providers in the area of
7 such military medical treatment facility to pro-
8 vide care to the TRICARE Prime beneficiaries
9 that would otherwise be assigned to such mili-
10 itary medical treatment facility.

11 (B) An identification of the process by
12 which the assessment conducted under sub-
13 section (a)(3) and the certification required
14 under subsection (a)(4) shall be linked to any
15 restructuring or realignment of military medical
16 treatment facilities.

17 (c) BRIEFINGS; FINAL REPORT.—

18 (1) INITIAL BRIEFING.—Not later than April 1,
19 2023, the Secretary of Defense shall provide to the
20 Committees on Armed Services of the House of Rep-
21 resentatives and the Senate a briefing on—

22 (A) the method by which the Secretary
23 plans to meet the report requirement under
24 subsection (a)(3), the certification requirement

1 under subsection (a)(4), and the process re-
2 quirement under subsection (a)(5); and

3 (B) the matters specified in subparagraphs
4 (A) and (B) of subsection (b)(2).

5 (2) BRIEFING ON PROGRESS.—Not later than
6 two years after the date of the enactment of this
7 Act, the Secretary of Defense shall provide to the
8 Committees on Armed Services of the House of Rep-
9 resentatives and the Senate a briefing on the
10 progress made towards completion of the require-
11 ments specified in paragraph (1)(A).

12 (3) FINAL BRIEFING.—Not later than three
13 years after the date of the enactment of this Act, the
14 Secretary of Defense shall provide to the Commit-
15 tees on Armed Services of the House of Representa-
16 tives and the Senate a final briefing on the comple-
17 tion of such requirements.

18 (4) FINAL REPORT.—Not later than three years
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the House of Representatives and
22 the Senate a final report on the completion of such
23 requirements. Such final report shall be in addition
24 to the report, certification, and process submitted

1 under paragraphs (3), (4), and (5) of subsection (a),
2 respectively.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “medical personnel” has the
5 meaning given such term in section 115a(e) of title
6 10, United States Code.

7 (2) The term “Secretary concerned” has the
8 meaning given that term in section 101(a) of such
9 title.

10 (3) The term “theater strategy” means an over-
11 arching construct outlining the vision of a combatant
12 commander for the integration and synchronization
13 of military activities and operations with other na-
14 tional power instruments to achieve the strategic ob-
15 jectives of the United States.

16 **SEC. 742. FEASIBILITY STUDY ON ESTABLISHMENT OF DE-**
17 **PARTMENT OF DEFENSE INTERNSHIP PRO-**
18 **GRAMS RELATING TO CIVILIAN BEHAVIORAL**
19 **HEALTH PROVIDERS.**

20 (a) FEASIBILITY STUDY.—The Secretary of Defense
21 shall conduct a study on the feasibility of establishing paid
22 pre-doctoral and post-doctoral internship programs for the
23 purpose of training clinical psychologists to work as cov-
24 ered civilian behavioral health providers.

1 (b) ELEMENTS.—The feasibility study under sub-
2 section (a) shall assess, with respect to the potential in-
3 ternship programs specified in such subsection, the fol-
4 lowing:

5 (1) A model under which, as a condition of par-
6 ticipating in such an internship program, the partici-
7 pant would enter into an agreement with the Sec-
8 retary under which the participant agrees to work on
9 a full-time basis as a covered civilian behavioral
10 health provider for a period of a duration that is at
11 least equivalent to the period of participation in such
12 internship program.

13 (2) Methods by which the Secretary may ad-
14 dress scenarios in which an individual who partici-
15 pates in such an internship program does not com-
16 plete the employment obligation required under the
17 agreement referred to in paragraph (1), including by
18 requiring the individual to repay to the Secretary a
19 prorated portion of the cost of administering such
20 program (to be determined by the Secretary) with
21 respect to such individual and of any payment re-
22 ceived by the individual under such program.

23 (3) The methods by which the Secretary may
24 adjust the workload and staffing of behavioral health
25 providers in military medical treatment facilities to

1 ensure sufficient capacity to supervise participants
2 in such internship programs.

3 (c) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Secretary shall submit
5 to the Committees on Armed Services of the House of
6 Representatives and the Senate a report containing the
7 findings of the feasibility study under subsection (a).

8 (d) DEFINITIONS.—In this section:

9 (1) The term “behavioral health” includes psy-
10 chiatry, clinical psychology, social work, counseling,
11 and related fields.

12 (2) The term “behavioral health provider” in-
13 cludes the following:

14 (A) A licensed professional counselor.

15 (B) A licensed mental health counselor.

16 (C) A licensed clinical professional coun-
17 selor.

18 (D) A licensed professional clinical coun-
19 selor of mental health.

20 (E) A licensed clinical mental health coun-
21 selor.

22 (F) A licensed mental health practitioner.

23 (3) The term “covered civilian behavioral health
24 provider” means a civilian behavioral health provider
25 whose employment by the Secretary of Defense in-

1 volves the provision of behavioral health services at
2 a military medical treatment facility.

3 (4) The term “civilian behavioral health pro-
4 vider” means a behavioral health provider who is a
5 civilian employee of the Department of Defense.

6 (5) The term “military medical treatment facil-
7 ity” means a facility specified in section 1073d of
8 title 10, United States Code.

9 **SEC. 743. UPDATES TO PRIOR FEASIBILITY STUDIES ON ES-**
10 **TABLISHMENT OF NEW COMMAND ON DE-**
11 **FENSE HEALTH.**

12 (a) **UPDATES.**—The Secretary of Defense shall up-
13 date prior studies regarding the feasibility of establishing
14 a new defense health command under which the Defense
15 Health Agency would be a joint component. In conducting
16 such updates, the Secretary shall consider for such new
17 command each of the following potential structures:

18 (1) A unified combatant command.

19 (2) A specified combatant command.

20 (3) Any other command structure the Secretary
21 determines is appropriate for consideration.

22 (b) **MATTERS.**—The updates under subsection (a)
23 shall include, with respect to the new command specified
24 in such subsection, the following:

1 (1) An assessment of the potential organiza-
2 tional structure of the new command sufficient for
3 the new command to carry out the responsibilities
4 described in subsection (c), including a description
5 of the following:

6 (A) The potential reporting relationship
7 between the commander of the new command,
8 the Assistant Secretary of Defense for Health
9 Affairs, and the Under Secretary of Defense for
10 Personnel and Readiness.

11 (B) The potential relationship of the new
12 command to the military departments, the com-
13 batant commands, and the Joint Staff.

14 (C) The potential responsibilities of the
15 commander of the new command and how such
16 responsibilities would differ from the respon-
17 sibilities of the Director of the Defense Health
18 Agency.

19 (D) The potential chain of command be-
20 tween such commander and the Secretary of
21 Defense.

22 (E) The potential roles of the Surgeons
23 General of the Army, Navy, and Air Force, with
24 respect to such commander.

1 (F) Any organizations that support the
2 Defense Health Agency, such as the medical de-
3 partments and medical logistics organizations of
4 each military department.

5 (G) The potential organizational structure
6 of the new command, including any subordinate
7 commands.

8 (H) The geographic location, or multiple
9 such locations, of the headquarters of the new
10 command and any subordinate commands.

11 (I) How the Defense Health Agency cur-
12 rently serves as a provider of optimally trained
13 and clinically proficient health care profes-
14 sionals to support combatant commands.

15 (J) How the new command may further
16 serve as a provider of optimally trained and
17 clinically proficient health care professionals to
18 support combatant commands.

19 (2) An assessment of any additional funding
20 necessary to establish the new command.

21 (3) An assessment of any additional legislative
22 authorities necessary to establish the new command,
23 including with respect to the executive leadership
24 and direction of the new command.

1 (4) An assessment of the required resourcing of
2 the executive leadership of the new command.

3 (5) If the Secretary makes the determination to
4 establish the new command, a timeline for such es-
5 tablishment.

6 (6) If the Secretary defers such determination
7 pending further implementation of other organiza-
8 tional reforms to the military health system, a
9 timeline for such future determination.

10 (7) Such other matters relating to the establish-
11 ment, operations, or activities of the new command
12 as the Secretary may determine appropriate.

13 (c) RESPONSIBILITIES DESCRIBED.—The respon-
14 sibilities described in this subsection are as follows:

15 (1) The conduct of health operations among
16 operational units of the Armed Forces.

17 (2) The administration of military medical
18 treatment facilities.

19 (3) The administration of the TRICARE pro-
20 gram.

21 (4) Serving as the element of the Armed Forces
22 with the primary responsibility for the following:

23 (A) Medical treatment, advanced trauma
24 management, emergency surgery, and
25 resuscitative care.

1 (B) Emergency and specialty surgery, in-
2 tensive care, medical specialty care, and related
3 services.

4 (C) Preventive, acute, restorative, curative,
5 rehabilitative, and convalescent care.

6 (5) Collaboration with medical facilities partici-
7 pating in the National Disaster Medical System es-
8 tablished pursuant to section 2812 of the Public
9 Health Service Act (42 U.S.C. 300hh–11), the Vet-
10 erans Health Administration, and such other Fed-
11 eral departments and agencies and nongovernmental
12 organizations as may be determined appropriate by
13 the Secretary, including with respect to the care
14 services specified in paragraph (4)(C).

15 (6) The conduct of existing research and edu-
16 cation activities of the Department of Defense in the
17 field of health sciences.

18 (7) The conduct of public health and global
19 health activities not otherwise assigned to the Armed
20 Forces.

21 (8) The administration of the Defense Health
22 Program Account under section 1100 of title 10,
23 United States Code.

24 (d) INTERIM BRIEFING.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense shall provide to the Committees on Armed
2 Services of the House of Representatives and the Senate
3 a briefing on the method by which the Secretary intends
4 to update prior studies as required pursuant to subsection
5 (a).

6 (e) FINAL BRIEFING; REPORT.—Not later than one
7 year after the date of the enactment of this Act, the Sec-
8 retary of Defense shall—

9 (1) provide to the Committees on Armed Serv-
10 ices of the House of Representatives and the Senate
11 a final briefing on the implementation of this sec-
12 tion; and

13 (2) submit to the Committees on Armed Serv-
14 ices of the House of Representatives and the Senate
15 a report containing the updates to prior studies re-
16 quired pursuant to subsection (a), including each of
17 the elements specified in subsection (b).

18 **SEC. 744. CAPABILITY ASSESSMENT AND ACTION PLAN**
19 **WITH RESPECT TO EFFECTS OF EXPOSURE**
20 **TO OPEN BURN PITS AND OTHER ENVIRON-**
21 **MENTAL HAZARDS.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall—

1 (1) conduct a capability assessment of potential
2 improvements to activities of the Department of De-
3 fense to reduce the effects of environmental expo-
4 sures with respect to members of the Armed Forces;
5 and

6 (2) develop an action plan to implement such
7 improvements assessed under paragraph (1) as the
8 Secretary considers appropriate.

9 (b) ELEMENTS.—The capability assessment required
10 by subsection (a)(1) shall include the following elements:

11 (1) With respect to the conduct of periodic
12 health assessments, the following:

13 (A) An assessment of the feasibility and
14 advisability of adding additional screening ques-
15 tions relating to environmental and occupa-
16 tional exposures to current health assessments
17 of members of the Armed Forces conducted by
18 the Secretary of Defense, including pre- and
19 post-deployment assessments and pre-separa-
20 tion assessments.

21 (B) An assessment of the potential value
22 and feasibility of regularly requiring spirometry
23 or other pulmonary function testing pre- and
24 post-deployment for all members, or selected
25 members, of the Armed Forces.

1 (2) With respect to the conduct of outreach and
2 education, the following:

3 (A) An evaluation of clinician training on
4 the health effects of airborne hazards and how
5 to document exposure information in health
6 records maintained by the Department of De-
7 fense and the Department of Veterans Affairs.

8 (B) An assessment of the adequacy of cur-
9 rent actions by the Secretary of Defense and
10 the Secretary of Veterans Affairs to increase
11 awareness among members of the Armed
12 Forces and veterans of the purposes and uses
13 of the Airborne Hazards and Open Burn Pit
14 Registry and the effect of a potential require-
15 ment that individuals meeting applicable cri-
16 teria be automatically enrolled in the registry
17 unless such individuals opt out of enrollment.

18 (C) An assessment of operational plans for
19 deployment with respect to the adequacy of
20 educational activities for, and evaluations of,
21 performance of command authorities, medical
22 personnel, and members of the Armed Forces
23 on deployment on anticipated environmental ex-
24 posures and potential means to minimize and
25 mitigate any adverse health effects of such ex-

1 posures, including through the use of moni-
2 toring, personal protective equipment, and med-
3 ical responses.

4 (D) An evaluation of potential means to
5 improve the education of health care providers
6 of the Department of Defense with respect to
7 the diagnosis and treatment of health condi-
8 tions associated with environmental exposures.

9 (3) With respect to the monitoring of exposure
10 during deployment operations, the following:

11 (A) An evaluation of potential means to
12 strengthen tactics, techniques, and procedures
13 used in deployment operations to document—

14 (i) specific locations where members
15 of the Armed Forces served;

16 (ii) environmental exposures in such
17 locations; and

18 (iii) any munitions involved during
19 such service in such locations.

20 (B) An assessment of potential improve-
21 ments in the acquisition and use of wearable
22 monitoring technology and remote sensing capa-
23 bilities to record environmental exposures by ge-
24 ographic location.

1 (C) An analysis of the potential value and
2 feasibility of maintaining a repository of frozen
3 soil samples from each deployment location to
4 be later tested as needed when concerns relat-
5 ing to environmental exposures are identified.

6 (4) With respect to the use of the Individual
7 Longitudinal Exposure Record, the following:

8 (A) An assessment of feasibility and advis-
9 ability of recording individual clinical diagnosis
10 and treatment information in the Individual
11 Longitudinal Exposure Record to be integrated
12 with exposure data.

13 (B) An evaluation of—

14 (i) the progress toward making the
15 Individual Longitudinal Exposure Record
16 operationally capable and accessible to
17 members of the Armed Forces and vet-
18 erans by 2023; and

19 (ii) the integration of data from the
20 Individual Longitudinal Exposure Record
21 with the electronic health records of the
22 Department of Defense and the Depart-
23 ment of Veterans Affairs.

24 (C) An assessment of the feasibility and
25 advisability of making such data accessible to

1 the surviving family members of members of
2 the Armed Forces and veterans.

3 (5) With respect to the conduct of research, the
4 following:

5 (A) An assessment of the potential use of
6 the Airborne Hazards and Open Burn Pit Reg-
7 istry for research on monitoring and identifying
8 the health consequences of exposure to open
9 burn pits.

10 (B) An analysis of options for increasing
11 the amount and the relevance of additional re-
12 search into the health effects of open burn pits
13 and effective treatments for such health effects.

14 (C) An evaluation of potential research of
15 biomarker monitoring to document environ-
16 mental exposures during deployment or
17 throughout the military career of a member of
18 the Armed Forces.

19 (D) An analysis of potential organizational
20 strengthening with respect to the management
21 of research on environmental exposure hazards,
22 including the establishment of a joint program
23 executive office for such management.

24 (E) An assessment of the findings and rec-
25 ommendations of the 2020 report by the Na-

1 tional Academies of Science, Engineering, and
2 Medicine titled “Respiratory Health Effects of
3 Airborne Hazards Exposures in the Southwest
4 Asia Theater of Military Operations”.

5 (6) An evaluation of such other matters as the
6 Secretary of Defense determines appropriate to en-
7 sure a comprehensive review of activities relating to
8 the effects of exposure to open burn pits and other
9 environmental hazards.

10 (c) SUBMISSION OF PLAN AND BRIEFING.—Not later
11 than 240 days after the date of the enactment of this Act,
12 the Secretary of Defense shall—

13 (1) submit to the Committees on Armed Serv-
14 ices of the House of Representatives and the Senate
15 the action plan required by subsection (a)(2); and

16 (2) provide to such committees a briefing on
17 the results of the capability assessment required by
18 subsection (a)(1).

19 (d) DEFINITIONS.—In this section:

20 (1) The term “Airborne Hazards and Open
21 Burn Pit Registry” means the registry established
22 under section 201 of the Dignified Burial and Other
23 Veterans’ Benefits Improvement Act of 2012 (Public
24 Law 112–260; 38 U.S.C. 527 note).

1 (2) The term “environmental exposure” means
2 an exposure to an open burn pit or other environ-
3 mental hazard, as determined by the Secretary of
4 Defense.

5 (3) The term “open burn pit” has the meaning
6 given that term in section 201(c) of the Dignified
7 Burial and Other Veterans’ Benefits Improvement
8 Act of 2012 (Public Law 112–260; 38 U.S.C. 527
9 note).

10 **SEC. 745. KYLE MULLEN NAVY SEAL MEDICAL TRAINING**
11 **REVIEW.**

12 (a) REVIEW.—The Inspector General of the Depart-
13 ment of Defense shall conduct a comprehensive review of
14 the medical training for health care professionals fur-
15 nishing medical care to individuals undergoing Navy Sea,
16 Air, and Land (SEAL) training, the quality assurance
17 mechanisms in place with respect to such care, and the
18 efforts to mitigate health stress of individuals undergoing
19 such training.

20 (b) ELEMENTS.—The review under subsection (a)
21 shall include the following elements:

22 (1) A review of the policies for improved med-
23 ical care of individuals undergoing Navy SEAL
24 training and quality assurance with respect to such
25 care.

1 (2) A review of sleep deprivation practices im-
2 plemented with respect to Navy SEAL training, in-
3 cluding an identification of when such practices were
4 initially implemented and how frequently such prac-
5 tices are updated.

6 (3) An assessment of the policies and rules re-
7 lating to the use of performance enhancing drugs by
8 individuals undergoing Navy SEAL training.

9 (4) An assessment of the oversight of health
10 care professionals (including enlisted and officer
11 medical personnel, civilian employees of the Depart-
12 ment of Defense, and contractors of the Depart-
13 ment) with respect to the provision by such profes-
14 sionals of health care services to individuals under-
15 going Navy SEAL training.

16 (5) A review and assessment of deaths, occur-
17 ring during the twenty-year period preceding the
18 date of the review, of individuals who were under-
19 going Navy SEAL training at the time of death.

20 (6) A review of ongoing efforts and initiatives
21 to ensure the safety of individuals undergoing Navy
22 SEAL training and to prevent the occurrence of
23 long-term injury, illness, and death among such indi-
24 viduals.

1 (7) An assessment of the role of nutrition in
2 Navy SEAL training.

3 (c) INTERIM BRIEFING.—Not later than March 1,
4 2023, the Inspector General of the Department of Defense
5 shall provide to the Committees on Armed Services of the
6 House of Representatives and the Senate a briefing on
7 how the Inspector General plans to conduct the review
8 under subsection (a), including with respect to each ele-
9 ment specified in subsection (b).

10 (d) FINAL REPORT.—Not later than one year after
11 the date of the enactment of this Act, the Inspector Gen-
12 eral of the Department of Defense shall submit to the
13 Committees on Armed Services of the House of Represent-
14 atives and the Senate a final report on the completion of
15 the review under subsection (a), including recommenda-
16 tions of the Inspector General developed as a result of
17 such review.

18 **SEC. 746. REPORTS ON COMPOSITION OF MEDICAL PER-**
19 **SONNEL OF EACH MILITARY DEPARTMENT**
20 **AND RELATED MATTERS.**

21 (a) REPORTS.—Not later than 180 days after the
22 date of the enactment of this Act, and annually thereafter
23 for three years, the Secretary of Defense, in coordination
24 with the Secretaries of the military departments, shall
25 submit to the Committees on Armed Services of the House

1 of Representatives and the Senate a report on the com-
2 position of the medical personnel of each military depart-
3 ment and related matters.

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

6 (1) With respect to each military department,
7 the following:

8 (A) An identification of the number of
9 medical personnel of the military department
10 who are officers in a grade above O–6.

11 (B) An identification of the number of
12 such medical personnel who are officers in a
13 grade below O–7.

14 (C) A description of any plans of the Sec-
15 retary to—

16 (i) reduce the total number of such
17 medical personnel; or

18 (ii) eliminate any covered position for
19 such medical personnel.

20 (D) A recommendation by the Secretary
21 for the number of covered positions for such
22 medical personnel that should be required for
23 purposes of maximizing medical readiness
24 (without regard to current statutory limitations,
25 or potential future statutory limitations, on

1 such number), presented as a total number for
2 each military department and disaggregated by
3 grade.

4 (2) An assessment of the grade for the position
5 of the Medical Officer of the Marine Corps, includ-
6 ing—

7 (A) a comparison of the effects of filling
8 such position with an officer in the grade of O-
9 6 versus an officer in the grade of O-7;

10 (B) an assessment of potential issues asso-
11 ciated with the elimination of such position; and

12 (C) a description of any potential effects of
13 such elimination with respect to medical readi-
14 ness.

15 (3) An assessment of all covered positions for
16 medical personnel of the military departments, in-
17 cluding the following:

18 (A) The total number of authorizations for
19 such covered positions, disaggregated by—

20 (i) whether the authorization is for a
21 position in a reserve component; and

22 (ii) whether the position so authorized
23 is filled or vacant.

1 (B) A description of any medical- or
2 health-related specialty requirements for such
3 covered positions.

4 (C) For each such covered position, an
5 identification of the title and geographic loca-
6 tion of, and a summary of the responsibility de-
7 scription for, the position.

8 (D) For each such covered position, an
9 identification of the span of control of the posi-
10 tion, including with respect to the highest grade
11 at which each such position has been filled.

12 (E) An identification of any downgrading,
13 upgrading, or other changes to such covered po-
14 sitions occurring during the 10-year period pre-
15 ceeding the date of the report, and an assess-
16 ment of whether any such changes have re-
17 sulted in the transfer of responsibilities pre-
18 viously assigned to such a covered position to—

19 (i) a position in the Senior Executive
20 Service or another executive personnel po-
21 sition; or

22 (ii) a position other than a covered
23 position.

24 (F) A description of any officers in a grade
25 above O-6 assigned to the Defense Health

1 Agency, the Office of the Assistant Secretary of
2 Defense for Health Affairs, the Joint Staff, or
3 any other position within the military health
4 system.

5 (G) A description of the process by which
6 the positions specified in subparagraph (F) are
7 validated against military requirements or simi-
8 lar billet justification processes.

9 (H) A side-by-side comparison dem-
10 onstrating, across the military departments, the
11 span of control and the responsibilities of cov-
12 ered positions for medical personnel of each
13 military department.

14 (c) DISAGGREGATION OF CERTAIN DATA.—The data
15 specified in subparagraphs (A) and (B) of subsection
16 (b)(1) shall be presented as a total number and
17 disaggregated by each medical component of the respective
18 military department.

19 (d) DEFINITIONS.—In this section:

20 (1) The term “covered position” means a posi-
21 tion for an officer in a grade above O–6.

22 (2) The term “officer” has the meanings given
23 that term in section 101(b) of title 10, United
24 States Code.

25 (3) The term “medical component” means—

1 (A) in the case of the Army, the Medical
2 Corps, Dental Corps, Nurse Corps, Medical
3 Service Corps, Veterinary Corps, and Army
4 Medical Specialist Corps;

5 (B) in the case of the Air Force, members
6 designated as medical officers, dental officers,
7 Air Force nurses, medical service officers, and
8 biomedical science officers; and

9 (C) in the case of the Navy, the Medical
10 Corps, Dental Corps, Nurse Corps, and Medical
11 Service Corps.

12 (4) The term “medical personnel” has the
13 meaning given such term in section 115a(e) of title
14 10, United States Code.

15 (5) The term “military department” has the
16 meaning given that term in section 101(a) of such
17 title.

18 **SEC. 747. REPORT ON EFFECTS OF LOW RECRUITMENT AND**
19 **RETENTION ON OPERATIONAL TEMPO AND**
20 **PHYSICAL AND MENTAL HEALTH OF MEM-**
21 **BERS OF THE ARMED FORCES.**

22 (a) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Secretary of Defense,
24 in coordination with the Secretaries of the military depart-
25 ments, shall submit to the Committees on Armed Services

1 of the House of Representatives and the Senate a report
2 on the effects of low recruitment and retention on the
3 Armed Forces.

4 (b) MATTERS.—The report under subsection (a) shall
5 include an assessment of the following:

6 (1) The effect of low recruitment on the tempo
7 for operational units during the previous five years,
8 including with respect to deployed units and units in
9 pre-deployment training.

10 (2) Whether the rate of operational tempo dur-
11 ing the pervious five years has affected the retention
12 of members of the Armed Forces, including with re-
13 spect to deployed units and units in pre-deployment
14 training.

15 (3) How the rate of operational tempo during
16 the previous five years has affected the number of
17 mental health visits of members of the Armed
18 Forces serving in such units.

19 (4) How the rate of operational tempo during
20 the pervious five years has affected the number of
21 suicides occurring within such units.

22 (5) Whether the rate of operational tempo dur-
23 ing the pervious five years has affected the number
24 of musculoskeletal and related injuries incurred by
25 members of the Armed Forces serving in such units.

1 (6) The type or types of military occupational
2 specialties most affected by low recruitment.

3 (7) Lessons learned in the process of gathering
4 data for the report under this section.

5 (8) Any policy or legislative recommendations to
6 mitigate the effect of low recruitment on the oper-
7 ational tempo of the Armed Forces.

8 **SEC. 748. GUIDANCE FOR ADDRESSING HEALTHY RELA-**
9 **TIONSHIPS AND INTIMATE PARTNER VIO-**
10 **LENCE THROUGH TRICARE PROGRAM.**

11 (a) **GUIDANCE.**—The Secretary of Defense shall dis-
12 seminate guidance on the implementation through the
13 TRICARE program of—

14 (1) education on healthy relationships and inti-
15 mate partner violence; and

16 (2) protocols for—

17 (A) the routine assessment of intimate
18 partner violence and sexual assault; and

19 (B) the promotion of, and strategies for,
20 trauma-informed care plans.

21 (b) **BRIEFING.**—Not later than one year after the
22 date of the enactment of this Act, the Secretary of Defense
23 shall provide to the Committees on Armed Services of the
24 House of Representatives and the Senate a briefing on the
25 implementation of this section.

1 **SEC. 749. BRIEFING ON SUICIDE PREVENTION REFORMS**
2 **FOR MEMBERS OF THE ARMED FORCES.**

3 (a) IN GENERAL.—Not later than March 1, 2023, the
4 Secretary of Defense shall provide to the Committees on
5 Armed Services of the Senate and the House of Represent-
6 atives a briefing on the following:

7 (1) The feasibility and advisability of imple-
8 menting reforms related to suicide prevention among
9 members of the Armed Forces as follows:

10 (A) Eliminating mental health history as a
11 disqualifier for service in the Armed Forces, in-
12 cluding by eliminating restrictions related to
13 mental health history that are specific to mili-
14 tary occupational specialties.

15 (B) Requiring comprehensive and in-per-
16 son annual mental health assessments of mem-
17 bers of the Armed Forces.

18 (C) Requiring behavioral health providers
19 under the TRICARE program, including pro-
20 viders contracted through such program, to un-
21 dergo evidence-based and suicide-specific train-
22 ing.

23 (D) Requiring leaders at all levels of the
24 Armed Forces to be trained on the following:

25 (i) Total wellness.

1 (ii) Suicide warning signs and risk
2 factors.

3 (iii) Evidence-based, suicide-specific
4 interventions.

5 (iv) Effectively communicating with
6 medical and behavioral health providers.

7 (v) Communicating with family mem-
8 bers, including extended family members
9 who are not co-located with a member of
10 the Armed Forces, on support and access
11 to resources for members of the Armed
12 Forces and the dependents thereof.

13 (E) Requiring mandatory referral to War-
14 riors in Transition programs, or other transi-
15 tional programs, for members of the Armed
16 Forces who are eligible for such programs.

17 (2) Recommendations for additional legislative
18 actions necessary to further enhance or expand sui-
19 cide prevention efforts of the Department of De-
20 fense.

21 (b) DEFINITIONS.—In this section—

22 (1) The term “TRICARE program” has the
23 meaning given that term in section 1072 of title 10,
24 United States Code.

1 (2) The term “Warriors in Transition pro-
2 gram” has the meaning given that term in section
3 738(e) of the National Defense Authorization Act
4 for Fiscal Year 2013 (Public Law 112–239; 10
5 U.S.C. 1071 note).

6 **TITLE VIII—ACQUISITION POL-**
7 **ICY, ACQUISITION MANAGE-**
8 **MENT, AND RELATED MAT-**
9 **TERS**

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT,
AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

- Sec. 801. Writing award to encourage curiosity and persistence in overcoming obstacles in acquisition.
- Sec. 802. Task and delivery order contracting for architectural and engineering services.
- Sec. 803. Data requirements for commercial products for major weapon systems.
- Sec. 804. Revision of authority for procedures to allow rapid acquisition and deployment of capabilities needed under specified high-priority circumstances.
- Sec. 805. Treatment of certain clauses implementing Executive orders.
- Sec. 806. Life cycle management and product support.
- Sec. 807. Amendments to contractor employee protections from reprisal for disclosure of certain information.
- Sec. 808. Use of fixed-price type contracts for certain major defense acquisition programs.
- Sec. 809. Acquisition reporting system.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

- Sec. 811. Inclusion in budget justification materials of enhanced reporting on proposed cancellations and modifications to multiyear contracts.
- Sec. 812. Comptroller General assessment of acquisition programs and related efforts.
- Sec. 813. Extension of Defense Modernization Account authority.
- Sec. 814. Clarification to fixed-price incentive contract references.
- Sec. 815. Modification of reporting requirement in connection with requests for multiyear procurement authority for large defense acquisitions.
- Sec. 816. Modification of provision relating to determination of certain activities with unusually hazardous risks.

- Sec. 817. Modification to prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 818. Extension of pilot program to accelerate contracting and pricing processes.
- Sec. 819. Extension of pilot program for distribution support and services for weapons systems contractors.
- Sec. 820. Extension and modification of Never Contract with the Enemy.
- Sec. 821. Repeal of requirement for Inspector General of the Department of Defense to conduct certain reviews.
- Sec. 822. Modification of contracts to provide extraordinary relief due to inflation impacts.

Subtitle C—Provisions Relating to Acquisition Workforce

- Sec. 831. Key experiences and enhanced pay authority for acquisition workforce excellence.
- Sec. 832. Defense Acquisition University reforms.
- Sec. 833. Modifications to Defense Civilian Training Corps.
- Sec. 834. Acquisition workforce incentives relating to training on, and agreements with, certain start-up businesses.
- Sec. 835. Curricula on software acquisitions and cybersecurity software or hardware acquisitions for covered individuals.
- Sec. 836. Department of Defense national imperative for industrial skills program.

Subtitle D—Provisions Relating to Software and Technology

- Sec. 841. Guidelines and resources on the acquisition or licensing of intellectual property.
- Sec. 842. Modification of authority of the Department of Defense to carry out certain prototype projects.
- Sec. 843. Other transaction authority clarification.
- Sec. 844. Prizes for advanced technology achievements.
- Sec. 845. Congressional notification for pilot program to accelerate the procurement and fielding of innovative technologies.
- Sec. 846. Report on software delivery times.

Subtitle E—Industrial Base Matters

- Sec. 851. Modification to the national technology and industrial base.
- Sec. 852. Modification to miscellaneous limitations on the procurement of goods other than United States goods.
- Sec. 853. Requirements for the procurement of certain components for certain naval vessels and auxiliary ships.
- Sec. 854. Modifications to the procurement technical assistance program.
- Sec. 855. Codification of prohibition on certain procurements from the Xinjiang Uyghur Autonomous Region.
- Sec. 856. Codification of the Department of Defense Mentor–Protege Program.
- Sec. 857. Procurement requirements relating to rare earth elements and strategic and critical materials.
- Sec. 858. Analyses of certain activities for action to address sourcing and industrial capacity.
- Sec. 859. Demonstration exercise of enhanced planning for industrial mobilization and supply chain management.
- Sec. 860. Risk management for Department of Defense pharmaceutical supply chains.

- Sec. 861. Strategy for increasing competitive opportunities for certain critical technologies.
- Sec. 862. Key advanced system development industry days.

Subtitle F—Small Business Matters

- Sec. 871. Codification of Small Business Administration scorecard.
- Sec. 872. Modifications to the SBIR and STTR programs.
- Sec. 873. Access to data on bundled or consolidated contracts.
- Sec. 874. Small business integration working group.
- Sec. 875. Demonstration of commercial due diligence for small business programs.
- Sec. 876. Development and assessment of mission effectiveness metrics.

Subtitle G—Other Matters

- Sec. 881. Technical correction to effective date of the transfer of certain title 10 acquisition provisions.
- Sec. 882. Security clearance bridge pilot program.
- Sec. 883. Existing agreement limits for Operation Warp Speed.
- Sec. 884. Incorporation of controlled unclassified information guidance into program classification guides and program protection plans.

1 **Subtitle A—Acquisition Policy and**
2 **Management**

3 **SEC. 801. WRITING AWARD TO ENCOURAGE CURIOSITY AND**
4 **PERSISTENCE IN OVERCOMING OBSTACLES**
5 **IN ACQUISITION.**

6 (a) IN GENERAL.—Chapter 87 of title 10, United
7 States Code, is amended by inserting after section 1742
8 the following new section:

9 **“§ 1743. Awards to recognize members of the acquisi-**
10 **tion workforce**

11 “(a) ESTABLISHMENT.—The President of the De-
12 fense Acquisition University shall establish two programs
13 to provide awards to recognize members of the acquisition
14 workforce as follows:

1 “(1) An award of not more than \$5,000 to such
2 members who use an iterative writing process to doc-
3 ument a first-hand account of using independent
4 judgment to overcome an obstacle the member faced
5 while working within the defense acquisition system
6 (as defined in section 3001 of this title).

7 “(2) An award of not more than \$5,000 to such
8 members who make the best use of the flexibilities
9 and authorities granted by the Federal Acquisition
10 Regulation and Department of Defense Instruction
11 5000.02 (Operation of the Defense Acquisition Sys-
12 tem).

13 “(b) NUMBER OF AWARDS.—

14 “(1) IN GENERAL.—The President of the De-
15 fense Acquisition University may make not more
16 than five awards under subsection (a)(1) and one
17 award under subsection (a)(2) each year.

18 “(2) LIMITATION.—A member of the acquisi-
19 tion workforce may receive one award each year.

20 “(c) REQUIREMENTS FOR WRITING AWARD.—

21 “(1) SUBMISSION REQUIRED.—A member of
22 the acquisition workforce desiring an award under
23 subsection (a)(1) shall submit to the President of
24 the Defense Acquisition University the first-hand ac-

1 count described in such subsection. Such first-hand
2 account shall demonstrate—

3 “(A) an original and engaging idea docu-
4 menting the use of independent judgment to
5 overcome an obstacle the recipient faced while
6 working within the defense acquisition system;
7 and

8 “(B) the use of an iterative writing proc-
9 ess, including evidence of—

10 “(i) critical thinking;

11 “(ii) incorporation of feedback from
12 diverse perspectives; and

13 “(iii) editing to achieve plain writing
14 (as defined in section 3 of the Plain Writ-
15 ing Act of 2010 (5 U.S.C. 301 note)).

16 “(2) WEBSITE.—The President of the Defense
17 Acquisition University shall establish and maintain a
18 website to serve as a repository for submissions
19 made under paragraph (1). Such website shall allow
20 for public comments and discussion.

21 “(d) REQUIREMENTS FOR FLEXIBILITY AWARD.—A
22 member of the acquisition workforce desiring an award
23 under subsection (a)(2) shall submit to the President of
24 the Defense Acquisition University documentation that
25 such member uses approaches to program management

1 that emphasize innovation and local adaptation, including
2 the use of—

3 “(1) simplified acquisition procedures;

4 “(2) inherent flexibilities within the Federal Ac-
5 quisition Regulation;

6 “(3) commercial contracting approaches;

7 “(4) public-private partnership agreements and
8 practices;

9 “(5) cost-sharing arrangements;

10 “(6) innovative contractor incentive practices;

11 or

12 “(7) other innovative implementations of acqui-
13 sition flexibilities.

14 “(e) FUNDING.—The Secretary of Defense shall use
15 funds from the Defense Acquisition Workforce Develop-
16 ment Account to carry out this section.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of such chapter is amended by inserting
19 after section 1742 the following new item:

“1743. Awards to recognize members of the acquisition workforce.”.

20 (c) CONFORMING AMENDMENT.—Section 834 of the
21 National Defense Authorization Act for Fiscal Year 2017
22 (Public Law 114–328; 130 Stat. 2285; 10 U.S.C. 1701a
23 note) is repealed.

1 **SEC. 802. TASK AND DELIVERY ORDER CONTRACTING FOR**
2 **ARCHITECTURAL AND ENGINEERING SERV-**
3 **ICES.**

4 Section 3406 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(h) ARCHITECTURAL AND ENGINEERING SERV-
8 ICES.—

9 “(1) QUALIFICATION-BASED SELECTIONS RE-
10 QUIRED.—Task or delivery orders for architectural
11 and engineering services issued under section 3403
12 or 3405 of this title shall be qualification-based se-
13 lections executed in accordance with chapter 11 of
14 title 40.

15 “(2) MULTIPLE AWARD CONTRACTS.—When
16 issuing a task or delivery order for architectural and
17 engineering services under a multiple award con-
18 tract, the head of an agency may not routinely re-
19 quest additional information relating to qualifica-
20 tions from the contractor for such multiple award
21 contract.”.

22 **SEC. 803. DATA REQUIREMENTS FOR COMMERCIAL PROD-**
23 **UCTS FOR MAJOR WEAPON SYSTEMS.**

24 (a) AMENDMENTS RELATING TO SUBSYSTEMS OF
25 MAJOR WEAPONS SYSTEMS.—Section 3455(b) of title 10,
26 United States Code is amended—

1 (1) by redesignating paragraphs (1) and (2) as
2 subparagraphs (A) and (B);

3 (2) by inserting “(1)” before “A subsystem of
4 a major weapon system”; and

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

7 “(2)(A) For a subsystem proposed as commercial (as
8 defined in section 103(1) of title 41) and that has not
9 been previously determined commercial in accordance with
10 section 3703(d) of this title, the offeror shall—

11 “(i) identify the comparable commercial product
12 the offeror sells to the general public or nongovern-
13 mental entities that serves as the basis for the ‘of
14 a type’ assertion;

15 “(ii) submit to the contracting officer a com-
16 parison necessary to serve as the basis of the ‘of a
17 type’ assertion of the physical characteristics and
18 functionality between the subsystem and the com-
19 parable commercial product identified under clause
20 (i); and

21 “(iii) provide to the contracting officer the Na-
22 tional Stock Number for both the comparable com-
23 mercial product identified under clause (i), if one is
24 assigned, and the subsystem, if one is assigned.

1 “(B) If the offeror does not sell a comparable com-
2 mercial product to the general public or nongovernmental
3 entities for purposes other than governmental purposes
4 that can serve as the basis for an ‘of a type’ assertion
5 with respect to the subsystem—

6 “(i) the offeror shall—

7 “(I) notify the contracting officer in writ-
8 ing that it does not so sell such a comparable
9 commercial product; and

10 “(II) provide to the contracting officer a
11 comparison necessary to serve as the basis of
12 the ‘of a type’ assertion of the physical charac-
13 teristics and functionality between the sub-
14 system and the most comparable commercial
15 product in the commercial marketplace, to the
16 extent reasonably known by the offeror; and

17 “(ii) subparagraph (A) shall not apply with re-
18 spect to the offeror for such subsystem.”.

19 (b) AMENDMENT RELATING TO COMPONENTS AND
20 SPARE PARTS.—Section 3455(c)(2) of such title is amend-
21 ed to read as follows:

22 “(2)(A) For a component or spare part proposed as
23 commercial (as defined in section 103(1) of title 41) and
24 that has not previously been determined commercial in ac-

1 cordance with section 3703(d) of this title, the offeror
2 shall—

3 “(i) identify the comparable commercial product
4 the offeror sells to the general public or nongovern-
5 mental entities that serves as the basis for the ‘of
6 a type’ assertion;

7 “(ii) submit to the contracting officer a com-
8 parison necessary to serve as the basis of the ‘of a
9 type’ assertion of the physical characteristics and
10 functionality between the component or spare part
11 and the comparable commercial product identified
12 under clause (i); and

13 “(iii) provide to the contracting officer the Na-
14 tional Stock Number for both the comparable com-
15 mercial product identified under clause (i), if one is
16 assigned, and the component or spare part, if one is
17 assigned.

18 “(B) If the offeror does not sell a comparable com-
19 mercial product to the general public or nongovernmental
20 entities for purposes other than governmental purposes
21 that can serve as the basis for an ‘of a type’ assertion
22 with respect to the component or spare part—

23 “(i) the offeror shall—

1 “(I) notify the contracting officer in writ-
2 ing that it does not so sell such a comparable
3 commercial product; and

4 “(II) provide to the contracting officer a
5 comparison necessary to serve as the basis of
6 the ‘of a type’ assertion of the physical charac-
7 teristics and functionality between the compo-
8 nent or spare part and the most comparable
9 commercial product in the commercial market-
10 place, to the extent reasonably known by the of-
11 feror; and

12 “(ii) subparagraph (A) shall not apply with re-
13 spect to the offeror for such component or spare
14 part.”.

15 (c) AMENDMENTS RELATING TO INFORMATION SUB-
16 MITTED.—Section 3455(d) of such title is amended—

17 (1) in the subsection heading, by inserting after
18 “SUBMITTED” the following: “FOR PROCUREMENTS
19 THAT ARE NOT COVERED BY THE EXCEPTIONS IN
20 SECTION 3703(A)(1) OF THIS TITLE”;

21 (2) in paragraph (1)—

22 (A) in the matter preceding subparagraph
23 (A), by striking “the contracting officer shall
24 require the offeror to submit—” and inserting
25 “the offeror shall, in accordance with paragraph

1 (4), submit to the contracting officer or provide
2 the contracting officer access to—”;

3 (B) in subparagraph (A)—

4 (i) by inserting “a representative sam-
5 ple, as determined by the contracting offi-
6 cer, of the” before “prices paid”; and

7 (ii) by inserting “, and the terms and
8 conditions of such sales” after “Govern-
9 ment and commercial customers”;

10 (C) in subparagraph (B), by striking “in-
11 formation on—” and all that follows and insert-
12 ing the following: “a representative sample, as
13 determined by the contracting officer, of the
14 prices paid for the same or similar commercial
15 products sold under different terms and condi-
16 tions, and the terms and conditions of such
17 sales; and”;

18 (D) in subparagraph (C)—

19 (i) by inserting “only” before “if the
20 contracting officer”; and

21 (ii) by inserting after “reasonableness
22 of price” the following: “because either the
23 comparable commercial products provided
24 by the offeror are not a valid basis for a
25 price analysis or the contracting officer de-

1 termines the proposed price is not reason-
2 able after evaluating sales data, and the
3 contracting officer receives the approval
4 described in paragraph (5)”; and

5 (3) by adding at the end the following new
6 paragraphs:

7 “(4)(A) An offeror may redact data information sub-
8 mitted or made available under subparagraph (A) or (B)
9 of paragraph (1) with respect to sales of an item acquired
10 under this section only to the extent necessary to remove
11 information individually identifying government cus-
12 tomers, commercial customers purchasing such item for
13 governmental purposes, and commercial customers pur-
14 chasing such item for commercial, mixed, or unknown pur-
15 poses.

16 “(B) Before an offeror may exercise the authority
17 under subparagraph (A) with respect to a customer, the
18 offeror shall certify in writing to the contracting officer
19 whether the customer is a government customer, a com-
20 mercial customer purchasing the item for governmental
21 purpose, or a commercial customer purchasing the item
22 for a commercial, mixed, or unknown purpose.

23 “(5) A contracting officer may not require an offeror
24 to submit or make available information under paragraph

1 (1)(C) without approval from a level above the contracting
2 officer.

3 “(6) Nothing in this subsection shall relieve an offer-
4 or of other obligations under any other law or regulation
5 to disclose and support the actual rationale of the offeror
6 for the price proposed by the offeror to the Government
7 for any good or service.”.

8 (d) APPLICABILITY.—Section 3455 of such title is
9 amended by adding at the end the following new sub-
10 section:

11 “(g) APPLICABILITY.—

12 “(1) IN GENERAL.—Subsections (b) and (c)
13 shall apply only with respect to subsystems described
14 in subsection (b) and components or spare parts de-
15 scribed in subsection (c), respectively, that the De-
16 partment of Defense acquires through—

17 “(A) a prime contract;

18 “(B) a modification to a prime contract; or

19 “(C) a subcontract described in paragraph

20 (2).

21 “(2) SUBCONTRACT DESCRIBED.—A sub-
22 contract described in this paragraph is a subcontract
23 through which the Department of Defense acquires
24 a subsystem or component or spare part proposed as
25 commercial (as defined in section 103(1) of title 41)

1 under this section and that has not previously been
2 determined commercial in accordance with section
3 3703(d).”.

4 **SEC. 804. REVISION OF AUTHORITY FOR PROCEDURES TO**
5 **ALLOW RAPID ACQUISITION AND DEPLOY-**
6 **MENT OF CAPABILITIES NEEDED UNDER**
7 **SPECIFIED HIGH-PRIORITY CIRCUMSTANCES.**

8 (a) REVISION AND CODIFICATION OF RAPID ACQUI-
9 TION AUTHORITY.—Chapter 253 of part V of title 10,
10 United States Code, is amended to read as follows:

11 **“CHAPTER 253—RAPID ACQUISITION**
12 **PROCEDURES**

“Sec.

“3601. Procedures for urgent acquisition and deployment of capabilities needed
in response to urgent operational needs or vital national security interest.

13 **“§ 3601. Procedures for urgent acquisition and de-**
14 **ployment of capabilities needed in re-**
15 **sponse to urgent operational needs or**
16 **vital national security interest**

17 “(a) PROCEDURES.—

18 “(1) IN GENERAL.—The Secretary of Defense
19 shall prescribe procedures for the urgent acquisition
20 and deployment of capabilities needed in response to
21 urgent operational needs. The capabilities for which
22 such procedures may be used in response to an ur-
23 gent operational need are those—

1 “(A) that, subject to such exceptions as
2 the Secretary considers appropriate for pur-
3 poses of this section—

4 “(i) can be fielded within a period of
5 two to 24 months;

6 “(ii) do not require substantial devel-
7 opment effort;

8 “(iii) are based on technologies that
9 are proven and available; and

10 “(iv) can appropriately be acquired
11 under fixed-price contracts; or

12 “(B) that can be developed or procured
13 under a section 804 rapid acquisition pathway.

14 “(2) DEFINITION.—In this section, the term
15 ‘section 804 rapid acquisition pathway’ means the
16 rapid fielding acquisition pathway or the rapid
17 prototyping acquisition pathway authorized under
18 section 804 of the National Defense Authorization
19 Act for Fiscal Year 2016 (Public Law 114–92; 10
20 U.S.C. 3201 prec.).

21 “(b) MATTERS TO BE INCLUDED.—The procedures
22 prescribed under subsection (a) shall include the following:

23 “(1) A process for streamlined communications
24 between the Chairman of the Joint Chiefs of Staff,

1 the acquisition community, and the research and de-
2 velopment community, including—

3 “(A) a process for the commanders of the
4 combatant commands and the Chairman of the
5 Joint Chiefs of Staff to communicate their
6 needs to the acquisition community and the re-
7 search and development community; and

8 “(B) a process for the acquisition commu-
9 nity and the research and development commu-
10 nity to propose capabilities that meet the needs
11 communicated by the combatant commands and
12 the Chairman of the Joint Chiefs of Staff.

13 “(2) Procedures for demonstrating, rapidly ac-
14 quiring, and deploying a capability proposed pursu-
15 ant to paragraph (1)(B), including—

16 “(A) a process for demonstrating and eval-
17 uating for current operational purposes the per-
18 formance of the capability;

19 “(B) a process for developing an acquisi-
20 tion and funding strategy for the deployment of
21 the capability; and

22 “(C) a process for making deployment and
23 utilization determinations based on information
24 obtained pursuant to subparagraphs (A) and
25 (B).

1 “(3) A process to determine the disposition of
2 a capability, including termination (demilitarization
3 or disposal), continued sustainment, or transition to
4 a program of record.

5 “(4) Specific procedures in accordance with the
6 guidance developed under section 804(a) of the Na-
7 tional Defense Authorization Act for Fiscal Year
8 2016 (Public Law 114–92; 10 U.S.C. 3201 prec.).

9 “(c) RESPONSE TO COMBAT EMERGENCIES AND
10 CERTAIN URGENT OPERATIONAL NEEDS.—

11 “(1) DETERMINATION OF NEED FOR URGENT
12 ACQUISITION AND DEPLOYMENT.—(A) In the case of
13 any capability that, as determined in writing by the
14 Secretary of Defense, is urgently needed to eliminate
15 a documented deficiency that has resulted in combat
16 casualties, or is likely to result in combat casualties,
17 the Secretary may use the procedures developed
18 under this section in order to accomplish the urgent
19 acquisition and deployment of the needed capability.

20 “(B) In the case of any capability that, as de-
21 termined in writing by the Secretary of Defense, is
22 urgently needed to eliminate a documented defi-
23 ciency that impacts an ongoing or anticipated con-
24 tingency operation and that, if left unfulfilled, could
25 potentially result in loss of life or critical mission

1 failure, the Secretary may use the procedures devel-
2 oped under this section in order to accomplish the
3 urgent acquisition and deployment of the needed ca-
4 pability.

5 “(C)(i) In the case of any cyber capability that,
6 as determined in writing by the Secretary of De-
7 fense, is urgently needed to eliminate a deficiency
8 that as the result of a cyber attack has resulted in
9 critical mission failure, the loss of life, property de-
10 struction, or economic effects, or if left unfilled is
11 likely to result in critical mission failure, the loss of
12 life, property destruction, or economic effects, the
13 Secretary may use the procedures developed under
14 this section in order to accomplish the urgent acqui-
15 sition and deployment of the needed offensive or de-
16 fensive cyber capability.

17 “(ii) In this subparagraph, the term ‘cyber at-
18 tack’ means a deliberate action to alter, disrupt, de-
19 ceive, degrade, or destroy computer systems or net-
20 works or the information or programs resident in or
21 transiting these systems or networks.

22 “(2) DESIGNATION OF SENIOR OFFICIAL RE-
23 SPONSIBLE.—(A)(i) Except as provided under clause
24 (ii), whenever the Secretary of Defense makes a de-
25 termination under subparagraph (A), (B), or (C) of

1 paragraph (1) that a capability is urgently needed to
2 eliminate a deficiency described in that subpara-
3 graph, the Secretary shall designate a senior official
4 of the Department of Defense to ensure that the
5 needed capability is acquired and deployed as quick-
6 ly as possible, with a goal of awarding a contract for
7 the acquisition of the capability within 15 days.

8 “(ii) Clause (i) does not apply to an acquisition
9 initiated in the case of a determination by the Sec-
10 retary of Defense that funds are necessary to imme-
11 diately initiate a project under a section 804 rapid
12 acquisition pathway if the designated official for ac-
13 quisitions using such pathway is a service acquisition
14 executive.

15 “(B) Upon designation of a senior official under
16 subparagraph (A) with respect to a needed capa-
17 bility, the Secretary shall authorize that senior offi-
18 cial to waive any provision of law or regulation de-
19 scribed in subsection (d) that such senior official de-
20 termines in writing would unnecessarily impede the
21 urgent acquisition and deployment of such capa-
22 bility. In a case in which such capability cannot be
23 acquired without an extensive delay, the senior offi-
24 cial shall require that an interim solution be imple-
25 mented and deployed using the procedures developed

1 under this section to minimize adverse consequences
2 resulting from the urgent need.

3 “(3) USE OF FUNDS.—(A) Subject to subpara-
4 graph (C), in any fiscal year in which the Secretary
5 of Defense makes a determination described in sub-
6 paragraph (A), (B), or (C) of paragraph (1) with re-
7 spect to a capability, or upon the Secretary making
8 a determination that funds are necessary to imme-
9 diately initiate a project under a section 804 rapid
10 acquisition pathway based on a compelling national
11 security need, the Secretary may use any funds
12 available to the Department of Defense to urgently
13 acquire and deploy such capability or immediately
14 initiate such project, respectively, if the determina-
15 tion includes a written finding that the use of such
16 funds is necessary to address in a timely manner the
17 deficiency documented or identified under such sub-
18 paragraph (A), (B), or (C) or the compelling na-
19 tional security need identified for purposes of such
20 section 804 pathway, respectively.

21 “(B) The authority provided by this section
22 may only be used to acquire capability—

23 “(i) in the case of determinations by the
24 Secretary under paragraph (1)(A), in an

1 amount aggregating not more than
2 \$200,000,000 during any fiscal year;

3 “(ii) in the case of determinations by the
4 Secretary under paragraph (1)(B), in an
5 amount aggregating not more than
6 \$200,000,000 during any fiscal year;

7 “(iii) in the case of determinations by the
8 Secretary under paragraph (1)(C), in an
9 amount aggregating not more than
10 \$200,000,000 during any fiscal year; and

11 “(iv) in the case of a determination by the
12 Secretary that funds are necessary to imme-
13 diately initiate a project under a section 804
14 rapid acquisition pathway, in an amount aggre-
15 gating not more than \$50,000,000 during any
16 fiscal year.

17 “(C) In exercising the authority under this sec-
18 tion—

19 “(i) none of the amounts appropriated for
20 Operation and Maintenance may be used to
21 carry out this section except for amounts appro-
22 priated for—

23 “(I) Operation and Maintenance, De-
24 fense-wide;

1 “(II) Operation and Maintenance,
2 Army;

3 “(III) Operation and Maintenance,
4 Navy;

5 “(IV) Operation and Maintenance,
6 Marine Corps;

7 “(V) Operation and Maintenance, Air
8 Force; or

9 “(VI) Operation and Maintenance,
10 Space Force; and

11 “(ii) when funds are utilized for
12 sustainment purposes, this authority may not
13 be used for more than 2 years.

14 “(4) NOTIFICATION TO CONGRESSIONAL DE-
15 FENSE COMMITTEES.—(A) In the case of a deter-
16 mination by the Secretary of Defense under sub-
17 paragraph (A) or (C) of paragraph (1), the Sec-
18 retary shall notify the congressional defense commit-
19 tees of the determination within 15 days after the
20 date of the determination.

21 “(B) In the case of a determination by the Sec-
22 retary under paragraph (1)(B), the Secretary shall
23 notify the congressional defense committees of the
24 determination at least 10 days before the date on
25 which the determination is effective.

1 “(C) In the case of a determination by the Sec-
2 retary under paragraph (3)(A) that funds are nec-
3 essary to immediately initiate a project under a sec-
4 tion 804 rapid acquisition pathway, the Secretary
5 shall notify the congressional defense committees of
6 the determination within 10 days after the date of
7 the use of such funds.

8 “(D) A notice under this paragraph shall in-
9 clude the following:

10 “(i) Identification of the capability to be
11 acquired.

12 “(ii) The amount anticipated to be ex-
13 pended for the acquisition.

14 “(iii) The source of funds for the acquisi-
15 tion.

16 “(E) A notice under this paragraph shall fulfill
17 any requirement to provide notification to Congress
18 for a program (referred to as a ‘new start program’)
19 that has not previously been specifically authorized
20 by law or for which funds have not previously been
21 appropriated.

22 “(F) A notice under this paragraph shall be
23 provided in consultation with the Director of the Of-
24 fice of Management and Budget.

1 “(5) LIMITATION ON OFFICERS WITH AUTHOR-
2 ITY.—The authority to make determinations under
3 subparagraph (A), (B), or (C) of paragraph (1) and
4 under paragraph (3)(A) that funds are necessary to
5 immediately initiate a project under a section 804
6 rapid acquisition pathway, to designate a senior offi-
7 cial responsible under paragraph (3), and to provide
8 notification to the congressional defense committees
9 under paragraph (4) may be exercised only by the
10 Secretary of Defense or the Deputy Secretary of De-
11 fense.

12 “(d) AUTHORITY TO WAIVE CERTAIN LAWS AND
13 REGULATIONS.—

14 “(1) AUTHORITY.—Following a determination
15 described in subsection (c)(1), the senior official des-
16 ignated in accordance with subsection (c)(2), with
17 respect to that designation, may waive any provision
18 of law or regulation addressing—

19 “(A) the establishment of a requirement or
20 specification for the capability to be acquired;

21 “(B) the research, development, test, and
22 evaluation of the capability to be acquired;

23 “(C) the production, fielding, and
24 sustainment of the capability to be acquired; or

1 “(D) the solicitation, selection of sources,
2 and award of the contracts for procurement of
3 the capability to be acquired.

4 “(2) LIMITATIONS.—Nothing in this subsection
5 authorizes the waiver of—

6 “(A) the requirements of this section;

7 “(B) any provision of law imposing civil or
8 criminal penalties; or

9 “(C) any provision of law governing the
10 proper expenditure of appropriated funds.

11 “(e) OPERATIONAL ASSESSMENTS.—

12 “(1) IN GENERAL.—The process prescribed
13 under subsection (b)(2)(A) for demonstrating and
14 evaluating for current operational purposes the per-
15 formance of a capability proposed pursuant to sub-
16 section (b)(1)(B) shall include the following:

17 “(A) An operational assessment in accord-
18 ance with procedures prescribed by the Director
19 of Operational Test and Evaluation.

20 “(B) A requirement to provide information
21 about any deficiency of the capability in meet-
22 ing the original requirements for the capability
23 (as stated in a statement of the urgent oper-
24 ational need or similar document) to the deploy-
25 ment decision-making authority.

1 “(2) LIMITATION.—The process prescribed
2 under subsection (b)(2)(A) may not include a re-
3 quirement for any deficiency of capability identified
4 in the operational assessment to be the determining
5 factor in deciding whether to deploy the capability.

6 “(3) DIRECTOR OF OPERATIONAL TEST AND
7 EVALUATION ACCESS.—If a capability is deployed
8 under the procedures prescribed pursuant to this
9 section, or under any other authority, before oper-
10 ational test and evaluation of the capability is com-
11 pleted, the Director of Operational Test and Evalua-
12 tion shall have access to operational records and
13 data relevant to such capability in accordance with
14 section 139(e)(3) of this title for the purpose of
15 completing operational test and evaluation of the ca-
16 pability. Such access shall be provided in a time and
17 manner determined by the Secretary of Defense con-
18 sistent with requirements of operational security and
19 other relevant operational requirements.”.

20 (b) CLERICAL AMENDMENT.—The table of chapters
21 at the beginning of subtitle A, and at the beginning of
22 part V of subtitle A, of title 10, United States Code, are
23 each amended by striking the item relating to chapter 253
24 and inserting the following:

“253. Rapid Acquisition Procedures 3601”.

1 (c) CONFORMING REPEALS.—The following provi-
2 sions of law are repealed:

3 (1) Section 804 of the Ike Skelton National De-
4 fense Authorization Act for Fiscal Year 2011 (Pub-
5 lic Law 111–383; 10 U.S.C. 3201 note prec.).

6 (2) Section 806 of the Bob Stump National De-
7 fense Authorization Act for Fiscal Year 2003 (Pub-
8 lic Law 107–314; 10 U.S.C. 3201 note prec.).

9 (d) ADDITIONAL CONFORMING AMENDMENTS.—

10 (1) Section 2216a(c) of title 10, United States
11 Code, is amended by striking “section 804(b) of the
12 Ike Skelton National Defense Authorization Act for
13 Fiscal Year 2011 (10 U.S.C. 2302 note)” and in-
14 sserting “Department of Defense Instruction 5000.81
15 (or any successor instruction), dated December 31,
16 2019, and titled ‘Urgent Capability Acquisition’”.

17 (2) Section 8074 of title VIII of the Depart-
18 ment of Defense Appropriations Act, 2022 (division
19 C of Public Law 117–103; 136 Stat. 193) is amend-
20 ed by striking “under section 806(c)(4) of the Bob
21 Stump National Defense Authorization Act for Fis-
22 cal Year 2003 (10 U.S.C. 2302 note)” and inserting
23 “under section 3601(c)(4) of title 10, United States
24 Code,”.

1 (3) Section 851(f) of the Carl Levin and How-
2 ard P. “Buck” McKeon National Defense Authoriza-
3 tion Act for Fiscal Year 2015 (Public Law 113–291;
4 10 U.S.C 3201 note prec.) is amended by striking
5 “under section 806 of the Bob Stump National De-
6 fense Authorization Act for Fiscal Year 2003 (Pub-
7 lic Law 107–314; 10 U.S.C. 2302 note)” and insert-
8 ing “under section 3601 of title 10, United States
9 Code”.

10 (4) Section 231(c)(1)(A) of the John Warner
11 National Defense Authorization Act for Fiscal Year
12 2007 (Public Law 109–364; 10 U.S.C. 139 note) is
13 amended by striking “section 806 of the Bob Stump
14 National Defense Authorization Act for Fiscal Year
15 2003 (10 U.S.C. 2302 note)” and inserting “section
16 3601 of title 10, United States Code”.

17 **SEC. 805. TREATMENT OF CERTAIN CLAUSES IMPLE-**
18 **MENTING EXECUTIVE ORDERS.**

19 (a) IN GENERAL.—Section 3862 of title 10, United
20 States Code, is amended—

21 (1) in the section heading, by striking “: **cer-**
22 **tification**”;

23 (2) by redesignating subsection (c) as sub-
24 section (d);

1 (3) by inserting after subsection (b) the fol-
2 lowing new subsection:

3 “(c) TREATMENT OF CERTAIN CLAUSES IMPLE-
4 MENTING EXECUTIVE ORDERS.—The unilateral insertion
5 of a covered clause into an existing Department of Defense
6 contract, order, or other transaction by a contracting offi-
7 cer shall be treated as a change directed by the contracting
8 officer pursuant to, and subject to, the Changes clause of
9 the underlying contract, order, or other transaction.”; and
10 (4) in subsection (d), as redesignated by para-
11 graph (2)—

12 (A) in the subsection heading, by striking
13 “DEFINITION” and inserting “DEFINITIONS”;

14 (B) by striking “section, the term” and in-
15 serting the following: “section:

16 “(1) The term”;

17 (C) by adding at the end the following new
18 paragraphs:

19 “(2) The term ‘Changes clause’ means the
20 clause described in part 52.243–4 of the Federal Ac-
21 quisition Regulation or any successor regulation.

22 “(3) The term ‘covered clause’ means any
23 clause implementing the requirements of an Execu-
24 tive order issued by the President.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 281 of title 10, United States
3 Code, is amended by striking the item relating to section
4 3862 and inserting the following:

“3862. Requests for equitable adjustment or other relief.”.

5 (c) CONFORMING REGULATIONS.—Not later than
6 120 days after the date of the enactment of this Act, the
7 Secretary of Defense shall revise the Department of De-
8 fense Supplement to the Federal Acquisition Regulation
9 to implement the requirements of section 3862 of title 10,
10 United States Code, as amended by subsection (a).

11 (d) CONFORMING POLICY GUIDANCE.—Not later
12 than 120 days after the date of the enactment of this Act,
13 the Secretary of Defense shall revise applicable policy
14 guidance on other transactions to implement the require-
15 ments of section 3862 of title 10, United States Code, as
16 amended by subsection (a).

17 **SEC. 806. LIFE CYCLE MANAGEMENT AND PRODUCT SUP-**
18 **PORT.**

19 (a) IN GENERAL.—Section 4324(b) of title 10,
20 United States Code, is amended—

21 (1) by redesignating paragraphs (1), (2), (3),
22 (4), (5), (6), (7), and (8) as subparagraphs (A), (B),
23 (C), (D), (E), (F), (G), and (J), respectively;

24 (2) by designating the matter preceding sub-
25 paragraph (A), as so redesignated, as paragraph (1);

1 (3) in paragraph (1), as so designated—

2 (A) in the matter preceding subparagraph

3 (A), as so redesignated—

4 (i) by inserting “IN GENERAL.—” be-
5 fore “Before granting”; and

6 (ii) by inserting “for which the mile-
7 stone decision authority has received views
8 from appropriate materiel, logistics, or
9 fleet representatives” after “approved life
10 cycle sustainment plan”;

11 (B) by amending subparagraph (G), as so
12 redesignated, to read as follows:

13 “(G) an intellectual property management
14 plan for product support, including require-
15 ments for technical data, software, and modular
16 open system approaches (as defined in section
17 4401 of this title);”;

18 (C) by inserting after subparagraph (G),
19 as so redesignated, the following new subpara-
20 graphs:

21 “(H) an estimate of the number of per-
22 sonnel needed to operate and maintain the cov-
23 ered system, including military personnel, Fed-
24 eral employees, contractors, and host nation
25 support personnel (as applicable);

1 “(I) a description of opportunities for for-
2 eign military sales; and”;

3 (4) by adding at the end of paragraph (1), as
4 so designated, the following new paragraph:

5 “(2) SUBSEQUENT PHASES.—Before granting
6 Milestone C approval (or the equivalent) for the cov-
7 ered system, the milestone decision authority shall
8 ensure that the life cycle sustainment plan required
9 by paragraph (1) for such covered system has been
10 updated to include views received by the milestone
11 decision authority from appropriate materiel, logis-
12 tics, or fleet representatives.”.

13 (b) MILESTONE C APPROVAL DEFINED.—Section
14 4324(d) of title 10, United States Code, is amended—

15 (1) by redesignating paragraph (7) as para-
16 graph (8); and

17 (2) by inserting after paragraph (6) the fol-
18 lowing new paragraph:

19 “(7) MILESTONE C APPROVAL.—The term
20 ‘Milestone C approval’ has the meaning given that
21 term in section 4172(e)(8) of this title.”.

1 **SEC. 807. AMENDMENTS TO CONTRACTOR EMPLOYEE PRO-**
2 **TECTIONS FROM REPRISAL FOR DISCLOSURE**
3 **OF CERTAIN INFORMATION.**

4 (a) DEFENSE CONTRACTS.—Section 4701 of title 10,
5 United States Code, is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(G), by striking “or
8 subcontractor” and inserting “, subcontractor,
9 grantee, subgrantee, or personal services con-
10 tractor”; and

11 (B) in paragraph (3)(A), by striking “or
12 subcontractor” and inserting “, subcontractor,
13 grantee, subgrantee, or personal services con-
14 tractor”;

15 (2) in subsection (b)(1), by striking “contractor
16 concerned” and inserting “contractor, subcontractor,
17 grantee, subgrantee, or personal services contractor
18 concerned”;

19 (3) in subsection (c)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
22 graph (A), by striking “contractor con-
23 cerned” and inserting “contractor, subcon-
24 tractor, grantee, subgrantee, or personal
25 services contractor concerned”;

1 (ii) in subparagraph (A), by inserting
2 “, subcontractor, grantee, subgrantee, or
3 personal services contractor” after “con-
4 tractor”;

5 (iii) in subparagraph (B), by inserting
6 “, subcontractor, grantee, subgrantee, or
7 personal services contractor” after “con-
8 tractor”;

9 (iv) in subparagraph (C), by inserting
10 “, subcontractor, grantee, subgrantee, or
11 personal services contractor” after “con-
12 tractor”; and

13 (v) by inserting at the end the fol-
14 lowing new subparagraph:

15 “(D) Consider disciplinary or corrective ac-
16 tion against any official of the Department of
17 Defense.”; and

18 (B) in paragraph (2), by inserting “, sub-
19 contractor, grantee, subgrantee, or personal
20 services contractor” after “contractor”;

21 (4) in subsection (d), by striking “and sub-
22 contractors” and inserting “, subcontractors, grant-
23 ees, subgrantees, or personal services contractors”;

24 (5) in subsection (e)(2)—

1 (A) in the matter preceding subparagraph
2 (A), by striking “or grantee of” and inserting
3 “grantee, subgrantee, or personal services con-
4 tractor of”; and

5 (B) in subparagraph (B), by striking “or
6 grantee” and inserting “grantee, or sub-
7 grantee”; and

8 (6) in subsection (g)(5), by inserting “or
9 grants” after “contracts”.

10 (b) CIVILIAN CONTRACTS.—Section 4712 of title 41,
11 United States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1), by striking “or sub-
14 grantee” and inserting “subgrantee,”;

15 (B) in paragraph (2), by striking “or sub-
16 grantee” and inserting “subgrantee, or personal
17 services contractor”; and

18 (C) in paragraph (3), by striking “or sub-
19 grantee” and inserting “subgrantee, or personal
20 services contractor”;

21 (2) in subsection (b)(1), by striking “or sub-
22 grantee concerned” and inserting “subgrantee, or
23 personal services contractor concerned”;

24 (3) in subsection (c)—

25 (A) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “or subgrantee con-
3 cerned” and inserting “subgrantee, or per-
4 sonal services contractor concerned”;

5 (ii) in subparagraph (A), by striking
6 “or subgrantee” and inserting “sub-
7 grantee, or personal services contractor”;

8 (iii) in subparagraph (B), by striking
9 “or subgrantee” and inserting “sub-
10 grantee, or personal services contractor”;

11 (iv) in subparagraph (C), by striking
12 “or subgrantee” and inserting “sub-
13 grantee, or personal services contractor”;

14 and

15 (v) by inserting at the end the fol-
16 lowing new subparagraph:

17 “(D) Consider disciplinary or corrective action
18 against any official of the executive agency, if appro-
19 priate.”; and

20 (B) in paragraph (2), by striking “or sub-
21 grantee” and inserting “subgrantee, or personal
22 services contractor”;

23 (4) in subsection (d), by striking “and sub-
24 grantees” and inserting “subgrantees, and personal
25 services contractors”; and

1 (5) in subsection (f), by striking “or sub-
2 grantee” each place it appears and inserting “sub-
3 grantee, or personal services contractor”.

4 **SEC. 808. USE OF FIXED-PRICE TYPE CONTRACTS FOR CER-**
5 **TAIN MAJOR DEFENSE ACQUISITION PRO-**
6 **GRAMS.**

7 (a) IN GENERAL.—Section 818 of the John Warner
8 National Defense Authorization Act for Fiscal Year 2007
9 (Public Law 109–364) is amended by adding at the end
10 the following new subsection:

11 “(f) CONDITIONS WITH RESPECT TO CERTAIN LOW-
12 RATE INITIAL PRODUCTION.—

13 “(1) IN GENERAL.—The number of low-rate
14 initial production lots associated with a major de-
15 fense acquisition program may not be more than one
16 if—

17 “(A) the milestone decision authority au-
18 thorizes the use of a fixed-price type contract at
19 the time of a decision on Milestone B approval;
20 and

21 “(B) the scope of the work of the fixed-
22 price type contract includes both the develop-
23 ment and low-rate initial production of items
24 for such major defense acquisition program.

1 “(2) WAIVER.—The limitation in paragraph (1)
2 may be waived by the applicable service acquisition
3 executive or a designee of such executive if—

4 “(A) such waiver authority is not delegated
5 to the level of the contracting officer; and

6 “(B) written notification of a granted
7 waiver, including the associated rationale, is
8 provided to the congressional defense commit-
9 tees not later than 30 days after issuance of the
10 waiver.

11 “(3) DEFINITIONS.—In this subsection:

12 “(A) The term ‘low-rate initial production’
13 has the meaning given under section 4231 of
14 title 10, United States Code.

15 “(B) The term ‘milestone decision author-
16 ity’ has the meaning given in section 4211 of
17 title 10, United States Code.

18 “(C) The term ‘major defense acquisition
19 program’ has the meaning given in section 4201
20 of title 10, United States Code.

21 “(D) The term ‘Milestone B approval’ has
22 the meaning given in section 4172(e) of title
23 10, United States Code.”.

24 (b) MODIFICATION OF REGULATIONS.—Not later
25 than 120 days after the date of the enactment of this Act,

1 the Secretary of Defense shall revise the Department of
2 Defense Supplement to the Federal Acquisition Regula-
3 tion and any applicable regulations regarding the use of
4 fixed-price type contracts for a major defense acquisition
5 program (as defined in section 4201 of title 10, United
6 States Code) to carry out this section and the amendments
7 made by this section.

8 **SEC. 809. ACQUISITION REPORTING SYSTEM.**

9 (a) IN GENERAL.—The Secretary of Defense shall in-
10 stitute a defense acquisition reporting system to replace
11 the requirements of section 4351 of title 10, United States
12 Code, as soon as practicable but not later than June 30,
13 2023.

14 (b) ELEMENTS.—The reporting system required
15 under subsection (a) shall—

16 (1) produce the information necessary to carry
17 out the actions specified in chapter 325 of title 10,
18 United States Code;

19 (2) produce the information necessary to carry
20 out the actions specified in sections 4217 and 4311
21 of the Atomic Energy Defense Act (50 U.S.C. 2537,
22 2577);

23 (3) incorporate—

24 (A) the lessons learned from the dem-
25 onstration carried out under subsection (b) of

1 section 805 of the National Defense Authoriza-
2 tion Act for Fiscal Year 2022 (Public Law
3 117–81; 135 Stat. 1816); and

4 (B) the plans required under subsection (c)
5 of such section (Public Law 117–81; 135 Stat.
6 1817);

7 (4) provide the congressional defense commit-
8 tees and other designated Government entities with
9 access to acquisition reporting that is updated on a
10 not less than quarterly basis; and

11 (5) include such other information and func-
12 tions as the Secretary of Defense determines appro-
13 priate to support the acquisition reporting needs of
14 the Department of Defense.

15 (c) CONFORMING AMENDMENTS.—The Atomic En-
16 ergy Defense Act (50 U.S.C. 2501 et seq.) is amended—

17 (1) in section 4217(a)(2), by inserting “or any
18 successor system,” after “United States Code,”; and

19 (2) in section 4311(a)(2), by inserting “or any
20 successor system,” after “United States Code,”.

1 **Subtitle B—Amendments to Gen-**
2 **eral Contracting Authorities,**
3 **Procedures, and Limitations**

4 **SEC. 811. INCLUSION IN BUDGET JUSTIFICATION MATE-**
5 **RIALS OF ENHANCED REPORTING ON PRO-**
6 **POSED CANCELLATIONS AND MODIFICA-**
7 **TIONS TO MULTIYEAR CONTRACTS.**

8 Section 239c(b) of title 10, United States Code, is
9 amended—

10 (1) by redesignating paragraphs (1) through
11 (4) as paragraphs (2) through (5), respectively; and

12 (2) by inserting before paragraph (2), as so re-
13 designated, the following new paragraph:

14 “(1) A detailed explanation of the rationale for
15 the proposed cancellation or covered modification of
16 the multiyear contract.”.

17 **SEC. 812. COMPTROLLER GENERAL ASSESSMENT OF AC-**
18 **QUISITION PROGRAMS AND RELATED EF-**
19 **FORTS.**

20 (a) IN GENERAL.—Section 3072 of title 10, United
21 States Code, is amended—

22 (1) in the section heading, by striking “**initia-**
23 **tives**” and inserting “**efforts**”;

24 (2) by striking “initiatives” each place it ap-
25 pears and inserting “efforts”;

1 (3) in subsection (a), by striking “through
2 2023” and inserting “through 2026”; and

3 (4) in subsection (c), in the subsection heading,
4 by striking “INITIATIVES” and inserting “EF-
5 FORTS”.

6 (b) CLERICAL AMENDMENT.—The table of sections
7 at the beginning of chapter 203 of title 10, United States
8 Code, is amended in the item relating to section 3072 by
9 striking “initiatives” and inserting “efforts”.

10 **SEC. 813. EXTENSION OF DEFENSE MODERNIZATION AC-**
11 **COUNT AUTHORITY.**

12 Section 3136 of title 10, United States Code, is
13 amended by striking subsection (j).

14 **SEC. 814. CLARIFICATION TO FIXED-PRICE INCENTIVE CON-**
15 **TRACT REFERENCES.**

16 (a) AUTHORITY TO ACQUIRE INNOVATIVE COMMER-
17 CIAL PRODUCTS AND COMMERCIAL SERVICES USING
18 GENERAL SOLICITATION COMPETITIVE PROCEDURES.—
19 Section 3458(c)(2) of title 10, United States Code, is
20 amended by striking “fixed-price incentive fee contracts”
21 and inserting “fixed-price incentive contracts”.

22 (b) CONTRACTOR INCENTIVES TO ACHIEVE SAVINGS
23 AND IMPROVE MISSION PERFORMANCE.—Section 832 of
24 the National Defense Authorization Act for Fiscal Year
25 2017 (Public Law 114–328; 10 U.S.C. 1746 note) is

1 amended by striking “fixed-price incentive fee contracts”
2 and inserting “fixed-price incentive contracts”.

3 **SEC. 815. MODIFICATION OF REPORTING REQUIREMENT IN**
4 **CONNECTION WITH REQUESTS FOR**
5 **MULTIYEAR PROCUREMENT AUTHORITY FOR**
6 **LARGE DEFENSE ACQUISITIONS.**

7 Section 3501(i)(2) of title 10, United States Code,
8 is amended—

9 (1) by striking “shall include” and all that fol-
10 lows through “(A) A report” and inserting “shall in-
11 clude in the request a report”; and

12 (2) by striking subparagraph (B).

13 **SEC. 816. MODIFICATION OF PROVISION RELATING TO DE-**
14 **TERMINATION OF CERTAIN ACTIVITIES WITH**
15 **UNUSUALLY HAZARDOUS RISKS.**

16 Section 1684 of the National Defense Authorization
17 Act for Fiscal Year 2022 (Public Law 117–81) is amend-
18 ed—

19 (1) in subsection (a), by striking “2022 and
20 2023” and inserting “2022 through 2024”; and

21 (2) in subsection (b), by striking “September
22 30, 2023” and inserting “September 30, 2024”.

1 **SEC. 817. MODIFICATION TO PROHIBITION ON OPERATION**
2 **OR PROCUREMENT OF FOREIGN-MADE UN-**
3 **MANNED AIRCRAFT SYSTEMS.**

4 (a) IN GENERAL.—Section 848 of the National De-
5 fense Authorization Act for Fiscal Year 2020 (Public Law
6 116–92; 10 U.S.C. 4871 note) is amended—

7 (1) by redesignating subsections (b), (c), and
8 (d) as subsections (e), (d), and (e), respectively;

9 (2) by inserting after subsection (a) the fol-
10 lowing new subsection:

11 “(b) PROHIBITION ON CERTAIN CONTRACTS.—The
12 Secretary of Defense may not enter into a contract (or
13 extend or renew a contract) on or after October 1, 2024,
14 with an entity that operates (as determined by the Sec-
15 retary or the Secretary’s designee) equipment from a cov-
16 ered unmanned aircraft system company in the perform-
17 ance of a Department of Defense contract.”;

18 (3) in subsection (c) (as so redesignated), by
19 striking “the restriction under subsection (a) if the
20 operation or procurement” and inserting “any re-
21 strictions under subsection (a) or (b) if the oper-
22 ation, procurement, or contracting action”;

23 (4) in subsection (d) (as so redesignated)—

24 (A) by inserting “(or the Secretary’s des-
25 ignee)” after “The Secretary of Defense”;

1 (B) by striking “the restriction” and all
2 that follows through “basis” inserting “any re-
3 strictions under subsections (a) or (b)”;

4 (C) by striking “operation or procure-
5 ment” and inserting “operation, procurement,
6 or contracting action”;

7 (5) in subsection (e) (as so redesignated)—

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

10 “(1) COVERED FOREIGN COUNTRY.—The term
11 ‘covered foreign country’ means any of the following:

12 “(A) the People’s Republic of China.

13 “(B) The Russian Federation.

14 “(C) The Islamic Republic of Iran.

15 “(D) The Democratic People’s Republic of
16 Korea.”;

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

19 “(3) COVERED UNMANNED AIRCRAFT SYSTEM
20 COMPANY.—The term ‘covered unmanned aircraft
21 system company’ means any of the following:

22 “(A) Da-Jiang Innovations (or any sub-
23 sidiary or affiliate of Da-Jiang Innovations).

24 “(B) Any entity that produces or provides
25 unmanned aircraft systems and is included on

1 Consolidated Screening List maintained by the
2 International Trade Administration of the De-
3 partment of Commerce.

4 “(C) Any entity that produces or provides
5 unmanned aircraft systems and—

6 “(i) is domiciled in a covered foreign
7 country; or

8 “(ii) is subject to unmitigated foreign
9 ownership, control or influence by a cov-
10 ered foreign country, as determined by the
11 Secretary of Defense unmitigated foreign
12 ownership, control or influence in accord-
13 ance with the National Industrial Security
14 Program (or any successor to such pro-
15 gram).”.

16 (b) POLICY REQUIRED.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall issue policy to—

19 (1) implement the requirements of section 848
20 of the National Defense Authorization Act for Fiscal
21 Year 2020 (Public Law 116–92; 10 U.S.C. 4871
22 note), as amended by this section, including by es-
23 tablishing a due diligence process for the Depart-
24 ment of Defense to make determinations required by

1 subsection (b) of such section 848 (as amended by
2 this section); and

3 (2) establish an appeal process for any offerors
4 or awardees with which the Secretary has not en-
5 tered into a contract or has not extended or renewed
6 a contract pursuant to subsection (b) of such section
7 848 (as amended by this section).

8 **SEC. 818. EXTENSION OF PILOT PROGRAM TO ACCELERATE**
9 **CONTRACTING AND PRICING PROCESSES.**

10 Section 890 of the John S. McCain National Defense
11 Authorization Act for Fiscal Year 2019 (Public Law 115–
12 232), as most recently amended by section 1831(j)(7) of
13 the William M. (Mac) Thornberry National Defense Au-
14 thorization Act for Fiscal Year 2021 (Public Law 116–
15 238; 134 Stat. 4217), is further amended—

16 (1) in subsection (a)(2), by striking “of” before
17 “chapter 271”; and

18 (2) in subsection (c), by striking “January 2,
19 2023” and inserting “January 2, 2024”.

20 **SEC. 819. EXTENSION OF PILOT PROGRAM FOR DISTRIBUTION**
21 **SUPPORT AND SERVICES FOR WEAPONS**
22 **SYSTEMS CONTRACTORS.**

23 Section 883 of the National Defense Authorization
24 Act for Fiscal Year 2017 (Public Law 114–328; 10 U.S.C.
25 4292 note prec.) is amended—

1 (1) in subsection (a), by striking “six-year pilot
2 program” and inserting “seven-year pilot program”;
3 and

4 (2) in subsection (g), by striking “six years”
5 and inserting “seven years”.

6 **SEC. 820. EXTENSION AND MODIFICATION OF NEVER CON-**
7 **TRACT WITH THE ENEMY.**

8 Subtitle E of title VIII of the Carl Levin and Howard
9 P. “Buck” McKeon National Defense Authorization Act
10 for Fiscal Year 2015 (Public Law 113–291; 10 U.S.C.
11 4871 note prec.) is amended—

12 (1) in section 841—

13 (A) in subsection (i)(1)—

14 (i) in the matter preceding subpara-
15 graph (A), by striking “2016, 2017, and
16 2018” and inserting “2023, and annually
17 thereafter”; and

18 (ii) by adding at the end the following
19 new subparagraphs:

20 “(C) Specific examples where the authori-
21 ties under this section can not be used to miti-
22 gate national security threats posed by vendors
23 supporting Department operations because of
24 the restriction on using such authorities only
25 with respect to contingency operations.

1 “(D) A description of the policies ensuring
2 that oversight of the use of the authorities in
3 this section is effectively carried out by a single
4 office in the Office of the Under Secretary of
5 Defense for Acquisition and Sustainment.”; and

6 (B) in subsection (n), by striking “Decem-
7 ber 31, 2023” and inserting “December 31,
8 2025”; and

9 (2) in section 842(b)(1), by striking “2016,
10 2017, and 2018” and inserting “2023, 2024, and
11 2025”.

12 **SEC. 821. REPEAL OF REQUIREMENT FOR INSPECTOR GEN-**
13 **ERAL OF THE DEPARTMENT OF DEFENSE TO**
14 **CONDUCT CERTAIN REVIEWS.**

15 Section 847(b) of the National Defense Authorization
16 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
17 1701 note) is amended—

18 (1) by striking “REQUIREMENT.—” and all that
19 follows through “Each request” and inserting “RE-
20 QUIREMENT.—Each request”; and

21 (2) by striking paragraph (2).

1 **SEC. 822. MODIFICATION OF CONTRACTS TO PROVIDE EX-**
2 **TRAORDINARY RELIEF DUE TO INFLATION**
3 **IMPACTS.**

4 (a) **CONTRACT MODIFICATION AUTHORITY.**—The
5 first section of Public Law 85–804 (50 U.S.C. 1431) is
6 amended—

7 (1) by striking “That the President” and in-
8 serting the following:

9 “SECTION 1. (a) That the President”;

10 (2) by striking “an amount in excess of
11 \$50,000” and inserting “an amount in excess of
12 \$500,000”;

13 (3) by striking “any amount in excess of
14 \$25,000,000” and inserting “an amount in excess of
15 \$150,000,000”; and

16 (4) by inserting after subsection (a) (as added
17 by paragraph (1)) the following new subsections:

18 “(b) **TEMPORARY AUTHORITY TO MODIFY CERTAIN**
19 **CONTRACTS AND OPTIONS BASED ON THE IMPACTS OF**
20 **INFLATION.**—Only amounts specifically provided by an
21 appropriations Act for the purposes detailed in subsections
22 (c) and (d) of this section may be used by the Secretary
23 of Defense to carry out such subsections.

24 “(c)(1) The Secretary of Defense, acting pursuant to
25 a Presidential authorization under subsection (a) and in
26 accordance with subsection (b)—

1 “(A) may, notwithstanding subsection (e) of
2 section 2 of this Act (50 U.S.C. 1432(e)), make an
3 amendment or modification to an eligible contract
4 when, due solely to economic inflation, the cost to a
5 prime contractor of performing such eligible contract
6 is greater than the price of such eligible contract;
7 and

8 “(B) may not request consideration from such
9 prime contractor for such amendment or modifica-
10 tion.

11 “(2) A prime contractor may submit to the Secretary
12 of Defense a request for an amendment or modification
13 to an eligible contract pursuant to subsection (a) when,
14 due solely to economic inflation, the cost to a covered sub-
15 contractor of performing an eligible subcontract is greater
16 than the price of such eligible subcontract. Such request
17 shall include a certification that the prime contractor—

18 “(A) will remit to such covered subcontractor
19 the difference, if any, between the original price of
20 such eligible contract and the price of such eligible
21 contract if the Secretary of Defense makes an
22 amendment or modification pursuant to subsection
23 (a); and

1 “(B) will not require such covered subcon-
2 tractor to pay additional consideration or fees re-
3 lated to such amendment or modification.

4 “(3) If a prime contractor does not make the request
5 described in paragraph (2), a covered subcontractor may
6 submit to a contracting officer of the Department of De-
7 fense a request for an amendment or modification to an
8 eligible subcontract when, due solely to economic inflation,
9 the cost to such covered subcontractor of performing such
10 eligible subcontract is greater than the price of such eligi-
11 ble subcontract.

12 “(d) Any adjustment or modification made pursuant
13 to subsection (c) to an eligible contract or an eligible sub-
14 contract shall—

15 “(1) be contingent upon the continued perform-
16 ance, as applicable, of such eligible contract or such
17 eligible subcontract; and

18 “(2) account only for the actual cost of per-
19 forming such eligible contract or such eligible sub-
20 contract, but may account for indirect costs of per-
21 formance, as the Secretary of Defense determines
22 appropriate.

23 “(e) The authority under subsections (c) and (d) shall
24 be effective during the period beginning on the date of

1 the enactment of the National Defense Authorization Act
2 for Fiscal Year 2023 and ending on December 31, 2023.

3 “(f) In this section:

4 “(1) The term ‘covered subcontractor’ means a
5 subcontractor who has entered into an eligible sub-
6 contract with a prime contractor.

7 “(2) The term ‘eligible contract’ means a con-
8 tract awarded to a prime contractor by the Secretary
9 of Defense pursuant to subsection (a).

10 “(3) The term ‘eligible subcontract’ means a
11 subcontract made under an eligible contract to a
12 covered subcontractor.”.

13 (b) GUIDANCE.—Not later than 90 days after the
14 date of the enactment of an Act providing appropriations
15 to carry out section 1 of Public Law 85–804 (50 U.S.C.
16 1431) (as added by subsection (a)), the Under Secretary
17 of Defense for Acquisition and Sustainment shall issue
18 guidance implementing the authority under subsections
19 (b) through (d) of section 1 of Public Law 85–804 (50
20 U.S.C. 1431) (as added by subsection (a)).

1 **Subtitle C—Provisions Relating to**
2 **Acquisition Workforce**

3 **SEC. 831. KEY EXPERIENCES AND ENHANCED PAY AUTHOR-**
4 **ITY FOR ACQUISITION WORKFORCE EXCEL-**
5 **LENCE.**

6 (a) PARTICIPATION IN THE PUBLIC-PRIVATE TALENT
7 EXCHANGE PROGRAM.—

8 (1) IN GENERAL.—Section 1701a(b) of title 10,
9 United States Code, is amended—

10 (A) in paragraph (9)(C), by striking “and”
11 at the end;

12 (B) in paragraph (10), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(11) ensure the participation in the public-pri-
17 vate talent exchange program established under sec-
18 tion 1599g of this title of up to 250 members of the
19 acquisition workforce in each fiscal year.”.

20 (2) TECHNICAL AMENDMENT.—Section
21 1701a(b)(2) of title 10, United States Code, is fur-
22 ther amended by striking “as defined” and all that
23 follows through “this title” and inserting “as defined
24 in section 3001 of this title”.

1 (b) ENHANCED PAY AUTHORITY FOR POSITIONS IN
2 DEPARTMENT OF DEFENSE FIELD ACTIVITIES AND DE-
3 FENSE AGENCIES.—Section 1701b(e)(2) of title 10,
4 United States Code, is amended to read as follows:

5 “(2) NUMBER OF POSITIONS.—The authority in
6 subsection (a) may not be used at any one time with
7 respect to—

8 “(A) more than five positions, in total, in
9 Department of Defense Field Activities and De-
10 fense Agencies;

11 “(B) more than five positions in the Office
12 of the Secretary of Defense; and

13 “(C) more than five positions in each mili-
14 tary department.”.

15 (c) REPORT ON PUBLIC-PRIVATE TALENT EX-
16 CHANGES.—Section 1599g of title 10, United States Code,
17 is amended by adding at the end the following new sub-
18 section:

19 “(k) REPORT.—Each member of the acquisition
20 workforce that participates in the program established
21 under this section shall, upon completion of such partici-
22 pation, submit to the President of the Defense Acquisition
23 University for inclusion in the report required under sec-
24 tion 1746a(e) a description and evaluation of such partici-
25 pation.”.

1 **SEC. 832. DEFENSE ACQUISITION UNIVERSITY REFORMS.**

2 (a) IN GENERAL.—Section 1746 of title 10, United
3 States Code, is amended—

4 (1) in subsection (b)—

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

7 “(2) The Secretary of Defense shall ensure the de-
8 fense acquisition university structure includes relevant ex-
9 pert lecturers from extramural institutions (as defined in
10 section 1746a(g) of this title), industry, or federally fund-
11 ed research and development centers to advance acquisi-
12 tion workforce competence regarding commercial business
13 interests, acquisition process-related innovations, and
14 other relevant leading practices of the private sector.”;

15 (B) by striking paragraph (3); and

16 (C) by redesignating paragraphs (4) and
17 (5) as paragraphs (3) and (4), respectively;

18 (2) in subsection (c), by striking “commercial
19 training providers” and inserting “extramural insti-
20 tutions (as defined in section 1746a(g) of this
21 title)”;

22 (3) by adding at the end the following new sub-
23 section:

24 “(e) PRESIDENT APPOINTMENT.—(1) The Under
25 Secretary of Defense for Acquisition and Sustainment

1 shall appoint the President of the Defense Acquisition
2 University.

3 “(2) When determining who to appoint under para-
4 graph (1), the Under Secretary of Defense for Acquisition
5 and Sustainment shall, in consultation with the Under
6 Secretary of Defense for Research and Engineering and
7 the service acquisition executives, prioritize highly quali-
8 fied candidates who demonstrate a combination of the fol-
9 lowing:

10 “(A) Leadership abilities.

11 “(B) Experience using leading practices to de-
12 velop talent in the private sector.

13 “(C) Other qualifying factors, including experi-
14 ence with and an understanding of the defense ac-
15 quisition system (as defined in section 3001 of this
16 title), an understanding of emerging technologies
17 and the defense applications of such technologies,
18 experience partnering with States, national associa-
19 tions, and academia, and experience with learning
20 technologies.

21 “(3) The term of the President of the Defense Acqui-
22 sition University shall be not more than five years, unless
23 the Under Secretary of Defense for Acquisition and
24 Sustainment determines it necessary to extend the term
25 for up to an additional five years. The preceding sentence

1 does not apply to the President of the Defense Acquisition
2 University serving on January 1, 2022.”.

3 (b) IMPLEMENTATION REPORT.—Not later than
4 March 1, 2023, the Secretary of Defense shall submit to
5 the congressional defense committees a plan to modify the
6 defense acquisition university structure to comply with
7 section 1746(b)(2) of title 10, United States Code, as
8 amended by subsection (a). Such plan shall establish a
9 date of not later than March 1, 2026, for such modifica-
10 tion to be completed.

11 **SEC. 833. MODIFICATIONS TO DEFENSE CIVILIAN TRAINING**
12 **CORPS.**

13 Section 2200g of title 10, United States Code, is
14 amended—

15 (1) by striking “For the purposes of” and all
16 that follows through “establish and maintain” and
17 inserting the following: “The Secretary of Defense,
18 acting through the Under Secretary for Defense for
19 Acquisition and Sustainment, shall establish and
20 maintain”;

21 (2) by designating the text of such section, as
22 amended by paragraph (1), as subsection (a); and

23 (3) by adding at the end the following new sub-
24 sections:

1 “(b) PURPOSE.—The purpose of the Defense Civilian
2 Training Corps is to target critical skills gaps necessary
3 to achieve the objectives of the national defense strategies
4 required by section 113(g) of this title and the national
5 security strategies required by section 108 of the National
6 Security Act of 1947 (50 U.S.C. 3043) by preparing stu-
7 dents selected for the Defense Civilian Training Corps for
8 Department of Defense careers relating to acquisition,
9 digital technologies, critical technologies, science, engi-
10 neering, finance, and other civilian occupations deter-
11 mined by the Secretary of Defense.

12 “(c) USE OF RESOURCES AND PROGRAMS.—The
13 Under Secretary of Defense for Acquisition and
14 Sustainment may leverage the resources and programs of
15 the acquisition research organization within a civilian col-
16 lege or university that is described under section 4142(a)
17 of this title (commonly referred to as the ‘Acquisition In-
18 novation Research Center’) to carry out the requirements
19 of this chapter.”.

20 **SEC. 834. ACQUISITION WORKFORCE INCENTIVES RELAT-**
21 **ING TO TRAINING ON, AND AGREEMENTS**
22 **WITH, CERTAIN START-UP BUSINESSES.**

23 (a) TRAINING.—

24 (1) CURRICULA.—Not later than one year after
25 the date of the enactment of this Act, the Director

1 of the Acquisition Innovation Research Center shall
2 make recommendations on one or more curricula for
3 members of the acquisition workforce on financing
4 and operations of start-up businesses, which may in-
5 clude the development of new curricula, the modi-
6 fication of existing curricula, or the adoption of cur-
7 ricula from another agency, academia, or the private
8 sector.

9 (2) ELEMENTS.—Courses under curricula rec-
10 ommended under paragraph (1) shall be offered with
11 varying course lengths and level of study.

12 (3) INCENTIVES.—The Secretary of Defense
13 shall develop a program to offer incentives to a
14 member of the acquisition workforce that completes
15 a curriculum developed, modified, or adopted under
16 paragraph (1).

17 (4) ADDITIONAL TRAINING MATERIALS.—In
18 recommending curricula under paragraph (1), the
19 Director of the Acquisition Innovation Research
20 Center shall consider and incorporate appropriate
21 training materials from university, college, trade-
22 school, or private-sector curricula in business, law,
23 or public policy.

24 (b) EXCHANGES.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall establish a pilot program under which the Sec-
3 retary shall, in accordance with section 1599g of
4 title 10, United States Code, arrange for the tem-
5 porary assignment of—

6 (A) one or more members of the acquisi-
7 tion workforce to a start-up business; or

8 (B) an employee of a start-up business to
9 an office of the Department of Defense.

10 (2) PRIORITY.—The Secretary shall prioritize
11 for participation in the pilot program described
12 under paragraph (1)(A) members of the acquisition
13 workforce who have completed a curriculum required
14 under paragraph (1).

15 (3) TERMINATION.—The Secretary may not
16 carry out the pilot program authorized by this sub-
17 section after the date that is three years after the
18 date of the enactment of this Act.

19 (c) CONFERENCES.—The Secretary of Defense shall
20 identify existing conferences sponsored by the Department
21 of Defense that might be expanded to include opportuni-
22 ties for sharing knowledge and best practices on software
23 acquisition issues. Such opportunities shall maximize par-
24 ticipation between members of the acquisition workforce,

1 employees of start-up businesses, and investors in start-
2 up businesses.

3 (d) PILOT PROGRAM.—

4 (1) ESTABLISHMENT.—Not later than 18
5 months after the date of the enactment of this Act,
6 the Secretary of Defense shall establish a pilot pro-
7 gram to test the feasibility of innovative approaches
8 to negotiating and establishing intellectual property
9 and data rights in agreements with start-up busi-
10 nesses for the procurement of software and software-
11 embedded systems.

12 (2) AUTHORITY.—To the maximum extent
13 practicable, the Secretary shall—

14 (A) ensure that a member of the acquisi-
15 tion workforce who has completed a curriculum
16 required under subsection (a) is able to exercise
17 authority to apply an approach described in
18 paragraph (1); and

19 (B) provide incentives to such member to
20 exercise such authority.

21 (3) ELEMENTS.—An approach described in
22 paragraph (1) shall include the following:

23 (A) Flexible and tailored requirements re-
24 lating to the acquisition and licensing of intel-
25 lectual property and data rights in the software

1 and software-embedded systems to be acquired
2 under the agreement.

3 (B) An identification and definition of the
4 technical interoperability standards required for
5 such software and software-embedded systems.

6 (C) Flexible mechanisms for access and de-
7 livery of code for such software, including docu-
8 mentation of the costs and benefits of each such
9 mechanism.

10 (4) TERMINATION.—The Secretary may not
11 carry out the pilot program authorized by this sub-
12 section after the date that is 5 years after the date
13 of the enactment of this Act.

14 (e) DEFINITIONS.—In this section:

15 (1) The term “Acquisition Innovation Research
16 Center” means the acquisition research organization
17 within a civilian college or university that is de-
18 scribed under section 4142(a) of title 10, United
19 States Code.

20 (2) The term “acquisition workforce” has the
21 meaning given in section 101 of title 10, United
22 States Code.

23 (3) The term “start-up business” means a
24 small business that has been in existence for 5 years
25 or less.

1 **SEC. 835. CURRICULA ON SOFTWARE ACQUISITIONS AND**
2 **CYBERSECURITY SOFTWARE OR HARDWARE**
3 **ACQUISITIONS FOR COVERED INDIVIDUALS.**

4 (a) CURRICULA.—The President of the Defense Ac-
5 quisition University, shall supplement existing training
6 curricula related to software acquisitions and cybersecu-
7 rity software or hardware acquisitions and offer such cur-
8 ricula to covered individuals to increase digital literacy re-
9 lated to such acquisitions by developing the ability of such
10 covered individuals to use technology to identify, critically
11 evaluate, and synthesize data and information related to
12 such acquisitions.

13 (b) ELEMENTS.—Curricula developed pursuant to
14 subsection (a) shall provide information on—

15 (1) cybersecurity, information technology sys-
16 tems, computer networks, cloud computing, artificial
17 intelligence, machine learning, distributed ledger
18 technologies, and quantum technologies;

19 (2) cybersecurity threats and capabilities;

20 (3) activities that encompass the full range of
21 threat reduction, vulnerability reduction, deterrence,
22 incident response, resiliency, and recovery policies
23 and activities, including activities relating to com-
24 puter network operations, information assurance,
25 military missions, and intelligence missions to the

1 extent such activities relate to the security and sta-
2 bility of cyberspace; and

3 (4) the industry best practices relating to soft-
4 ware acquisitions and cybersecurity software or
5 hardware acquisitions.

6 (c) PLAN.—Not later than 180 days after enactment
7 of this Act, the Secretary of Defense, in consultation with
8 the President of the Defense Acquisition University, shall
9 submit to Congress a comprehensive plan to implement
10 the curricula developed under subsection (a) that includes
11 a comparison with similar existing training curricula. Such
12 plan shall include a list of resources required for and costs
13 associated with such implementation, including—

- 14 (1) curriculum development;
15 (2) hiring instructors to teach the curriculum;
16 (3) facilities; or
17 (4) website development.

18 (d) IMPLEMENTATION.—Not later than one year
19 after the date on which the plan described in subsection
20 (d) is submitted to the Committees on Armed Services of
21 the Senate and House of Representatives, the President
22 of the Defense Acquisition University shall offer the cur-
23 ricula developed under subsection (a) to covered individ-
24 uals.

1 (e) REPORT.—Not later than one year after the date
2 on which the plan described in subsection (d) is submitted
3 to the Committees on Armed Services of the Senate and
4 House of Representatives, the Secretary of Defense, in
5 consultation with the President of the Defense Acquisition
6 University, shall submit to Congress a report assessing the
7 costs and benefits of requiring all covered individuals to
8 complete the curricula developed under subsection (a).

9 (f) COVERED INDIVIDUALS DEFINED.—In this sec-
10 tion, the term “covered individuals” means an individual
11 serving in a position designated under section 1721(b) of
12 title 10, United States Code, who is regularly consulted
13 for software acquisitions or cybersecurity software or
14 hardware acquisitions.

15 **SEC. 836. DEPARTMENT OF DEFENSE NATIONAL IMPERA-**
16 **TIVE FOR INDUSTRIAL SKILLS PROGRAM.**

17 (a) IN GENERAL.—The Secretary of Defense, acting
18 through the Industrial Base Analysis and Sustainment
19 program of the Department of Defense, shall evaluate and
20 further develop workforce development training programs
21 (as defined by the Secretary of Defense) for training the
22 skilled industrial workers (as defined by the Secretary of
23 Defense) that are needed in the defense industrial base
24 through the National Imperative for Industrial Skills pro-

1 gram of the Department of Defense (or a successor pro-
2 gram).

3 (b) PRIORITIES.—In carrying out this section, the
4 Secretary shall prioritize workforce development training
5 programs that—

6 (1) are innovative, lab-based, or experientially-
7 based;

8 (2) rapidly train skilled industrial workers for
9 employment with entities in the defense industrial
10 base faster than traditional workforce development
11 training programs and at the scale needed to meas-
12 urably reduce, as rapidly as possible, the shortages
13 of skilled industrial workers in the defense industrial
14 base, including modernization of required equipment
15 and training curricula;

16 (3) recruit skilled industrial workers who are
17 manufacturing workers from underrepresented com-
18 munities;

19 (4) provide students and skilled industrial
20 workers with the support needed to successfully par-
21 ticipate in the defense industrial base;

22 (5) address the specific manufacturing require-
23 ments and skills that are unique to critical industrial
24 sectors of the defense industrial base as defined by

1 the Secretary of Defense, such as naval shipbuilding;
2 and

3 (6) with respect to Federal workforce develop-
4 ment training programs in existence on or before the
5 date of the enactment of this Act—

6 (A) maximize the use of such Federal
7 workforce development training programs; or

8 (B) expand on the activities of such Fed-
9 eral workforce development training programs.

10 **Subtitle D—Provisions Relating to** 11 **Software and Technology**

12 **SEC. 841. GUIDELINES AND RESOURCES ON THE ACQUISSI-** 13 **TION OR LICENSING OF INTELLECTUAL** 14 **PROPERTY.**

15 Section 3791 of title 10, United States Code, is
16 amended—

17 (1) in the section heading, by striking “depart-
18 ment of defense” and inserting “Department of De-
19 fense”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(c) GUIDELINES AND RESOURCES.—

23 “(1) IN GENERAL.—The Secretary of Defense,
24 acting through the Under Secretary of Defense for
25 Acquisition and Sustainment, shall develop guide-

1 lines and resources on the acquisition or licensing of
2 intellectual property, including—

3 “(A) intellectual property strategies and
4 other mechanisms supporting the use of mod-
5 ular open system approaches (as defined in sec-
6 tion 4401(b) of this title);

7 “(B) evaluation and negotiation of intellec-
8 tual property licenses in competitive and non-
9 competitive awards;

10 “(C) models and best practices for spe-
11 cially negotiated licenses, including specially ne-
12 gotiated licenses described in section 3774(e) of
13 this title; and

14 “(D) definitions, key terms, examples, and
15 case studies that clarify differences between—

16 “(i) detailed manufacturing and proc-
17 ess data;

18 “(ii) form, fit, and function data;

19 “(iii) data required for operations,
20 maintenance, installation, and training;

21 “(iv) modular system interfaces (as
22 defined in section 4401(b) of this title);
23 and

24 “(v) technical data pertaining to an
25 interface between an item or process and

1 other items or processes necessary for the
2 segregation of an item or process from, or
3 the reintegration of that item or process
4 (or a functionally equivalent item or pro-
5 cess) with, other items or processes.

6 “(2) GUIDELINES AND RESOURCES LIMIT.—
7 The guidelines and resources developed under para-
8 graph (1) may not alter or affect any authority or
9 duty under this section or section 1707 of this title.

10 “(3) REVIEW AND CONSULTATION.—In devel-
11 oping the guidelines and resources described in para-
12 graph (1), the Secretary shall—

13 “(A) review the applicable statutory and
14 regulatory history, including among the defini-
15 tions and key terms in section 3771 of this
16 title, to ensure consistency; and

17 “(B) regularly consult with appropriate
18 government and industry persons and organiza-
19 tions.

20 “(4) TRAINING.—The Secretary of Defense
21 shall ensure that the acquisition workforce receives
22 training on the guidelines and resources developed
23 under paragraph (1).”.

1 **SEC. 842. MODIFICATION OF AUTHORITY OF THE DEPART-**
2 **MENT OF DEFENSE TO CARRY OUT CERTAIN**
3 **PROTOTYPE PROJECTS.**

4 Section 4022 of title 10, United States Code, is
5 amended—

6 (1) in subsection (a)(2)—

7 (A) by striking “, and any follow-on pro-
8 duction contract or transaction that is awarded
9 pursuant to subsection (f),” both places it ap-
10 pears;

11 (B) in subparagraph (A)(ii), by striking “;
12 and” and inserting a semicolon;

13 (C) in subparagraph (B)(ii), by striking
14 the period at the end and inserting “; and”;
15 and

16 (D) by adding at the end the following new
17 subparagraph:

18 “(C) may be exercised for a transaction for a
19 follow-on production contract or transaction that is
20 awarded pursuant to subsection (f) and expected to
21 cost the Department of Defense in excess of
22 \$100,000,000 (including all options) only if a cov-
23 ered official—

24 “(i) determines in writing that—

25 “(I) the requirements of subsection
26 (d) will be met; and

1 “(II) the use of the authority of this
2 section is essential to meet critical national
3 security objectives; and

4 “(ii) notifies the congressional defense
5 committees in writing of the determinations re-
6 quired under clause (i) at the time such author-
7 ity is exercised.”;

8 (2) in subsection (e)—

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

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

14 “(1) The term ‘covered official’ means—

15 “(A) a service acquisition executive;

16 “(B) the Director of the Defense Advanced
17 Research Projects Agency;

18 “(C) the Director of the Missile Defense
19 Agency;

20 “(D) the Undersecretary of Defense for
21 Acquisition and Sustainment; or

22 “(E) the Undersecretary of Defense for
23 Research and Engineering.”; and

24 (C) by inserting after paragraph (2), as so
25 redesignated, the following new paragraph:

1 “(3) The term ‘service acquisition executive’
2 has the meaning given that term in section 101(a)
3 of this title.”; and

4 (3) in subsection (f)(2), in the matter preceding
5 subparagraph (A), by striking “of section 2304 of
6 this title,” and inserting the following: “of chapter
7 221 of this title and even if explicit notification was
8 not listed within the request for proposal for the
9 transaction”.

10 **SEC. 843. OTHER TRANSACTION AUTHORITY CLARIFICA-**
11 **TION.**

12 Section 4022 of title 10, United States Code, as
13 amended by section 842, is further amended—

14 (1) in subsection (a)(1), by striking “military
15 personnel and the supporting” and inserting “per-
16 sonnel of the Department of Defense or improving”;

17 (2) in subsection (e), by adding at the end the
18 following new paragraph:

19 “(5) The term ‘prototype project’ includes a
20 project that addresses—

21 “(A) a proof of concept, model, or process,
22 including a business process;

23 “(B) reverse engineering to address obso-
24 lence;

1 “(C) a pilot or novel application of com-
2 mercial technologies for defense purposes;

3 “(D) agile development activity;

4 “(E) the creation, design, development, or
5 demonstration of operational utility; or

6 “(F) any combination of subparagraphs
7 (A) through (E).”; and

8 (3) by adding at the end the following new sub-
9 section:

10 “(i) PILOT AUTHORITY FOR USE OF OTHER TRANS-
11 ACTIONS FOR INSTALLATION OR FACILITY PROTO-
12 TYPING.—

13 “(1) IN GENERAL.—The Secretary of Defense
14 or the Secretary of a military department may es-
15 tablish a pilot program under which the Secretary
16 may, under the authority of this section, carry out
17 prototype projects that are directly relevant to en-
18 hancing the ability of the Department of Defense to
19 prototype the design, development, or demonstration
20 of new construction techniques or technologies to im-
21 prove military installations or facilities (as such
22 terms are defined in section 2801 of this title).

23 “(2) LIMITS.—In carrying out prototype
24 projects under the pilot program established under
25 paragraph (1)—

1 “(A) not more than two prototype projects
2 may begin to be carried out per fiscal year
3 under such pilot program; and

4 “(B) the aggregate value of all trans-
5 actions entered into under such pilot program
6 may not exceed \$200,000,000.

7 “(3) SUNSET.—

8 “(A) IN GENERAL.—Except as provided in
9 subparagraph (B), the authority to carry out
10 prototype projects under the pilot program es-
11 tablished under paragraph (1) shall terminate
12 on September 30, 2025.

13 “(B) ONGOING PROJECT EXCEPTION.—
14 Subparagraph (A) shall not apply with respect
15 to prototype projects being carried out under
16 the pilot program established under paragraph
17 (1) on the date described in subparagraph
18 (A).”.

19 **SEC. 844. PRIZES FOR ADVANCED TECHNOLOGY ACHIEVE-**
20 **MENTS.**

21 Section 4025 of title 10, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) by striking “that have” and inserting
25 “that—”

1 “(1) have”;

2 (B) by striking “Defense.” and inserting

3 “Defense; or”; and

4 (C) by adding at the end the following new
5 paragraph:

6 “(2) demonstrate management practices that
7 improve the schedule or performance, reduce the
8 costs, or otherwise support the transition of tech-
9 nology into acquisition programs or operational
10 use.”;

11 (2) in subsection (b), by striking “of research
12 results, technology developments, and prototypes”;

13 (3) in subsection (d), by striking “to acquire,
14 support, or stimulate basic, advanced and applied re-
15 search, technology development, or prototype
16 projects”;

17 (4) in subsection (f), by striking “section 2304”
18 and inserting “chapter 221”; and

19 (5) in subsection (g)(2)—

20 (A) by redesignating subparagraphs (B)
21 and (C) as subparagraphs (D) and (E), respec-
22 tively; and

23 (B) by inserting after subparagraph (A)
24 the following new subparagraphs:

1 “(B) if applicable, a summary of the man-
2 agement practice that contributed to an im-
3 provement to schedule or performance or a re-
4 duction in cost relating to the transition of
5 technology;

6 “(C) an identification of any program execu-
7 tive officer (as defined in section 1737 of this
8 title) responsible for implementation or over-
9 sight of research results, technology develop-
10 ment, prototype development, or management
11 practices (as applicable) for which an award
12 was made under this section, and a brief sum-
13 mary of lessons learned by such program execu-
14 tive officer in carrying out such implementation
15 or oversight;”.

16 **SEC. 845. CONGRESSIONAL NOTIFICATION FOR PILOT PRO-**
17 **GRAM TO ACCELERATE THE PROCUREMENT**
18 **AND FIELDING OF INNOVATIVE TECH-**
19 **NOLOGIES.**

20 Section 834 of the National Defense Authorization
21 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
22 1835; 10 U.S.C. 4061 note) is amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing new subsection:

3 “(f) CONGRESSIONAL NOTIFICATION.—The Sec-
4 retary of Defense shall notify the congressional defense
5 committees within 30 days after funding has been pro-
6 vided for a proposal selected for an award under the pilot
7 program established under this section.”.

8 **SEC. 846. REPORT ON SOFTWARE DELIVERY TIMES.**

9 (a) REPORT.—Not later than one year after the date
10 of the enactment of this Act, and annually thereafter until
11 December 31, 2028, the Under Secretary of Defense for
12 Acquisition and Sustainment, in consultation with the
13 Chief Information Officer of the Department of Defense
14 and the Chief Digital and Artificial Intelligence Officer,
15 shall submit to the congressional defense committees a re-
16 port on the following:

17 (1) A description of covered software delivered
18 during the fiscal year preceding the date of the re-
19 port that is being developed using iterative develop-
20 ment, including a description of the capabilities de-
21 livered for operational use.

22 (2) For such covered software not developed
23 using iterative development, an explanation for not
24 using iterative development and a description of the
25 development method used.

1 (3) For such covered software being developed
2 using iterative development, the frequency with
3 which capabilities of such covered software were de-
4 livered, disaggregated as follows:

5 (A) Covered software for which capabilities
6 were delivered during period of less than three
7 months.

8 (B) Covered software for which capabilities
9 were delivered during period of more than three
10 months and less than six months.

11 (C) Covered software for which capabilities
12 were delivered during period of more than six
13 months and less than nine months.

14 (D) Covered software for which capabilities
15 were delivered during period of more than nine
16 months and less than 12 months.

17 (4) With respect to covered software described
18 in paragraph (3) for which capabilities of such cov-
19 ered software were not delivered in fewer than 12
20 months, an explanation of why such delivery was not
21 possible.

22 (b) DEFINITIONS.—In this section:

23 (1) The term “Chief Digital and Artificial Intel-
24 ligence Officer” means—

1 (A) the official designated as the Chief
2 Digital and Artificial Intelligence Officer of the
3 Department of Defense pursuant to the memo-
4 randum of the Secretary of Defense titled “Es-
5 tablishment of the Chief Digital and Artificial
6 Intelligence Officer” dated December 8, 2021;
7 or

8 (B) if there is no official designated as
9 such Officer, the official within the Office of the
10 Secretary of Defense with primary responsi-
11 bility for digital and artificial intelligence mat-
12 ters.

13 (2) The term “covered software” means soft-
14 ware that is being developed that—

15 (A) was acquired using a software acquisi-
16 tion pathway established under section 800 of
17 the National Defense Authorization Act for Fis-
18 cal Year 2020 (Public Law 116–92); or

19 (B) is a covered defense business system,
20 as defined in section 2222(i) of title 10, United
21 States Code.

22 (3) The term “iterative development” has the
23 meaning given the term “agile or iterative develop-
24 ment” in section 891 of the National Defense Au-

1 thorization Act for Fiscal Year 2018 (Public Law 10
2 115–91; 131 Stat. 1509; 10 U.S.C. 1746 note).

3 **Subtitle E—Industrial Base Matters**

4 **SEC. 851. MODIFICATION TO THE NATIONAL TECHNOLOGY**
5 **AND INDUSTRIAL BASE.**

6 Section 4801(1) of title 10, United States Code, is
7 amended by inserting “New Zealand,” after “Australia,”.

8 **SEC. 852. MODIFICATION TO MISCELLANEOUS LIMITA-**
9 **TIONS ON THE PROCUREMENT OF GOODS**
10 **OTHER THAN UNITED STATES GOODS.**

11 Section 4864 of title 10, United States Code, as
12 amended by section 853, is further amended by adding
13 at the end the following new subsection:

14 “(1) PERIODIC REVIEW.—

15 “(1) RECOMMENDATION.—Not later than No-
16 vember 1, 2024, and every five years thereafter, the
17 Under Secretary of Defense for Acquisition and
18 Sustainment shall review each item described in sub-
19 sections (a) and (e) of this section and submit to the
20 congressional defense committees, in writing, one of
21 the following recommendations:

22 “(A) Recommend continued inclusion of
23 the item under this section.

24 “(B) Recommend continued inclusion of
25 the item under this section with modifications.

1 “(C) Recommend discontinuing inclusion
2 of the item under this section.

3 “(2) ELEMENTS.—Each review required under
4 paragraph (1) shall include, with respect to the five-
5 year period preceding the date of submission of the
6 written determination related to such a review, the
7 following elements:

8 “(A) The criticality of the item reviewed to
9 a military unit’s mission accomplishment or
10 other national security objectives.

11 “(B) The extent to which such item is
12 fielded in current programs of record.

13 “(C) The number of such items to be pro-
14 cured by current programs of record.

15 “(D) The extent to which cost and pricing
16 data for such item has been deemed fair and
17 reasonable.

18 “(3) JUSTIFICATION.—The written determina-
19 tion required under paragraph (1) shall also include
20 the findings of the applicable review conducted
21 under such paragraph and any key justifications for
22 the recommendation.”.

1 **SEC. 853. REQUIREMENTS FOR THE PROCUREMENT OF**
2 **CERTAIN COMPONENTS FOR CERTAIN NAVAL**
3 **VESSELS AND AUXILIARY SHIPS.**

4 (a) REQUIREMENT THAT CERTAIN AUXILIARY SHIP
5 COMPONENTS BE MANUFACTURED IN THE NATIONAL
6 TECHNOLOGY AND INDUSTRIAL BASE.—

7 (1) TECHNICAL AMENDMENT.—Section 4864 of
8 title 10, United States Code, is amended by redesignig-
9 nating subsection (l) (relating to “Implementation of
10 auxiliary ship component limitation”) as subsection
11 (k).

12 (2) COMPONENTS FOR AUXILIARY SHIPS.—
13 Paragraph (4) of section 4864(a) of title 10, United
14 States Code, is amended—

15 (A) in the subsection heading, by inserting
16 “AND T-ARC” after “T-AO 205”; and

17 (B) by inserting “and T-ARC” after “T-
18 AO 205”.

19 (b) REGULATIONS.—Not later than June 1, 2023,
20 the Secretary of Defense shall issue regulations for car-
21 rying out section 4864(j) of title 10, United States Code.

22 **SEC. 854. MODIFICATIONS TO THE PROCUREMENT TECH-**
23 **NICAL ASSISTANCE PROGRAM.**

24 (a) ADMINISTRATIVE AND OTHER LOGISTICAL
25 COSTS.—Section 4961 of title 10, United States Code, is
26 amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “Director of the Defense Logistics Agency”
3 and inserting “Secretary”;

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

6 (3) in paragraph (2)—

7 (A) in the matter preceding subparagraph
8 (A) by striking “Director” and inserting “Sec-
9 retary”; and

10 (B) in subparagraph (A), by inserting “,
11 including meetings of an association recognized
12 under section 4954(f),” after “meetings”.

13 (b) COOPERATIVE AGREEMENTS.—Section 4954 of
14 title 10, United States Code, is amended by adding at the
15 end the following new subsections:

16 “(f) ASSOCIATION RECOGNITION AND DUTIES.—Eli-
17 gible entities that provide procurement technical assist-
18 ance pursuant to this chapter may form an association to
19 pursue matters of common concern. If more than a major-
20 ity of such eligible entities are members of such an asso-
21 ciation, the Secretary shall—

22 “(1) recognize the existence and activities of
23 such an association; and

1 “(2) jointly develop with such association a
2 model cooperative agreement that may be used at
3 the option of the Secretary and an eligible entity.”.

4 (c) REGULATIONS.—Section 4953 of title 10, United
5 States Code, is amended by inserting “, and shall consult
6 with an association recognized under section 4954(f) re-
7 garding any revisions to such regulations” before the pe-
8 riod at the end.

9 (d) FUNDING.—Section 4955(a)(1) of title 10,
10 United States Code, is amended by striking “\$1,000,000”
11 and inserting “\$1,500,000”.

12 **SEC. 855. CODIFICATION OF PROHIBITION ON CERTAIN**
13 **PROCUREMENTS FROM THE XINJIANG**
14 **UYGHUR AUTONOMOUS REGION.**

15 (a) REPEAL.—Section 848 of the National Defense
16 Authorization Act for Fiscal Year 2022 (Public Law 117–
17 81; 10 U.S.C. 4651 note prec.) is repealed.

18 (b) PROHIBITION ON CERTAIN PROCUREMENTS
19 FROM THE XINJIANG UYGHUR AUTONOMOUS REGION.—
20 Chapter 363 of title 10, United States Code, is amended
21 by adding at the end the following new section:

22 **“§ 4661. Prohibition on certain procurements from**
23 **the Xinjiang Uyghur Autonomous Region**

24 “(a) PROHIBITION ON THE AVAILABILITY OF FUNDS
25 FOR CERTAIN PROCUREMENTS FROM XUAR.—None of

1 the funds authorized to be appropriated by a national de-
2 fense authorization Act or any other Act, or otherwise
3 made available for any fiscal year for the Department of
4 Defense, may be obligated or expended to knowingly pro-
5 cure any products mined, produced, or manufactured
6 wholly or in part by forced labor from XUAR or from an
7 entity that has used labor from within or transferred from
8 XUAR as part of a ‘poverty alleviation’ or ‘pairing assist-
9 ance’ program.

10 “(b) DEFINITIONS.—In this section, the terms
11 ‘forced labor’ and ‘XUAR’ have the meanings given, re-
12 spectively, in section 2496 of this title.”.

13 (c) CLERICAL AMENDMENT.—The table of contents
14 for such chapter is amended by adding at the end the fol-
15 lowing new item:

“4661. Prohibition on certain procurements from the Xinjiang Uyghur Autono-
mous Region.”.

16 (d) POLICY REQUIRED.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of Defense shall issue a policy to require that an offeror
19 or awardee of a Department of Defense contract shall
20 make a good faith effort to determine that forced labor
21 from XUAR, as described in section 4661 of title 10,
22 United States Code (as amended by subsection (b)), will
23 not be used in the performance of such contract.

1 **SEC. 856. CODIFICATION OF THE DEPARTMENT OF DE-**
2 **FENSE MENTOR-PROTEGE PROGRAM.**

3 (a) IN GENERAL.—Section 831 of the National De-
4 fense Authorization Act for Fiscal Year 1991 (10 U.S.C.
5 4901 note prec.) is transferred to subchapter I of chapter
6 387 of title 10, United States Code, inserted after section
7 4901, and redesignated as section 4902.

8 (b) AMENDMENTS.—Section 4902 of title 10, United
9 States Code, as so transferred and redesignated, is amend-
10 ed—

11 (1) in the section heading, by striking “**MEN-**
12 **TOR-PROTEGE PILOT**” and inserting “**DEPART-**
13 **MENT OF DEFENSE MENTOR-PROTEGE**”;

14 (2) in the heading for subsection (a), by strik-
15 ing “PILOT”;

16 (3) in subsections (a) and (c), by striking
17 “pilot” each place it appears;

18 (4) in subsection (d)(1)(B)(iii)—

19 (A) in subclause (I), by striking
20 “\$100,000,000” and inserting “\$25,000,000”;
21 and

22 (B) in subclause (II), by striking “sub-
23 section (k)” and inserting “subsection (j)”;

24 (5) in subsection (e)(2), by striking “two years”
25 each place it appears and inserting “three years”;

26 (6) in subsection (f)—

1 (A) in paragraph (1)(B), by inserting
2 “manufacturing, test and evaluation,” after
3 “inventory control,”; and

4 (B) in paragraph (6)(B), by striking “pur-
5 suant to” and all that follows through the semi-
6 colon at the end and inserting “pursuant to
7 chapter 388 of this title;”;

8 (7) in subsection (g)(3)(C), by striking “sub-
9 section (k)” and inserting “subsection (j)”;

10 (8) by striking subsections (j) and (n);

11 (9) by redesignating subsections (k) through
12 (m) as subsections (j) through (l), respectively;

13 (10) by redesignating subsection (o) as sub-
14 section (n);

15 (11) in subsection (j), as so redesignated—

16 (A) by striking “pilot” each place it ap-
17 pears;

18 (B) by striking “by which mentor firms”
19 and inserting “by which the parties”; and

20 (C) by striking “The Secretary shall pub-
21 lish” and all that follows through “270 days
22 after the date of the enactment of this Act.”;

23 (12) in paragraph (7)(B) of subsection (k), as
24 so redesignated, by striking “pursuant to” and all

1 that follows through “; or” and inserting “pursuant
2 to chapter 388 of this title; or”;

3 (13) in subsection (l), as so redesignated, by
4 striking “subsection (l)” and inserting “subsection
5 (k)”;

6 (14) by inserting after subsection (l), as so re-
7 designated, the following new subsection:

8 “(m) ANNUAL COLLECTION OF PERFORMANCE
9 DATA.—The Director of the Office of Small Business Pro-
10 grams shall—

11 “(1) maintain outcome-based performance goals
12 and annually collect data through an automated in-
13 formation system (if practicable) assessing such
14 goals; and

15 “(2) conduct an independent review of the Men-
16 tor-Protege Program established under this section
17 at least once every three years.”; and

18 (15) by amending subsection (n), as so redesign-
19 nated, to read as follows:

20 “(n) DEFINITIONS.—In this section:

21 “(1) The term ‘affiliation’, with respect to a re-
22 lationship between a mentor firm and a protege
23 firm, means a relationship described under section
24 121.103 of title 13, Code of Federal Regulations (or
25 any successor regulation).

1 “(2) The term ‘disadvantaged small business
2 concern’ means a firm that is not more than the size
3 standard corresponding to its primary North Amer-
4 ican Industry Classification System code, is not
5 owned or managed by individuals or entities that di-
6 rectly or indirectly have stock options or convertible
7 securities in the mentor firm, and is—

8 “(A) a small business concern owned and
9 controlled by socially and economically dis-
10 advantaged individuals;

11 “(B) a business entity owned and con-
12 trolled by an Indian tribe as defined by section
13 8(a)(13) of the Small Business Act (15 U.S.C.
14 637(a)(13));

15 “(C) a business entity owned and con-
16 trolled by a Native Hawaiian Organization as
17 defined by section 8(a)(15) of the Small Busi-
18 ness Act (15 U.S.C. 637(a)(15));

19 “(D) a qualified organization employing se-
20 verely disabled individuals;

21 “(E) a small business concern owned and
22 controlled by women, as defined in section
23 8(d)(3)(D) of the Small Business Act (15
24 U.S.C. 637(d)(3)(D));

1 “(F) a small business concern owned and
2 controlled by service–disabled veterans (as de-
3 fined in section 8(d)(3) of the Small Business
4 Act (15 U.S.C. 637(d)(3)));

5 “(G) a qualified HUBZone small business
6 concern (as defined in section 31(b) of the
7 Small Business Act (15 U.S.C. 657a(b))); or

8 “(H) a small business concern that—

9 “(i) is a nontraditional defense con-
10 tractor, as such term is defined in section
11 3014 of this title; or

12 “(ii) currently provides goods or serv-
13 ices in the private sector that are critical
14 to enhancing the capabilities of the defense
15 supplier base and fulfilling key Depart-
16 ment of Defense needs.

17 “(3) The term ‘historically Black college and
18 university’ means any of the historically Black col-
19 leges and universities referred to in section 2323 of
20 this title, as in effect on March 1, 2018.

21 “(4) The term ‘minority institution of higher
22 education’ means an institution of higher education
23 with a student body that reflects the composition
24 specified in section 312(b)(3), (4), and (5) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1058(b)(3), (4), and (5)).

3 “(5) The term ‘qualified organization employing
4 the severely disabled’ means a business entity oper-
5 ated on a for-profit or nonprofit basis that—

6 “(A) uses rehabilitative engineering to pro-
7 vide employment opportunities for severely dis-
8 abled individuals and integrates severely dis-
9 abled individuals into its workforce;

10 “(B) employs severely disabled individuals
11 at a rate that averages not less than 20 percent
12 of its total workforce;

13 “(C) employs each severely disabled indi-
14 vidual in its workforce generally on the basis of
15 40 hours per week; and

16 “(D) pays not less than the minimum wage
17 prescribed pursuant to section 6 of the Fair
18 Labor Standards Act (29 U.S.C. 206) to those
19 employees who are severely disabled individuals.

20 “(6) The term ‘severely disabled individual’
21 means an individual who is blind (as defined in sec-
22 tion 8501 of title 41) or a severely disabled indi-
23 vidual (as defined in such section).

1 “(7) The term ‘small business concern’ has the
2 meaning given such term under section 3 of the
3 Small Business Act (15 U.S.C. 632).

4 “(8) The term ‘small business concern owned
5 and controlled by socially and economically disadvan-
6 taged individuals’ has the meaning given such term
7 in section 8(d)(3)(C) of the Small Business Act (15
8 U.S.C. 637(d)(3)(C)).

9 “(9) The term ‘subcontracting participation
10 goal’, with respect to a Department of Defense con-
11 tract, means a goal for the extent of the participa-
12 tion by disadvantaged small business concerns in the
13 subcontracts awarded under such contract, as estab-
14 lished pursuant to section 8(d) of the Small Busi-
15 ness Act (15 U.S.C. 637(d)).”.

16 (c) CLERICAL AMENDMENT.—The table of sections
17 for subchapter I of chapter 387 of title 10, United States
18 Code, is amended by adding at the end the following new
19 item:

“4902. Department of Defense Mentor–Protege Program.”.

20 (d) PROTEGE TECHNICAL REIMBURSEMENT PILOT
21 PROGRAM.—

22 (1) IN GENERAL.—Not later than July 1, 2023,
23 the Director of the Office of Small Business Pro-
24 grams of the Department of Defense (as appointed
25 pursuant to section 144 of title 10, United States

1 Code) shall establish a pilot program under which a
2 protege firm may receive up to 25 percent of the re-
3 imbursement for which the mentor firm of such pro-
4 tege firm is eligible under the Mentor-Protege Pro-
5 gram for a covered activity described in paragraph
6 (2).

7 (2) ACTIVITY DESCRIBED.—A covered activity
8 under this paragraph is an engineering, software de-
9 velopment, or manufacturing customization that the
10 protege firm implements in order to ensure that a
11 technology developed by the protege firm will be
12 ready for integration with a program or system of
13 the Department of Defense.

14 (3) DEFINITIONS.—In this subsection:

15 (A) The terms “mentor firm”, “protege
16 firm” have the meanings given under section
17 4902 of title 10, United States Code, as amend-
18 ed by this section.

19 (B) The term “Mentor-Protege Program”
20 means the Mentor-Protege Program established
21 under section 4902 of title 10, United States
22 Code, as amended by this section.

23 (4) TERMINATION.—The pilot program estab-
24 lished under paragraph (1) shall terminate on the

1 date that is five years after the date on which the
2 pilot program is established.

3 (e) CONFORMING AMENDMENTS.—

4 (1) BUY INDIAN ACT.—Section 23(a)(2) of the
5 Act of June 25, 1910 (commonly known as the
6 “Buy Indian Act”) (36 Stat. 861, 25 U.S.C.
7 47(a)(2)) is amended by striking “section 831(e) of
8 the National Defense Authorization Act for Fiscal
9 Year 1991 (10 U.S.C. 2302 note; Public Law 101–
10 510)” and inserting “section 4902(e) of title 10,
11 United States Code”.

12 (2) SMALL BUSINESS ACT.—Section 8(d)(12) of
13 the Small Business Act (15 U.S.C. 637(d)(12)) is
14 amended—

15 (A) by striking “the pilot Mentor-Protege
16 Program established pursuant to section 831 of
17 the National Defense Authorization Act for Fis-
18 cal Year 1991 (Public Law 101–510; 10 U.S.C.
19 2301 note)” and inserting “the Mentor-Protege
20 Program established under section 4902 of title
21 10, United States Code,”; and

22 (B) by striking “subsection (g)” and in-
23 serting “subsection (f)”.

24 (f) REGULATIONS.—Not later than December 31,
25 2023, the Secretary of Defense shall issue regulations for

1 carrying out section 4902 of title 10, United States Code,
2 as amended by this section.

3 (g) AGREEMENTS UNDER PILOT PROGRAM.—The
4 amendments made by this section shall not apply with re-
5 spect to any agreement entered into under the program
6 as established under section 831 of the National Defense
7 Authorization Act for Fiscal Year 1991 (Public Law 101–
8 510; 104 Stat. 1607) before the date of the enactment
9 of this Act.

10 **SEC. 857. PROCUREMENT REQUIREMENTS RELATING TO**
11 **RARE EARTH ELEMENTS AND STRATEGIC**
12 **AND CRITICAL MATERIALS.**

13 (a) DISCLOSURES CONCERNING RARE EARTH ELE-
14 MENTS AND STRATEGIC AND CRITICAL MATERIALS BY
15 CONTRACTORS OF DEPARTMENT OF DEFENSE.—

16 (1) REQUIREMENT.—Beginning on the effective
17 date of this subsection, the Secretary of Defense
18 shall—

19 (A) require that any contractor that pro-
20 vides to the Department of Defense a system
21 with a permanent magnet that contains rare
22 earth elements or strategic and critical mate-
23 rials disclose, after undertaking a commercially
24 reasonable inquiry and along with delivery of
25 the system, the provenance of the magnet; and

1 (B) safeguard such disclosures in accord-
2 ance with applicable classification level required
3 by the associated programs.

4 (2) ELEMENTS.—A disclosure under paragraph
5 (1) shall include an identification of the country or
6 countries in which—

7 (A) any rare earth elements and strategic
8 and critical materials used in the magnet were
9 mined;

10 (B) such elements and minerals were re-
11 fined into oxides;

12 (C) such elements and minerals were made
13 into metals and alloys; and

14 (D) the magnet was sintered or bonded
15 and magnetized.

16 (3) IMPLEMENTATION OF SUPPLY CHAIN
17 TRACKING SYSTEM.—If a contractor cannot make
18 the disclosure required by paragraph (1) with re-
19 spect to a system described in that paragraph, the
20 Secretary shall require the contractor to establish
21 and implement a supply chain tracking system in
22 order to make the disclosure to the fullest extent
23 possible not later than 180 days after the contractor
24 provides the system to the Department of Defense.
25 The tracking system shall—

1 (A) include a description of the efforts
2 taken by the contractor to date to make the dis-
3 closure required by paragraph (1);

4 (B) take into account the possible refusal
5 of certain foreign entities to provide the con-
6 tractor the information necessary to make the
7 disclosure required by paragraph (1); and

8 (C) require the contractor to report to the
9 Secretary the name, location, and other identi-
10 fying information of any entities which refuse
11 to provide the contractor with the information
12 necessary to make the disclosure required by
13 paragraph (1).

14 (4) WAIVERS.—

15 (A) IN GENERAL.—The Secretary may
16 waive a requirement under paragraph (1) or (3)
17 with respect to a system described in paragraph
18 (1) for a period of not more than 180 days if
19 the Secretary certifies to the Committees on
20 Armed Services of the Senate and the House of
21 Representatives that—

22 (i) the continued procurement of the
23 system is necessary to meet the demands
24 of a national emergency declared under

1 section 201 of the National Emergencies
2 Act (50 U.S.C. 1621); or

3 (ii) a contractor that cannot currently
4 make the disclosure required by paragraph
5 (1) is making significant efforts to comply
6 with the requirements of that paragraph.

7 (B) WAIVER RENEWALS.—The Secretary
8 may renew a waiver as many times as the Sec-
9 retary considers appropriate, provided that the
10 Secretary submits an updated certification to
11 the committees.

12 (C) LIMITATION.—The Secretary may not
13 delegate this waiver authority below the level of
14 Assistant Secretary of Defense, a senior acqui-
15 sition executive (as defined in section 101(a) of
16 title 10, United States Code), or a command
17 acquisition executive (as described in section
18 167(e)(4)(C) of title 10, United States Code) or
19 equivalent.

20 (5) BRIEFING REQUIRED.—

21 (A) IN GENERAL.—Not later than 30 days
22 after the submission of each report required by
23 subsection (c)(3), the Secretary of Defense shall
24 provide to the Committees on Armed Services

1 of the Senate and the House of Representatives
2 a briefing that includes—

3 (i) a summary of the disclosures made
4 under this subsection;

5 (ii) an assessment of the extent of re-
6 liance by the United States on foreign
7 countries, and especially countries that are
8 not allies of the United States, for rare
9 earth elements and strategic and critical
10 materials;

11 (iii) a determination with respect to
12 which systems described in paragraph (1)
13 are of the greatest concern for interrup-
14 tions of supply chains with respect to rare
15 earth elements and strategic and critical
16 materials; and

17 (iv) any suggestions for legislation or
18 funding that would mitigate security gaps
19 in such supply chains.

20 (B) FORM.—To the extent practicable,
21 each briefing required under subparagraph (A)
22 shall be in an unclassified form, but may con-
23 tain a classified annex.

24 (6) EFFECTIVE DATE.—The requirements de-
25 scribed in this subsection shall take effect—

1 (A) not earlier than 30 months after the
2 date of enactment of this Act; and

3 (B) after the Secretary of Defense certifies
4 to the Committees on Armed Services of the
5 Senate and the House of Representatives that
6 the Department has established a process to en-
7 sure that the information collection require-
8 ments of this subsection present no national se-
9 curity risks, or that any such risks have been
10 fully mitigated.

11 (b) EXPANSION OF RESTRICTIONS ON PROCURE-
12 MENT OF MILITARY AND DUAL-USE TECHNOLOGIES BY
13 CHINESE MILITARY COMPANIES.—Section 1211 of the
14 National Defense Authorization Act for Fiscal Year 2006
15 (Public Law 109–163; 10 U.S.C. 4651 note prec.) is
16 amended—

17 (1) in the section heading, by striking “**COM-**
18 **MUNIST CHINESE MILITARY COMPANIES**” and
19 inserting “**CHINESE MILITARY COMPANIES**”;

20 (2) in subsection (a), by inserting after “mili-
21 tary company” the following: “, any Chinese military
22 company, any Non-SDN Chinese military-industrial
23 complex company, or any other covered company”;

24 (3) by amending subsection (b) to read as fol-
25 lows:

1 “(b) GOODS AND SERVICES COVERED.—

2 “(1) IN GENERAL.—For purposes of subsection
3 (a), and except as provided in paragraph (2), the
4 goods and services described in this subsection are
5 goods and services—

6 “(A) on the munitions list of the Inter-
7 national Traffic in Arms Regulations; or

8 “(B) on the Commerce Control List that—

9 “(i) are classified in the 600 series; or

10 “(ii) contain strategic and critical ma-
11 terials, rare earth elements, or energetic
12 materials used to manufacture missiles or
13 munitions.

14 “(2) EXCEPTIONS.—Goods and services de-
15 scribed in this subsection do not include goods or
16 services procured—

17 “(A) in connection with a visit by a vessel
18 or an aircraft of the United States Armed
19 Forces to the People’s Republic of China;

20 “(B) for testing purposes; or

21 “(C) for purposes of gathering intel-
22 ligence.”; and

23 (4) in subsection (e)—

24 (A) by striking paragraph (3);

1 (B) by redesignating paragraphs (1) and
2 (2) as paragraphs (3) and (5), respectively;

3 (C) by inserting before paragraph (3), as
4 redesignated by subparagraph (B), the fol-
5 lowing:

6 “(1) The term ‘Chinese military company’ has
7 the meaning given that term by section 1260H(d)(1)
8 of the William M. (Mac) Thornberry National De-
9 fense Authorization Act for Fiscal Year 2021 (Pub-
10 lic Law 116–283; 10 U.S.C. 113 note).

11 “(2) The term ‘Commerce Control List’ means
12 the list maintained by the Bureau of Industry and
13 Security and set forth in Supplement No. 1 to part
14 774 of the Export Administration Regulations.”;

15 (D) by inserting after paragraph (3), as so
16 redesignated, the following:

17 “(4) The term ‘Export Administration Regula-
18 tions’ has the meaning given that term in section
19 1742 of the Export Control Reform Act of 2018 (50
20 U.S.C. 4801).”; and

21 (E) by adding at the end the following:

22 “(6) The term ‘Non-SDN Chinese military-in-
23 dustrial complex company’ means any entity on the
24 Non-SDN Chinese Military-Industrial Complex Com-
25 panies List—

1 “(A) established pursuant to Executive
2 Order 13959 (50 U.S.C. 1701 note; relating to
3 addressing the threat from securities invest-
4 ments that finance Communist Chinese military
5 companies), as amended before, on, or after the
6 date of the enactment of the National Defense
7 Authorization Act for Fiscal Year 2023; and

8 “(B) maintained by the Office of Foreign
9 Assets Control of the Department of the Treas-
10 ury.

11 “(7) The term ‘other covered company’ means
12 a company that—

13 “(A) is owned or controlled by the govern-
14 ment of the People’s Republic of China; and

15 “(B) is certified by the Secretary of De-
16 fense to the congressional defense committees
17 to be a company that must be covered by this
18 section for national security reasons.

19 “(8) The term ‘strategic and critical materials’
20 means materials designated as strategic and critical
21 under section 3(a) of the Strategic and Critical Ma-
22 terials Stock Piling Act (50 U.S.C. 98b(a)).”; and

23 (5) by adding at the end the following new sub-
24 section:

1 “(f) EFFECTIVE DATE.—With respect to goods and
2 services described in clause (ii) of subparagraph (b)(1)(B),
3 the prohibition shall take effect 180 days after the date
4 on which the Secretary of Defense certifies to the congres-
5 sional defense committees that a sufficient number of com-
6 mercially viable providers exist outside of the People’s Re-
7 public of China that collectively can provide the Depart-
8 ment of Defense with satisfactory quality and sufficient
9 quantity of such goods or services as and when needed
10 at United States market prices.”.

11 (c) REVIEW OF COMPLIANCE WITH CONTRACTING
12 REQUIREMENTS.—

13 (1) IN GENERAL.—Not later than one year
14 after the date of the enactment of this Act, and peri-
15 odically thereafter until the termination date speci-
16 fied in paragraph (5), the Comptroller General of
17 the United States shall assess the extent of the ef-
18 forts of the Secretary of Defense to comply with the
19 requirements of—

20 (A) subsection (a);

21 (B) section 1211 of the National Defense
22 Authorization Act for Fiscal Year 2006, as
23 amended by subsection (b); and

24 (C) section 4872 of title 10, United States
25 Code.

1 (2) BRIEFING REQUIRED.—

2 (A) IN GENERAL.—The Comptroller Gen-
3 eral shall periodically, until the termination
4 date specified in paragraph (5), provide to the
5 Committees on Armed Services of the Senate
6 and the House of Representatives a briefing on
7 the results of the assessments conducted under
8 paragraph (1) that includes an assessment of—

9 (i) the inclusion by the Department of
10 Defense of necessary contracting clauses in
11 relevant contracts to meet the require-
12 ments described in subparagraphs (A),
13 (B), and (C) of paragraph (1); and

14 (ii) the efforts of the Department of
15 Defense to assess the compliance of con-
16 tractors with such clauses.

17 (B) FORM.—To the extent practicable,
18 each briefing required under subparagraph (A)
19 shall be in an unclassified form, but may con-
20 tain a classified annex.

21 (3) REPORT REQUIRED.—

22 (A) IN GENERAL.—The Comptroller Gen-
23 eral shall, not less frequently than every 2 years
24 until the termination date specified in para-
25 graph (5), submit to the Committees on Armed

1 Services of the Senate and the House of Rep-
2 resentatives a report on the results of the as-
3 sessments conducted under paragraph (1).

4 (B) FORM.—To the extent practicable,
5 each report required under subparagraph (A)
6 shall be in an unclassified form, but may con-
7 tain a classified annex.

8 (4) REFERRAL.—If, in conducting an assess-
9 ment under paragraph (1), the Comptroller General
10 determines that a contractor has willfully or reck-
11 lessly failed to comply with any of the requirements
12 described in subparagraphs (A), (B), and (C) of
13 paragraph (1), the Comptroller General may refer
14 the matter, as appropriate, for further examination
15 and possible enforcement actions.

16 (5) TERMINATION.—The requirements of this
17 subsection shall terminate on the date that is 5
18 years after the date of the enactment of this Act.

19 (d) STRATEGIC AND CRITICAL MATERIALS DE-
20 FINED.—In this section, the term “strategic and critical
21 materials” means materials designated as strategic and
22 critical under section 3(a) of the Strategic and Critical
23 Materials Stock Piling Act (50 U.S.C. 98b(a)).

1 **SEC. 858. ANALYSES OF CERTAIN ACTIVITIES FOR ACTION**
2 **TO ADDRESS SOURCING AND INDUSTRIAL CA-**
3 **PACITY.**

4 (a) ANALYSIS REQUIRED.—

5 (1) IN GENERAL.—The Secretary of Defense,
6 acting through the Under Secretary of Defense for
7 Acquisition and Sustainment and other appropriate
8 officials, shall review the items under subsection (c)
9 to determine and develop appropriate actions, con-
10 sistent with the policies, programs, and activities re-
11 quired under subpart I of part V of subtitle A of
12 title 10, United States Code, chapter 83 of title 41,
13 United States Code, and the Defense Production Act
14 of 1950 (50 U.S.C. 4501 et seq.), including—

15 (A) restricting procurement, with appro-
16 priate waivers for cost, emergency require-
17 ments, and non-availability of suppliers, includ-
18 ing restricting procurement to—

19 (i) suppliers in the United States;

20 (ii) suppliers in the national tech-
21 nology and industrial base (as defined in
22 section 4801 of title 10, United States
23 Code);

24 (iii) suppliers in other allied nations;

25 or

26 (iv) other suppliers;

1 (B) increasing investment through use of
2 research and development or procurement ac-
3 tivities and acquisition authorities to—

4 (i) expand production capacity;

5 (ii) diversify sources of supply; or

6 (iii) promote alternative approaches
7 for addressing military requirements;

8 (C) prohibiting procurement from selected
9 sources or nations;

10 (D) taking a combination of actions de-
11 scribed under subparagraphs (A), (B), and (C);

12 or

13 (E) taking no action.

14 (2) CONSIDERATIONS.—The analyses conducted
15 pursuant to paragraph (1) shall consider national se-
16 curity, economic, and treaty implications, as well as
17 impacts on current and potential suppliers of goods
18 and services.

19 (b) REPORTING ON ANALYSES, RECOMMENDATIONS,
20 AND ACTIONS.—

21 (1) BRIEFING REQUIRED.—Not later than Jan-
22 uary 15, 2024, the Secretary of Defense shall sub-
23 mit to the congressional defense committees, in writ-
24 ing—

1 (A) a summary of the findings of the anal-
2 yses undertaken for each item pursuant to sub-
3 section (a);

4 (B) relevant recommendations resulting
5 from the analyses; and

6 (C) descriptions of specific activities under-
7 taken as a result of the analyses, including
8 schedule and resources allocated for any
9 planned actions.

10 (2) REPORTING.—The Secretary of Defense
11 shall include the analyses conducted under sub-
12 section (a), and any relevant recommendations and
13 descriptions of activities resulting from such anal-
14 yses, as appropriate, in each of the following during
15 the 2024 calendar year:

16 (A) The annual report or quarterly brief-
17 ings to Congress required under section 4814 of
18 title 10, United States Code.

19 (B) The annual report on unfunded prior-
20 ities of the national technology and industrial
21 base required under section 4815 of such title.

22 (C) Department of Defense technology and
23 industrial base policy guidance prescribed under
24 section 4811(c) of such title.

1 (D) Activities to modernize acquisition
2 processes to ensure the integrity of the indus-
3 trial base pursuant to section 4819 of such
4 title.

5 (E) Defense memoranda of understanding
6 and related agreements considered in accord-
7 ance with section 4851 of such title.

8 (F) Industrial base or acquisition policy
9 changes.

10 (G) Legislative proposals for changes to
11 relevant statutes which the Department shall
12 consider, develop, and submit to the Committee
13 on Armed Services of the Senate and the Com-
14 mittee on Armed Services of the House of Rep-
15 resentatives not less frequently than once per
16 fiscal year.

17 (H) Other actions as the Secretary of De-
18 fense determines appropriate.

19 (c) LIST OF GOODS AND SERVICES FOR ANALYSES,
20 RECOMMENDATIONS, AND ACTIONS.—The items described
21 in this subsection are the following:

22 (1) Solar components for satellites.

23 (2) Satellite ground station service contracts.

1 (3) Naval vessel shafts and propulsion system
2 components (including reduction gears and propellers).
3

4 (4) Infrastructure or equipment for a passenger
5 boarding bridge at a military airport designated by
6 the Secretary of Transportation under section
7 47118(a) of title 49, United States Code.

8 (5) Flags of the United States.

9 (6) Natural rubber from herbaceous plants for
10 military applications.

11 (7) Alternative proteins as sustainable and secure food sources.

12 (8) Carbon fiber.

14 **SEC. 859. DEMONSTRATION EXERCISE OF ENHANCED PLANNING FOR INDUSTRIAL MOBILIZATION AND SUPPLY CHAIN MANAGEMENT.**

17 (a) DEMONSTRATION EXERCISE REQUIRED.—Not
18 later than December 31, 2024, the Secretary of Defense
19 shall conduct a demonstration exercise of industrial mobilization and supply chain management planning capabilities in support of one or more operational or contingency
20 plan use cases, as selected in consultation with the Chairman of the Joint Chiefs of Staff and the Under Secretary
21 of Defense for Acquisition and Sustainment.
22
23
24

1 (b) ELEMENTS.—The demonstration exercise re-
2 quired under subsection (a) shall include the following ele-
3 ments:

4 (1) Use of a current program that is both field-
5 ed and still in production from each military depart-
6 ment, Defense Agency, and Department of Defense
7 Field Activity in order to model a notional plan for
8 mobilization or supply chain management, as associ-
9 ated with the selected operational or contingency
10 plans.

11 (2) The exercise of processes and authorities
12 that support the Department of Defense for indus-
13 trial mobilization in support of declared hostilities or
14 other contingency operations.

15 (3) The identification of process improvements
16 or gaps in resources, capabilities, or authorities that
17 require remediation, including those related to gov-
18 ernment or contractor production facilities, tooling,
19 or workforce development.

20 (4) The implementation of analytical tools and
21 processes to monitor and assess the health of the in-
22 dustrial base and to use near real-time data and vis-
23 ualization capabilities in making production and dis-
24 tribution decisions, with an emphasis on identifying,

1 assessing, and demonstrating commercially available
2 tools.

3 (5) The establishment and tracking of goals
4 and metrics to support institutionalization of defense
5 industrial base health assessment and planning.

6 (c) BRIEFING REQUIRED.—Not later than November
7 1, 2023, the Secretary shall provide to the congressional
8 defense committees an interim briefing on the demonstra-
9 tion exercise required under subsection (a), including—

10 (1) an identification of the programs and use
11 cases to be demonstrated;

12 (2) a description of methodology for executing
13 the demonstration exercise, including analytical tools
14 or metrics identified to support the process; and

15 (3) any preliminary findings.

16 (d) ASSESSMENT.—Not later than March 1, 2025,
17 the Secretary shall submit to the congressional defense
18 committees a report assessing the demonstration exercise
19 required under subsection (a), including a description of—

20 (1) the programs and use cases considered in
21 this demonstration exercise;

22 (2) the outcomes of the activities required
23 under subsection (b);

24 (3) outcomes and conclusions;

25 (4) lessons learned; and

1 (5) any recommendations for legislative action
2 that may be required as a result.

3 (e) DEFINITIONS.—In this section, the terms “mili-
4 tary department”, “Defense Agency”, and “Defense Field
5 Activity” have the meanings given those terms in section
6 101 of title 10, United States Code.

7 **SEC. 860. RISK MANAGEMENT FOR DEPARTMENT OF DE-**
8 **FENSE PHARMACEUTICAL SUPPLY CHAINS.**

9 (a) RISK MANAGEMENT FOR ALL DEPARTMENT OF
10 DEFENSE PHARMACEUTICAL SUPPLY CHAINS.—Not later
11 than one year after the date of the enactment of this Act,
12 the Under Secretary of Defense for Acquisition and
13 Sustainment shall—

14 (1) develop and issue implementing guidance
15 for risk management for Department of Defense
16 supply chains for pharmaceutical materiel for the
17 Department;

18 (2) identify, in coordination with the Secretary
19 of Health and Human Services, supply chain infor-
20 mation gaps regarding the Department’s reliance on
21 foreign suppliers of drugs, including active pharma-
22 ceutical ingredients and final drug products; and

23 (3) submit to the Committees on Armed Serv-
24 ices of the Senate and the House of Representatives
25 a report regarding—

1 (A) existing information streams, if any,
2 that may be used to assess the reliance by the
3 Department of Defense on high-risk foreign
4 suppliers of drugs;

5 (B) vulnerabilities in the drug supply
6 chains of the Department of Defense; and

7 (C) any recommendations to address—

8 (i) information gaps identified under
9 paragraph (2); and

10 (ii) any risks related to such reliance
11 on foreign suppliers.

12 (b) RISK MANAGEMENT FOR DEPARTMENT OF DE-
13 FENSE PHARMACEUTICAL SUPPLY CHAIN.—The Director
14 of the Defense Health Agency shall—

15 (1) not later than one year after the issuance
16 of the guidance required under subsection (a)(1), de-
17 velop and publish implementing guidance for risk
18 management for the Department of Defense supply
19 chain for pharmaceuticals; and

20 (2) establish a working group—

21 (A) to assess risks to the Department's
22 pharmaceutical supply chain;

23 (B) to identify the pharmaceuticals most
24 critical to beneficiary care at military treatment
25 facilities; and

1 (C) to establish policies for allocating
2 scarce pharmaceutical resources of the Depart-
3 ment of Defense in case of a supply disruption.

4 **SEC. 861. STRATEGY FOR INCREASING COMPETITIVE OP-**
5 **PORTUNITIES FOR CERTAIN CRITICAL TECH-**
6 **NOLOGIES.**

7 (a) STRATEGY.—Not later than one year after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall submit to the congressional defense committees a
10 comprehensive strategy to—

11 (1) increase competitive opportunities available
12 for appropriate United States companies to transi-
13 tion critical technologies into major weapon systems
14 and other programs of record; and

15 (2) enhance the integrity and diversity of the
16 defense industrial base.

17 (b) ELEMENTS.—The strategy required under sub-
18 section (a) shall include the following:

19 (1) A description of methods to increase oppor-
20 tunities for appropriate United States companies to
21 develop end items of critical technologies for major
22 weapon systems, rapidly prototype such end items,
23 and conduct activities that would support the transi-
24 tion of such end items into major weapon systems
25 and programs of record, including—

1 (A) continuous experimentation or military
2 utility assessments to improve such end items;

3 (B) evaluation of how to integrate existing
4 commercial capabilities relating to such end
5 items of appropriate United States companies
6 or entities in the defense industrial base into
7 major weapon systems and programs of record
8 in the Department of Defense;

9 (C) efforts that improve the ability of ap-
10 propriate United States companies or entities in
11 the defense industrial base to maintain, afford,
12 or manufacture major weapon systems or com-
13 ponents for such systems; and

14 (D) development of alternative supply
15 sources for components of a major weapon sys-
16 tem to ensure the availability of component
17 parts and to support supply chain diversity.

18 (2) Processes to improve coordination by the
19 military departments and other elements of the De-
20 partment of Defense to carry out the strategy re-
21 quired by this section.

22 (c) DEFINITIONS.—In this section:

23 (1) The term “appropriate United States com-
24 pany” means—

1 (A) a nontraditional defense contractor, as
2 defined in section 3014 of title 10, United
3 States Code; or

4 (B) a prime contractor that has entered
5 into a cooperative agreement with a nontradi-
6 tional defense contractor with the express intent
7 to pursue funding authorized by sections 4021
8 and 4022 of title 10, United States Code, in the
9 development, testing, or prototyping of critical
10 technologies.

11 (2) The term “major weapon system” has the
12 meaning given in section 3455 of title 10, United
13 States Code.

14 (3) The term “critical technology” means a
15 technology identified as critical by the Secretary of
16 Defense, which shall include the following:

17 (A) Biotechnology.

18 (B) Quantum science technology.

19 (C) Advanced materials.

20 (D) Artificial intelligence and machine
21 learning.

22 (E) Microelectronics.

23 (F) Space technology.

24 (G) Advanced computing and software.

25 (H) Hypersonics.

1 (I) Integrated sensing and cybersecurity.

2 (J) Autonomous systems.

3 (K) Unmanned systems.

4 (L) Advanced sensing systems.

5 (M) Advanced communications systems.

6 **SEC. 862. KEY ADVANCED SYSTEM DEVELOPMENT INDUS-**
7 **TRY DAYS.**

8 (a) IN GENERAL.—Not later than March 1, 2023,
9 and every 180 days thereafter, the each Secretary of a
10 military department shall ensure that such military de-
11 partment conducts an outreach event to—

12 (1) collaborate with the private sector on
13 present current and future opportunities with re-
14 spect to key advanced system development areas;

15 (2) raise awareness within the private sector
16 of—

17 (A) key advanced system development
18 areas; and

19 (B) capability needs and existing and po-
20 tential requirements related to the key ad-
21 vanced system development areas; and

22 (3) raise awareness within such military depart-
23 ment of potential material solutions for capability
24 needs and existing and potential requirements re-
25 lated to key advanced system development areas.

1 (b) RESPONSIBILITIES.—

2 (1) SERVICE CHIEFS.—For each event a mili-
3 tary department conducts under subsection (a), the
4 Service Chief concerned shall, for each key advanced
5 system development area, perform the following:

6 (A) Identify related and potentially related
7 existing, planned, or potential military require-
8 ments, including urgent and emergent oper-
9 ational needs.

10 (B) Identify and describe related and po-
11 tentially related needs or gaps in the capabili-
12 ties of the military department to carry out the
13 missions of the military department, including
14 warfighting and combat support capabilities.

15 (C) Identify and describe related and po-
16 tentially related exercise, demonstration, or ex-
17 perimentation opportunities.

18 (2) ACQUISITION EXECUTIVES.—For each event
19 a military department conducts under subsection
20 (a), the service acquisition executive of the military
21 department conducting the event shall, for each key
22 advanced system development area, perform the fol-
23 lowing:

1 (A) Identify and describe related and po-
2 tentially related existing, planned, or potential
3 acquisition plans and strategies.

4 (B) Identify and describe related and po-
5 tentially related existing, planned, or potential
6 funding opportunities, including—

7 (i) broad agency announcements;

8 (ii) requests for information;

9 (iii) funding opportunity announce-
10 ments;

11 (iv) special program announcements;

12 (v) requests for proposals;

13 (vi) requests for quotes;

14 (vii) special notices;

15 (viii) transactions pursuant to sections
16 4004, 4021, and 4022 of title 10, United
17 States Code;

18 (ix) unsolicited proposals; and

19 (x) other funding opportunities as de-
20 termined appropriate by the service acqui-
21 sition executive.

22 (3) DELEGATION.—Each Service Chief con-
23 cerned and each service acquisition executive may
24 delegate the authority to carry out the tasks for

1 which such individuals are responsible under this
2 subsection.

3 (4) REVIEWS AND COORDINATION.—

4 (A) INDUSTRY DAY REVIEWS.—Promptly
5 after an event conducted by a military depart-
6 ment under subsection (a), the service acquisi-
7 tion executive of such military department
8 shall—

9 (i) disseminate a written review of
10 such event as broadly as practicable within
11 the Department of Defense; and

12 (ii) make such review publicly avail-
13 able on a website of the military depart-
14 ment.

15 (B) CONSOLIDATION.—The Secretary of
16 Defense and the Chairman of the Joint Chiefs
17 of Staff shall, periodically, jointly review and
18 consolidate the reviews required by subpara-
19 graph (A) to identify trends, eliminate redun-
20 dancy, and enhance efficiency with respect to
21 events conducted under subsection (a).

22 (c) FORM.—With respect to each event conducted
23 under subsection (a), the Secretary concerned shall seek
24 to maximize industry and government participation, while
25 minimizing cost to the maximum extent practicable, by—

1 (1) holding the event at an unclassified security
2 level to the extent practicable;

3 (2) making the event publicly accessible
4 through teleconference or other virtual means; and

5 (3) making supporting materials for the event
6 publicly available on a website.

7 (d) DEFINITIONS.—In this section:

8 (1) MILITARY DEPARTMENTS; SECRETARY CON-
9 CERNED; SERVICE ACQUISITION EXECUTIVE.—The
10 terms “military departments”, “Secretary con-
11 cerned”, and “service acquisition executive” have the
12 meanings given such terms in section 101(a) of title
13 10, United States Code.

14 (2) KEY ADVANCED SYSTEM DEVELOPMENT
15 AREA.—The term “key advanced system develop-
16 ment area” means the following:

17 (A) For the Department of the Navy—

18 (i) unmanned surface vessels;

19 (ii) unmanned underwater vessels;

20 (iii) unmanned deployable mobile
21 ocean systems;

22 (iv) unmanned deployable fixed ocean
23 systems; and

24 (v) autonomous unmanned aircraft
25 systems.

1 (B) For the Department of the Air Force,
2 autonomous unmanned aircraft systems.

3 (C) For the Department of the Army, au-
4 tonomous unmanned aircraft systems.

5 (3) SERVICE CHIEF.—The term “Service Chief
6 concerned” means—

7 (A) the Chief of Staff of the Army, with
8 respect to matters concerning the Department
9 of the Army;

10 (B) the Chief of Naval Operations and the
11 Commandant of the Marine Corps, with respect
12 to matters concerning the Department of the
13 Navy; and

14 (C) the Chief of Staff of the Air Force,
15 with respect to matters concerning the Depart-
16 ment of the Air Force.

17 **Subtitle F—Small Business Matters**

18 **SEC. 871. CODIFICATION OF SMALL BUSINESS ADMINISTRA-** 19 **TION SCORECARD.**

20 (a) IN GENERAL.—Subsection (b) of section 868 of
21 the National Defense Authorization Act for Fiscal Year
22 2016 (15 U.S.C. 644 note) is transferred to section 15
23 of the Small Business Act (15 U.S.C. 644), inserted after
24 subsection (x), redesignated as subsection (y), and amend-
25 ed—

1 (1) by striking paragraphs (1), (6), and (7);

2 (2) by redesignating paragraphs (2), (3), and

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

4 (3) by redesignating paragraph (8) as para-
5 graph (6);

6 (4) in paragraph (1) (as so redesignated), by
7 striking “Beginning in” and all that follows through
8 “to evaluate” and inserting “The Administrator
9 shall use a scorecard to annually evaluate”;

10 (5) in paragraph (2) (as so redesignated)—

11 (A) by striking “the Federal agency” each
12 place it appears and inserting “a Federal agen-
13 cy or the Federal Government, as applicable,”;

14 (B) in the matter preceding subparagraph

15 (A)—

16 (i) by striking “developed under para-
17 graph (1)”;

18 (ii) by inserting “and Government-
19 wide” after “each Federal agency”; and

20 (C) in subparagraph (A), by striking “sec-
21 tion 15(g)(1)(B) of the Small Business Act (15
22 U.S.C. 644(g)(1)(B))” and inserting “sub-
23 section (g)(1)(B)”;

24 (6) in paragraph (3) (as so redesignated)—

1 (A) in subparagraph (A), by striking
2 “paragraph (3)(A)” and inserting “paragraph
3 (2)(A)”; and

4 (B) in subparagraph (B), by striking
5 “paragraph (3)” and inserting “paragraph
6 (2)”;

7 (7) by inserting after paragraph (3) (as so re-
8 designated) the following new paragraph:

9 “(4) ADDITIONAL REQUIREMENTS FOR SCORE-
10 CARDS.—The scorecard shall include, for each Fed-
11 eral agency and Governmentwide, the following in-
12 formation with respect to prime contracts:

13 “(A) The number (expressed as a percent-
14 age) and total dollar amount of awards made to
15 small business concerns owned and controlled
16 by women through sole source contracts and
17 competitions restricted to small business con-
18 cerns owned and controlled by women under
19 section 8(m).

20 “(B) The number (expressed as a percent-
21 age) and total dollar amount of awards made to
22 small business concerns owned and controlled
23 by qualified HUBZone small business concerns
24 through sole source contracts and competitions

1 restricted to qualified HUBZone small business
2 concerns under section 31(c)(2).

3 “(C) The number (expressed as a percent-
4 age) and total dollar amount of awards made to
5 small business concerns owned and controlled
6 by service-disabled veterans through sole source
7 contracts and competitions restricted to small
8 business concerns owned and controlled by serv-
9 ice-disabled veterans under section 36.

10 “(D) The number (expressed as a percent-
11 age) and total dollar amount of awards made to
12 socially and economically disadvantaged small
13 business concerns under section 8(a) through
14 sole source contracts and competitions re-
15 stricted to socially and economically disadvan-
16 taged small business concerns, disaggregated by
17 awards made to such concerns that are owned
18 and controlled by individuals and awards made
19 to such concerns that are owned and controlled
20 by an entity.”;

21 (8) in paragraph (5), by striking “section
22 15(h)(2) of the Small Business Act (15 U.S.C.
23 644(h)(2))” and inserting “subsection (h)(2)”;

24 (9) by amending paragraph (6) (as so redesign-
25 nated) to read as follows:

1 “(6) SCORECARD DEFINED.—In this subsection,
2 the term ‘scorecard’ means any summary using a
3 rating system to evaluate the efforts of a Federal
4 agency to meet goals established under subsection
5 (g)(1)(B) that—

6 “(A) includes the measures described in
7 paragraph (2); and

8 “(B) assigns a score to each Federal agen-
9 cy evaluated.”.

10 (b) CONFORMING AMENDMENT.—Section 15(x)(2) of
11 the Small Business Act (15 U.S.C. 644(x)(2)) is amended
12 by striking “scorecard described in section 868(b) of the
13 National Defense Authorization Act for Fiscal Year 2016
14 (15 U.S.C. 644 note)” and inserting “scorecard (as de-
15 fined in subsection (y))”.

16 **SEC. 872. MODIFICATIONS TO THE SBIR AND STTR PRO-**
17 **GRAMS.**

18 (a) CORRECTION TO STTR DISCLOSURE REQUIRE-
19 MENTS.—Section 9(g)(13)(D) of the Small Business Act
20 (15 U.S.C. 638(g)(13)(D)) is amended by striking “of
21 concern”.

22 (b) DUE DILIGENCE PROGRAM.—

23 (1) IN GENERAL.—Until the date on which the
24 Under Secretary of Defense for Research and Engi-
25 neering makes the certification described in para-

1 graph (2), in carrying out the due diligence program
2 required under subsection (vv) of section 9 of the
3 Small Business Act (15 U.S.C. 638), the Secretary
4 of Defense and each Secretary of a military depart-
5 ment shall perform the assessments required under
6 such due diligence program—

7 (A) only with respect to small business
8 concerns selected by the applicable Secretary as
9 the presumptive recipient of an award described
10 in such subsection (vv); and

11 (B) prior to notifying the small business
12 concern that the small business concern has
13 been selected to receive such an award.

14 (2) FULL IMPLEMENTATION.—On the date on
15 which the Under Secretary of Defense for Research
16 and Engineering certifies to the Committees on
17 Armed Services of the Senate and the House of Rep-
18 resentatives that an automated capability for per-
19 forming the assessments required under the due dili-
20 gence program required under subsection (vv) of sec-
21 tion 9 of the Small Business Act (15 U.S.C. 638)
22 with respect to all small business concerns seeking
23 an award described in such subsection is operational,
24 paragraph (1) of this subsection shall sunset.

1 **SEC. 873. ACCESS TO DATA ON BUNDLED OR CONSOLI-**
2 **DATED CONTRACTS.**

3 (a) IN GENERAL.—Section 15(p) of the Small Busi-
4 ness Act (15 U.S.C. 644(p)) is amended—

5 (1) by amending paragraph (1) to read as fol-
6 lows:

7 “(1) BUNDLED OR CONSOLIDATED CONTRACT
8 DEFINED.—In this subsection, the term ‘bundled or
9 consolidated contract’ has the meaning given in sub-
10 section (s).”;

11 (2) in paragraph (4)—

12 (A) in the paragraph heading, by striking
13 “CONTRACT BUNDLING” and inserting “BUN-
14 DLED OR CONSOLIDATED CONTRACTS”;

15 (B) in subparagraph (A), by striking “con-
16 tract bundling” and inserting “bundled or con-
17 solidated contracts”;

18 (C) in subparagraph (B)—

19 (i) in clause (i), by striking “bundled
20 contracts” and inserting “bundled or con-
21 solidated contracts”; and

22 (ii) in clause (ii)—

23 (I) in the matter preceding sub-
24 clause (I), by striking “bundled con-
25 tracts” and inserting “bundled or con-
26 solidated contracts”;

1 (II) in subclause (I), by striking
2 “were bundled” and inserting “were
3 included in bundled or consolidated
4 contracts”; and

5 (III) in subclause (II)—

6 (aa) in the matter preceding
7 item (aa), by striking “bundled
8 contract” and inserting “bundled
9 or consolidated contract”;

10 (bb) in items (aa), (dd), and
11 (ee) by inserting “or the consoli-
12 dation of contract requirements
13 (as applicable)” after “bundling
14 of contract requirements” each
15 place it appears;

16 (cc) in item (bb), by striking
17 “bundling the contract require-
18 ments” and inserting “the bun-
19 dling of contract requirements or
20 the consolidation of contract re-
21 quirements (as applicable)”;

22 (dd) in item (cc), by striking
23 “the bundled status of contract
24 requirements” and inserting
25 “contract requirements in a bun-

1 dled or consolidated contract”;
2 and
3 (ee) in item (ee), by striking
4 “consolidated requirements” and
5 inserting “contract”; and

6 (3) in paragraph (5)(B), by striking “provide,
7 upon request” and all that follows through the pe-
8 riod at the end and inserting the following: “provide
9 to the Administrator data and information described
10 in paragraphs (2) and (4).”.

11 (b) TECHNICAL AMENDMENT.—Section 15(p)(2) of
12 the Small Business Act (15 U.S.C. 644(p)) is amended—

13 (1) by striking “DATABASE” in the paragraph
14 heading and all that follows through “Not later”
15 and inserting “DATABASE.—Not later”; and

16 (2) by redesignating clauses (i) and (ii) as sub-
17 paragraphs (A) and (B), respectively.

18 **SEC. 874. SMALL BUSINESS INTEGRATION WORKING**
19 **GROUP.**

20 (a) IN GENERAL.—Not later than 60 days after the
21 enactment of this Act, the Secretary of Defense shall issue
22 a charter to establish a small business integration working
23 group that—

24 (1) ensures the integration and synchronization
25 of the activities of the military departments and

1 other components of the Department of Defense
2 with respect to small business concerns; and

3 (2) convenes not fewer than four times per
4 year.

5 (b) MEMBERSHIP.—The small business integration
6 working group chartered under subsection (a) shall be
7 comprised of representatives from each of the following
8 organizations:

9 (1) The small business office of each military
10 department.

11 (2) The Small Business Innovation Research
12 Program and the Small Business Technology Trans-
13 fer Program (as such terms are defined in section
14 9(e) of the Small Business Act (15 U.S.C. 638(e)))
15 of each military department.

16 (3) The office of the Under Secretary of De-
17 fense for Acquisition and Sustainment.

18 (4) The office of the Under Secretary of De-
19 fense for Research and Engineering.

20 (5) Any other office the Secretary of Defense
21 determines appropriate.

22 (c) BRIEFING REQUIRED.—Not later than March 1,
23 2023, the Secretary of Defense shall brief the Committee
24 on Armed Services of the Senate and the Committee on
25 Armed Services of the House of Representatives on the

1 establishment and activities of the small business integra-
2 tion working group chartered under subsection (a), the
3 policies enacted by the small business integration working
4 group to allow for the sharing of best practices for maxi-
5 mizing the contributions of small business concerns in the
6 defense industrial base and in acquisitions by the Depart-
7 ment of Defense, and practices for conducting oversight
8 of the activities of the military departments and other
9 components of the Department of Defense with respect to
10 small business concerns.

11 (d) DEFINITIONS.—In this section:

12 (1) MILITARY DEPARTMENT.—The term “mili-
13 tary department” has the meaning given such term
14 in section 101(a) of title 10, United States Code.

15 (2) SMALL BUSINESS CONCERN.—The term
16 “small business concern” has the meaning given
17 such term under section 3 of the Small Business Act
18 (15 U.S.C. 632).

19 **SEC. 875. DEMONSTRATION OF COMMERCIAL DUE DILI-**
20 **GENCE FOR SMALL BUSINESS PROGRAMS.**

21 (a) DEMONSTRATION REQUIRED.—Not later than
22 December 31, 2027, the Secretary of Defense shall estab-
23 lish a program to carry out a demonstration of commercial
24 due diligence tools, techniques, and processes in order to
25 support small businesses in identifying attempts by mali-

1 cious foreign actors to gain undue access to, or foreign
2 ownership, control, or influence over—

3 (1) the small business; or

4 (2) any technology a small business is devel-
5 oping pursuant to a contract or other agreement
6 with the Department of Defense.

7 (b) ELEMENTS.—The program required under sub-
8 section (a) shall include the following:

9 (1) The identification of one or more entities to
10 be responsible for the commercial due diligence tools,
11 techniques, and processes that are part of a dem-
12 onstration under the program and a description of
13 the interactions required between such entity, small
14 businesses, and the government agencies that en-
15 force such tools, techniques, and processes.

16 (2) An assessment of commercial due diligence
17 tools, techniques, and processes already in use by
18 each Office of Small Business Programs.

19 (3) The development of methods to analyze the
20 commercial due diligence tools, techniques, and proc-
21 esses that are part of a demonstration under the
22 program to—

23 (A) monitor and assess attempts described
24 in subsection (a);

1 (B) provide information on such attempts
2 to applicable small businesses; and

3 (C) allow small businesses that are subject
4 to such attempts to provide information about
5 such attempts to the Secretary of Defense.

6 (4) The development of training and resources
7 for small businesses that can be shared directly with
8 such businesses or through a procurement technical
9 assistance program established under chapter 388 of
10 title 10, United States Code.

11 (5) The implementation of performance meas-
12 ures to assess the effectiveness of such program.

13 (c) BRIEFING REQUIRED.—Not later than April 1,
14 2023, the Secretary of Defense shall provide to the con-
15 gressional defense committees an interim briefing on the
16 program required under subsection (a) that includes the
17 following:

18 (1) An identification of any entity described in
19 subsection (b)(1).

20 (2) A description of the methodology for exe-
21 cuting any demonstrations under the program, in-
22 cluding any analytical tools or metrics identified to
23 support such a demonstration.

24 (3) A description of any identified instances of
25 attempts described in subsection (a).

1 (4) An identification of improvements or gaps
2 in resources, capabilities, or authorities, and other
3 lessons learned from any demonstrations under the
4 program.

5 (d) ASSESSMENT.—Not later than March 1, 2028,
6 the Secretary shall submit to the congressional defense
7 committees a report on the program required under sub-
8 section (a), including any identified instances of attempts
9 described in such subsection, any lessons learned, and any
10 recommendations for legislative action related to such pro-
11 gram.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “foreign ownership, control, or in-
14 fluence” has the meaning given in section 847 of the
15 National Defense Authorization Act for Fiscal Year
16 2020 (Public Law 116–92; 133 Stat. 1505; 10
17 U.S.C. 4819 note).

18 (2) The term “Office of Small Business Pro-
19 grams” means—

20 (A) the Office of Small Business Programs
21 of the Department of Defense established under
22 section 144 of title 10, United States Code;

23 (B) the Office of Small Business Programs
24 of the Department of the Army established
25 under section 7024 of such title;

1 (C) the Office of Small Business Programs
2 of the Department of the Navy established
3 under section 8028 of such title; and

4 (D) the Office of Small Business Programs
5 of the Department of the Air Force established
6 under section 9024 of such title.

7 **SEC. 876. DEVELOPMENT AND ASSESSMENT OF MISSION**
8 **EFFECTIVENESS METRICS.**

9 (a) IN GENERAL.—The Secretary of Defense, in co-
10 ordination with the service acquisition executives (as de-
11 fined in section 101(a) of title 10, United States Code),
12 shall conduct a study on the metrics necessary to assess
13 the effectiveness of the SBIR and STTR programs of the
14 Department of Defense in meeting the mission needs of
15 the Department, including by developing metrics and col-
16 lecting and assessing longitudinal data necessary for eval-
17 uation of those metrics.

18 (b) ELEMENTS.—The study required under sub-
19 section (a) shall include the following:

20 (1) An assessment of the measurable ways in
21 which the SBIR and STTR programs of the Depart-
22 ment of Defense support the mission needs of the
23 Department.

24 (2) The development of recurring, quantifiable
25 metrics for measuring the ability of the SBIR and

1 STTR programs of the Department to deliver prod-
2 ucts and services that meet the mission needs of the
3 Department.

4 (3) An evaluation of currently available data to
5 support the assessment of the metrics described in
6 paragraph (2), including the identification of areas
7 where gaps in the availability of such data exist that
8 may require collecting new data or modifying exist-
9 ing data.

10 (4) The identification of current means and
11 methods available to the Department for collecting
12 data in an automated fashion, including the identi-
13 fication of areas where gaps in the automated collec-
14 tion of data exist that may require new means for
15 collecting or visualizing data.

16 (5) The development of an analysis and assess-
17 ment methodology framework to make tradeoffs be-
18 tween the metrics described in paragraph (2) and
19 existing commercialization benchmarks of the De-
20 partment to enhance the decision-making of the De-
21 partment regarding the benefits of the SBIR and
22 STTR programs of the Department.

23 (c) BRIEFINGS.—

24 (1) INTERIM BRIEFING.—Not later than six
25 months after the enactment of this Act, the Sec-

1 retary of Defense shall provide to the Committees on
2 Armed Services of the Senate and House of Rep-
3 resentatives a briefing on the development of the
4 metrics described in subsection (a) for the study re-
5 quired under such subsection.

6 (2) FINAL BRIEFING.—Not later than one year
7 after the enactment of this Act, the Secretary of De-
8 fense shall provide to the Committees on Armed
9 Services of the Senate and House of Representatives
10 a briefing on the results of the study required under
11 subsection (a).

12 **Subtitle G—Other Matters**

13 **SEC. 881. TECHNICAL CORRECTION TO EFFECTIVE DATE** 14 **OF THE TRANSFER OF CERTAIN TITLE 10 AC-** 15 **QUISITION PROVISIONS.**

16 (a) IN GENERAL.—The amendments made by section
17 1701(e) and paragraphs (1) and (2) of section 802(b) of
18 the National Defense Authorization Act for Fiscal Year
19 2022 (Public Law 117–81) shall be deemed to have taken
20 effect immediately before the amendments made by section
21 1881 of the William M. (Mac) Thornberry National De-
22 fense Authorization Act for Fiscal Year 2021 (Public Law
23 116–283; 134 Stat. 4293).

24 (b) TREATMENT OF SECTION 4027 REQUIRE-
25 MENTS.—An individual or entity to which the require-

1 ments under section 4027 of title 10, United States Code,
2 were applicable during the period beginning on January
3 1, 2022, and ending on the date of the enactment of this
4 Act pursuant to subsection (a) shall be deemed to have
5 complied with such requirements during such period.

6 **SEC. 882. SECURITY CLEARANCE BRIDGE PILOT PROGRAM.**

7 (a) IN GENERAL.—The Secretary of Defense, in con-
8 sultation with the Director of National Intelligence, shall
9 conduct a pilot program to allow the Defense Counterintel-
10 ligence and Security Agency to sponsor the personal secu-
11 rity clearances of the employees of innovative technology
12 companies that are performing a contract of the Depart-
13 ment of Defense while the Government completes the ad-
14 judication of the facility clearance application of such a
15 innovative technology company.

16 (b) ADDITIONAL REQUIREMENTS.—

17 (1) PERSONAL SECURITY CLEARANCE AUTHOR-
18 ITY.—

19 (A) IN GENERAL.—Under the pilot pro-
20 gram, the Defense Counterintelligence and Se-
21 curity Agency may nominate and sponsor the
22 personal security clearances of the employees of
23 an innovative technology company.

24 (B) LIMITATION.—Under the pilot pro-
25 gram, the Defense Counterintelligence and Se-

1 security Agency may sponsor the personal secu-
2 rity clearances of employees of not more than
3 75 innovative technology companies.

4 (2) ADJUDICATION OF THE FACILITY CLEAR-
5 ANCE APPLICATION.—Any adjudication of a facility
6 clearance application of an innovative technology
7 company described in subsection (a) shall include an
8 assessment and mitigation of foreign ownership, con-
9 trol, or influence of the innovative technology com-
10 pany, as applicable.

11 (c) CLEARANCE TRANSFER.—

12 (1) IN GENERAL.—Not later than 30 days after
13 an innovative technology company is granted facility
14 clearance, the Defense Counterintelligence and Secu-
15 rity Agency shall transfer any personal clearances of
16 employees of the innovative technology company held
17 by the Defense Counterintelligence and Security
18 Agency under the pilot program back to the innova-
19 tive technology company.

20 (2) DENIAL OF FACILITY CLEARANCE.—Not
21 later than 10 days after an innovative technology
22 company is denied facility clearance, the Defense
23 Counterintelligence and Security Agency shall re-
24 lease any personal clearances of employees of the in-
25 novative technology company held by the Defense

1 Counterintelligence and Security Agency under the
2 pilot program.

3 (d) PARTICIPANT SELECTION.—The Under Secretary
4 of Defense for Research and Engineering, in consultation
5 with the Under Secretary of Defense for Acquisition and
6 Sustainment and the service acquisition executive of the
7 military department concerned (as such terms are defined,
8 respectively, in section 101 of title 10, United States
9 Code), shall select innovative technology companies to par-
10 ticipate in the pilot program.

11 (e) SUNSET.—The pilot program shall terminate on
12 December 31, 2028.

13 (f) DEFINITIONS.—In this section:

14 (1) FACILITY CLEARANCE.—The term “facility
15 clearance” has the meaning given the term “Facility
16 Clearance” in section 95.5 of title 10, Code of Fed-
17 eral Regulations, or any successor regulation.

18 (2) FOREIGN OWNERSHIP, CONTROL, OR INFLU-
19 ENCE.—The term “foreign ownership, control, or in-
20 fluence” has the meaning given in section 847 of the
21 National Defense Authorization Act for Fiscal Year
22 2020 (Public Law 116–92; 133 Stat. 1505; 10
23 U.S.C. 4819 note).

24 (3) INNOVATIVE TECHNOLOGY COMPANY.—The
25 term “innovative technology company” means a non-

1 traditional defense contractor (as defined in section
2 3014 of title 10, United States Code) that—

3 (A) provides goods or services related to—

4 (i) one or more of the 14 critical tech-
5 nology areas described in the memorandum
6 by the Under Secretary of Defense for Re-
7 search and Engineering issued on Feb-
8 ruary 1, 2022, entitled “USD(R&E) Tech-
9 nology Vision for an Era of Competition”;

10 or

11 (ii) information technology, software,
12 or hardware that is unavailable from any
13 other entity that possesses a facility clear-
14 ance; and

15 (B) is selected by the Under Secretary of
16 Defense for Research and Engineering under
17 subsection (d) to participate in the pilot pro-
18 gram.

19 (4) PERSONAL SECURITY CLEARANCE.—The
20 term “personal security clearance” means the secu-
21 rity clearance of an individual who has received ap-
22 proval from the Department of Defense to access
23 classified information.

1 (5) PILOT PROGRAM.—The term “pilot pro-
2 gram” means the pilot program established under
3 subsection (a).

4 **SEC. 883. EXISTING AGREEMENT LIMITS FOR OPERATION**
5 **WARP SPEED.**

6 The value of any modification to, or order made
7 under, a contract or other agreement by the Department
8 of Defense on or after March 1, 2020, to address the
9 COVID–19 pandemic through vaccines and other thera-
10 peutic measures shall not be counted toward any limit es-
11 tablished prior to March 1, 2020, on the total estimated
12 amount of all projects to be issued under the contract or
13 other agreement (except that the value of such modifica-
14 tion or order shall count toward meeting any guaranteed
15 minimum value under the contract or other agreement).

16 **SEC. 884. INCORPORATION OF CONTROLLED UNCLASSI-**
17 **FIED INFORMATION GUIDANCE INTO PRO-**
18 **GRAM CLASSIFICATION GUIDES AND PRO-**
19 **GRAM PROTECTION PLANS.**

20 (a) UPDATES REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense
22 shall, acting through the Under Secretary of De-
23 fense for Intelligence and Security and the Under
24 Secretary of Defense for Research and Engineering,
25 ensure that all program classification guides (for

1 classified programs) and all program protection
2 plans (for unclassified programs) include guidance
3 for the proper marking for controlled unclassified in-
4 formation at their next regularly scheduled update.

5 (2) ELEMENTS.—Guidance under paragraph
6 (1) shall include the following:

7 (A) A requirement to use document por-
8 tion markings for controlled unclassified infor-
9 mation.

10 (B) A process to ensure controlled unclas-
11 sified information document portion markings
12 are used properly and consistently.

13 (b) MONITORING OF PROGRESS.—In tracking the
14 progress in carrying out subsection (a), the Under Sec-
15 retary of Defense for Intelligence and Security and the
16 Under Secretary of Defense for Research and Engineering
17 shall implement a process for monitoring progress that in-
18 cludes the following:

19 (1) Tracking of all program classification
20 guides and program protection plans so they include
21 document portion marking for controlled unclassified
22 information, and the dates when controlled unclassi-
23 fied information guidance updates are completed.

24 (2) Updated training in order to ensure that all
25 government and contractor personnel using the

1 guides described in subsection (a)(1) receive instruc-
2 tion, as well as periodic spot checks, to ensure that
3 training is sufficient and properly implemented to
4 ensure consistent application of document portion
5 marking guidance.

6 (3) A process for feedback to ensure that any
7 identified gaps or lessons learned are incorporated
8 into guidance and training instructions.

9 (c) REQUIRED COMPLETION.—The Secretary shall
10 ensure that the updates required by subsection (a) are
11 completed before January 1, 2029.

12 **TITLE IX—DEPARTMENT OF DE-**
13 **FENSE ORGANIZATION AND**
14 **MANAGEMENT**

Subtitle A—Office of the Secretary of Defense and Related Matters

- Sec. 901. Increase in authorized number of Assistant and Deputy Assistant Secretaries of Defense.
- Sec. 902. Conforming amendments relating to repeal of position of Chief Management Officer.
- Sec. 903. Limitation on use of funds pending demonstration of product to identify, task, and manage congressional reporting requirements.
- Sec. 904. Limitation on use of funds pending compliance with requirements relating to alignment of Close Combat Lethality Task Force.

Subtitle B—Other Department of Defense Organization and Management Matters

- Sec. 911. Updates to management reform framework.
- Sec. 912. Briefing on changes to Unified Command Plan.
- Sec. 913. Clarification of peacetime functions of the Navy.
- Sec. 914. Responsibilities and functions relating to electromagnetic spectrum operations.
- Sec. 915. Joint all domain command and control.
- Sec. 916. Strategic management dashboard demonstration.
- Sec. 917. Demonstration program for component content management systems.
- Sec. 918. Report on potential transition of all members of the Space Force into a single component.

1 **Subtitle A—Office of the Secretary**
2 **of Defense and Related Matters**

3 **SEC. 901. INCREASE IN AUTHORIZED NUMBER OF ASSIST-**
4 **ANT AND DEPUTY ASSISTANT SECRETARIES**
5 **OF DEFENSE.**

6 (a) ASSISTANT SECRETARY OF DEFENSE FOR CYBER
7 POLICY.—Section 138(b) of title 10, United States Code,
8 is amended by adding at the end the following new para-
9 graph:

10 “(8) One of the Assistant Secretaries is the Assistant
11 Secretary of Defense for Cyber Policy. The principal duty
12 of the Assistant Secretary shall be the overall supervision
13 of policy of the Department of Defense for cyber. The As-
14 sistant Secretary is the Principal Cyber Advisor described
15 in section 392a(a) of this title.”.

16 (b) INCREASE IN AUTHORIZED NUMBER OF ASSIST-
17 ANT SECRETARIES OF DEFENSE.—

18 (1) INCREASE.—Section 138(a)(1) of title 10,
19 United States Code, is amended by striking “15”
20 and inserting “19”.

21 (2) CONFORMING AMENDMENT.—Section 5315
22 of title 5, United States Code, is amended by strik-
23 ing “Assistant Secretaries of Defense (14).” and in-
24 serting “Assistant Secretaries of Defense (19).”.

1 (c) INCREASE IN AUTHORIZED NUMBER OF DEPUTY
2 ASSISTANT SECRETARIES OF DEFENSE.—

3 (1) INCREASE.—Section 138 of title 10, United
4 States Code, is amended by adding at the end the
5 following new subsection:

6 “(e) The number of Deputy Assistant Secretaries of
7 Defense may not exceed 60.”.

8 (2) CONFORMING REPEAL.—Section 908 of the
9 National Defense Authorization Act for Fiscal Year
10 2018 (Public Law 115–91; 131 Stat. 1514; 10
11 U.S.C. 138 note) is repealed.

12 (d) ADDITIONAL AMENDMENTS.—Section 138(b) of
13 title 10, United States Code, is amended—

14 (1) in paragraph (2)(A)—

15 (A) in the second sentence in the matter
16 preceding clause (i), by striking “He shall have
17 as his principal duty” and inserting “The prin-
18 cipal duty of the Assistant Secretary shall be”;
19 and

20 (B) in clause (ii), by striking subclause
21 (III);

22 (2) in paragraph (3), in the second sentence, by
23 striking “He shall have as his principal duty” and
24 inserting “The principal duty of the Assistant Sec-
25 retary shall be”;

1 (3) in paragraph (4)—

2 (A) in subparagraph (A), by striking the
3 semicolon and inserting “; and”;

4 (B) in subparagraph (B), by striking “;
5 and” inserting a period; and

6 (C) by striking subparagraph (C); and

7 (4) in paragraph (6), by striking “shall—” and
8 all that follows and inserting “shall advise the Under
9 Secretary of Defense for Acquisition and
10 Sustainment on industrial base policies.”.

11 (e) EVALUATION AND REVIEW.—Section 1504 of the
12 National Defense Authorization Act for Fiscal Year 2022
13 (Public Law 117–81; 135 Stat. 2022) is amended—

14 (1) in subsection (a), by striking “Not later
15 than 180 days after the date of the enactment of
16 this Act” and inserting “Not later than April 1,
17 2023”; and

18 (2) in subsection (b)—

19 (A) in paragraph (13), by striking “and”
20 at the end;

21 (B) by redesignating paragraph (14) as
22 paragraph (17); and

23 (C) by inserting after paragraph (13) the
24 following new paragraphs:

1 “(14) assess the need to retain or modify the
2 relationships, authorities, roles, and responsibilities
3 of the Principal Cyber Advisor described in section
4 392a(a) of title 10, United States Code;

5 “(15) assess the organizational construct of the
6 Department of Defense and how authorities, roles,
7 and responsibilities for matters relating to cyber ac-
8 tivities are distributed among the Under Secretaries,
9 Assistant Secretaries, and Deputy Assistant Secre-
10 taries of Defense and among civilian officials within
11 the military departments with roles and responsibil-
12 ities relating to cyber activities;

13 “(16) make recommendations for changes to
14 statutes affecting the organizational construct of the
15 Department of Defense to improve the oversight,
16 management, and coordination of—

17 “(A) policies, programs, and strategies re-
18 lating to cyber activities;

19 “(B) the execution of the authorities of the
20 United States Cyber Command; and

21 “(C) other matters relating to cyber activi-
22 ties; and”.

1 **SEC. 902. CONFORMING AMENDMENTS RELATING TO RE-**
2 **PEAL OF POSITION OF CHIEF MANAGEMENT**
3 **OFFICER.**

4 Section 2222 of title 10, United States Code, is
5 amended—

6 (1) in subsection (c)(2), by striking “the Chief
7 Management Officer of the Department of Defense,
8 the Under Secretary of Defense for Acquisition and
9 Sustainment, the Chief Information Officer, and the
10 Chief Management Officer” and inserting “the Chief
11 Information Officer of the Department of Defense,
12 the Under Secretary of Defense for Acquisition and
13 Sustainment, and the Chief Information Officer”;

14 (2) in subsection (e)—

15 (A) in paragraph (1), by striking “the
16 Chief Management Officer” and inserting “the
17 Chief Information Officer”; and

18 (B) in paragraph (6)—

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

21 (I) in the first sentence, by strik-
22 ing “The Chief Management Officer
23 of the Department of Defense” and
24 inserting “The Chief Information Of-
25 ficer of the Department of Defense, in

1 coordination with the Chief Data and
2 Artificial Intelligence Officer,”; and

3 (II) in the second sentence, by
4 striking “the Chief Management Offi-
5 cer shall” and inserting “the Chief In-
6 formation Officer shall”; and

7 (ii) in subparagraph (B), in the mat-
8 ter preceding clause (i), by striking “The
9 Chief Management Officer” and inserting
10 “The Chief Information Officer”;

11 (3) in subsection (f)—

12 (A) in paragraph (1), in the second sen-
13 tence, by striking “the Chief Management Offi-
14 cer and”; and

15 (B) in paragraph (2)—

16 (i) by redesignating subparagraphs
17 (A) and (B) as subparagraphs (B) and
18 (C), respectively;

19 (ii) by inserting before subparagraph
20 (B), as redesignated by clause (i), the fol-
21 lowing new subparagraph (A):

22 “(A) The Chief Information Officers of the
23 military departments, or their designees.”; and

1 (iii) in subparagraph (C), as so reded-
2 igned, by adding at the end the following
3 new clause:

4 “(iv) The Chief Data and Artificial
5 Intelligence Officer of the Department of
6 Defense.”;

7 (4) in subsection (g)(2), by striking “the Chief
8 Management Officer” each place it appears and in-
9 serting “the Chief Information Officer”; and

10 (5) in subsection (i)(5)(B), by striking “the
11 Chief Management Officer” and inserting “the Chief
12 Information Officer”.

13 **SEC. 903. LIMITATION ON USE OF FUNDS PENDING DEM-**
14 **ONSTRATION OF PRODUCT TO IDENTIFY,**
15 **TASK, AND MANAGE CONGRESSIONAL RE-**
16 **PORTING REQUIREMENTS.**

17 Of the funds authorized to be appropriated by this
18 Act or otherwise made available for fiscal year 2023 for
19 operation and maintenance, Defense-wide, for the Office
20 of the Secretary of Defense, not more than 90 percent may
21 be obligated or expended until the Secretary of Defense
22 demonstrates a minimum viable product—

23 (1) to optimize and modernize the process de-
24 scribed in section 908(a) of the William M. (Mac)
25 Thornberry National Defense Authorization Act for

1 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
2 111 note) for identifying reports to Congress re-
3 quired by annual national defense authorization
4 Acts, assigning responsibility for preparation of such
5 reports, and managing the completion and delivery
6 of such reports to Congress; and

7 (2) that includes capabilities to enable—

8 (A) direct access by the congressional de-
9 fense committees to the follow-on system to
10 that process using secure credentials;

11 (B) rapid automatic ingestion of data pro-
12 vided by those committees with respect to re-
13 ports and briefings required to be submitted to
14 Congress in a comma-separated value spread-
15 sheet;

16 (C) sortable and exportable database views
17 for tracking and research purposes;

18 (D) automated notification of relevant con-
19 gressional staff and archival systems; and

20 (E) integration with Microsoft Office.

1 **SEC. 904. LIMITATION ON USE OF FUNDS PENDING COMPLI-**
2 **ANCE WITH REQUIREMENTS RELATING TO**
3 **ALIGNMENT OF CLOSE COMBAT LETHALITY**
4 **TASK FORCE.**

5 Of the funds authorized to be appropriated by this
6 Act or otherwise made available for fiscal year 2023 for
7 operation and maintenance, Defense-wide, for the Office
8 of the Secretary of Defense, not more than 75 percent may
9 be obligated or expended until the Department of Defense
10 complies with the requirements of section 911 of the Na-
11 tional Defense Authorization Act for Fiscal Year 2022
12 (Public Law 117–81; 135 Stat. 1878) (relating to align-
13 ment of the Close Combat Lethality Task Force).

14 **Subtitle B—Other Department of**
15 **Defense Organization and Man-**
16 **agement Matters**

17 **SEC. 911. UPDATES TO MANAGEMENT REFORM FRAME-**
18 **WORK.**

19 Section 125a of title 10, United States Code, is
20 amended—

21 (1) in subsection (c)—

22 (A) in paragraph (1), by striking “2022”
23 and inserting “2023”; and

24 (B) in paragraph (3), by inserting “the Di-
25 rector for Administration and Management of
26 the Department of Defense,” after “the Chief

1 Information Officer of the Department of De-
2 fense,”; and

3 (2) in subsection (d)—

4 (A) by redesignating paragraph (6) as
5 paragraph (9); and

6 (B) by inserting after paragraph (5) the
7 following new paragraphs:

8 “(6) Development and implementation of a uni-
9 form methodology for tracking and assessing cost
10 savings and cost avoidance from reform initiatives.

11 “(7) Implementation of reform-focused research
12 to improve management and administrative science.

13 “(8) Tracking and implementation of techno-
14 logical approaches to improve management decision-
15 making, such as artificial intelligence tools.”.

16 **SEC. 912. BRIEFING ON CHANGES TO UNIFIED COMMAND**
17 **PLAN.**

18 Paragraph (2) of section 161(b) of title 10, United
19 States Code, is amended to read as follows:

20 “(2) Except during time of hostilities or imminent
21 threat of hostilities, the President shall—

22 “(A) not more than 60 days after establishing
23 a new combatant command—

24 “(i) notify Congress of the establishment
25 of such command; and

1 “(ii) provide to Congress a briefing on the
2 establishment of such command; and

3 “(B) not more than 60 days after significantly
4 revising the missions, responsibilities, or force struc-
5 ture of an existing combatant command—

6 “(i) notify Congress of such revisions; and

7 “(ii) provide to Congress a briefing on
8 such revisions.”.

9 **SEC. 913. CLARIFICATION OF PEACETIME FUNCTIONS OF**
10 **THE NAVY.**

11 Section 8062(a) of title 10, United States Code, is
12 amended—

13 (1) in the second sentence, by striking “pri-
14 marily” and inserting “for the peacetime promotion
15 of the national security interests and prosperity of
16 the United States and”; and

17 (2) in the third sentence, by striking “for the
18 effective prosecution of war” and inserting “for the
19 duties described in the preceding sentence”.

20 **SEC. 914. RESPONSIBILITIES AND FUNCTIONS RELATING**
21 **TO ELECTROMAGNETIC SPECTRUM OPER-**
22 **ATIONS.**

23 Section 1053(g) of the John S. McCain National De-
24 fense Authorization Act for Fiscal Year 2019 (Public Law
25 115–232; 10 U.S.C. 113 note) is amended—

1 (1) in the subsection heading, by striking
2 “TRANSFER OF RESPONSIBILITIES AND FUNCTIONS
3 RELATING TO ELECTROMAGNETIC SPECTRUM OP-
4 ERATIONS” and inserting “REPORT ON APPRO-
5 PRIATE ALIGNMENT OF RESPONSIBILITIES AND
6 FUNCTIONS RELATING TO ELECTROMAGNETIC
7 SPECTRUM OPERATIONS; EVALUATIONS”;

8 (2) by striking paragraphs (1), (2), and (5);

9 (3) by inserting the following new paragraph
10 (1):

11 “(1) REPORT REQUIRED.—

12 “(A) IN GENERAL.—Not later than March
13 31, 2023, the Secretary of Defense shall submit
14 to the congressional defense committees a re-
15 port on the appropriate alignment of electro-
16 magnetic spectrum operations responsibilities
17 and functions.

18 “(B) CONSIDERATIONS.—In developing the
19 report required by subparagraph (A), the Sec-
20 retary of Defense shall consider the following:

21 “(i) The appropriate role of each ex-
22 isting organization and element of the De-
23 partment of Defense with responsibilities
24 or functions relating to electromagnetic
25 spectrum operations and the potential es-

1 tablishment of a new entity dedicated elec-
2 tromagnetic spectrum operations within
3 one or more of those organizations or ele-
4 ments.

5 “(ii) Whether the organizational
6 structure responsible for electromagnetic
7 spectrum operations within the Depart-
8 ment—

9 “(I) should be a unitary struc-
10 ture, in which a single organization or
11 element is primarily responsible for all
12 aspects of such operations; or

13 “(II) a hybrid structure, in which
14 separate organizations or elements are
15 responsible for different aspects of
16 electromagnetic spectrum operations.

17 “(iii) The resources required to fulfill
18 the specified responsibilities and func-
19 tions.”; and

20 (4) by redesignating paragraphs (3) and (4) as
21 paragraphs (2) and (3), respectively.

22 **SEC. 915. JOINT ALL DOMAIN COMMAND AND CONTROL.**

23 (a) **DIRECTION AND CONTROL OF JOINT ALL DO-**
24 **MAIN COMMAND AND CONTROL.**—The Deputy Secretary
25 of Defense, in coordination with the Vice Chairman of the

1 Joint Chiefs of Staff, shall oversee joint all domain com-
2 mand and control (commonly known as “JADC2”) to en-
3 sure—

4 (1) close collaboration with the Joint Require-
5 ments Oversight Council, the combatant commands,
6 and the military services regarding operational re-
7 quirements and requirements satisfaction relating to
8 joint all domain command and control; and

9 (2) objective assessments to the Deputy Sec-
10 retary and Vice Chairman about the progress of the
11 Department of Defense in achieving the objectives of
12 joint all domain command and control.

13 (b) DEMONSTRATIONS AND FIELDING OF MISSION
14 THREADS.—

15 (1) IN GENERAL.—The Deputy Secretary and
16 Vice Chairman shall take the following actions in
17 support of the objectives described in paragraph (2):

18 (A) In consultation with the Commander
19 of the United States Indo-Pacific Command
20 and the commanders of such other combatant
21 commands as may be designated by the Deputy
22 Secretary—

23 (i) identify a prioritized list of dif-
24 ficult mission-critical operational chal-

1 lenges specific to the area of operations of
2 the designated commands;

3 (ii) design and recommend resourcing
4 options, through the Office of Cost Anal-
5 ysis and Program Evaluation and the
6 Management Action Group of the Deputy
7 Secretary, a series of multi-domain, multi-
8 service and multi-agency, multi-platform,
9 and multisystem end-to-end integrated ki-
10 netic and non-kinetic mission threads, in-
11 cluding necessary battle management func-
12 tions, to solve the operational challenges
13 identified in clause (i);

14 (iii) demonstrate the ability to execute
15 the integrated mission threads identified in
16 clause (ii) in realistic conditions on a re-
17 peatable basis, including the ability to
18 achieve, through mission integration soft-
19 ware, interoperability among effects chain
20 components that do not conform to com-
21 mon interface standards, including the use
22 of the System of Systems Technology Inte-
23 gration Tool Chain for Heterogeneous
24 Electronic Systems (commonly known as
25 “STITCHES”) managed by the 350th

1 Spectrum Warfare Wing of the Depart-
2 ment of the Air Force; and

3 (iv) create a plan to deploy the mis-
4 sion threads to the area of operations of
5 the United States Indo-Pacific Command
6 and such other combatant commands as
7 may be designated by Deputy Secretary,
8 and execute the mission threads at the
9 scale and pace required to solve the identi-
10 fied operational challenges, including nec-
11 essary logistics and sustainment capabili-
12 ties.

13 (B) Designate organizations to serve as
14 transition partners for integrated mission
15 threads and ensure such integrated mission
16 threads are maintained and exercised as oper-
17 ational capabilities in the United States Indo-
18 Pacific Command and such other combatant
19 commands as may be designated by Deputy
20 Secretary.

21 (C) Designate organizations and elements
22 of the Department of Defense as the Deputy
23 Secretary determines appropriate to be respon-
24 sible for—

1 (i) serving as mission managers for
2 composing and demonstrating the inte-
3 grated mission threads under the mission
4 management pilot program established by
5 section 871 of the National Defense Au-
6 thorization Act for Fiscal Year 2022 (Pub-
7 lic Law 117–81; 10 U.S.C. 191 note);

8 (ii) providing continuing support and
9 sustainment for, and training and exer-
10 cising of, the integrated mission threads
11 under the operational command of the
12 Commander of United States Indo-Pacific
13 Command and such other combatant com-
14 mands as may be designated by Deputy
15 Secretary;

16 (iii) planning and executing experi-
17 mentation and demonstrations with—

18 (I) Joint data integration ap-
19 proaches;

20 (II) mission integration capabili-
21 ties, especially software; and

22 (III) Joint tactics, techniques,
23 and procedures;

24 (iv) assisting in fielding mission inte-
25 gration software to encourage the develop-

1 ment and employment of such software on
2 a larger scale, especially at the designated
3 combatant commands;

4 (v) assessing and integrating, as ap-
5 propriate, the capabilities of Assault
6 Breaker II, developed by the Defense Ad-
7 vanced Research Projects Agency, and re-
8 lated developmental efforts as those efforts
9 transition to operational deployment; and

10 (vi) integrating joint all domain com-
11 mand and control mission threads and mis-
12 sion command and control, including in
13 conflicts that arise with minimal warning,
14 and exercising other joint all domain com-
15 mand and control capabilities and func-
16 tions.

17 (D) Integrate the planning and demonstra-
18 tions of the mission threads with—

19 (i) the Production, Exploitation, and
20 Dissemination Center in the United States
21 Indo-Pacific Command;

22 (ii) the Family of Integrated Tar-
23 geting Cells; and

24 (iii) the tactical dissemination and in-
25 formation sharing systems for the Armed

1 Forces and allies of the United States, in-
2 cluding the Mission Partner Environment
3 and the Maven Smart System.

4 (2) OBJECTIVES DESCRIBED.—The objectives
5 described in this paragraph are the following—

6 (A) to support the emphasis of the Na-
7 tional Defense Strategy on adversary-specific
8 deterrence postures;

9 (B) to support actions that can be taken
10 within the period covered by the future-years
11 defense program focused on—

12 (i) critical mission threads, such as ki-
13 netic kill chains and non-kinetic effects
14 chains; and

15 (ii) integrated concepts of operation;

16 (C) to support demonstrations and experi-
17 mentation; and

18 (D) to achieve the objectives of the Joint
19 All Domain Command and Control Strategy
20 and Implementation Plan approved by the Dep-
21 uty Secretary of Defense.

22 (c) PERFORMANCE GOALS.—The Deputy Secretary,
23 the Vice Chairman, and the commanders of such other
24 combatant commands as may be designated by the Deputy
25 Secretary shall seek to—

1 (1) beginning in the third quarter of fiscal year
2 2023, demonstrate new integrated mission threads
3 on a regularly recurring basis multiple times each
4 year; and

5 (2) include such demonstrations, as feasible, in
6 the Rapid Defense Experimentation Reserve cam-
7 paign of experimentation, Valiant Shield, Northern
8 Edge, the Large Scale Global Exercise, the quarterly
9 Scarlet Dragon exercises, the Global Information
10 Dominance Experiments, and annual force exercises
11 in the area of responsibility of the United States
12 Indo-Pacific Command.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “Deputy Secretary” means the
15 Deputy Secretary of Defense.

16 (2) The term “Family of Integrated Targeting
17 Cells” means the Maritime Targeting Cell-Afloat,
18 the Maritime Targeting Cell-Expeditionary, the Tac-
19 tical Intelligence Targeting Access Node, Tactical
20 Operations Center Medium/Light, and other inter-
21 operable command and control nodes that are able
22 to task the collection of, receive, process, and dis-
23 seminate track and targeting information from many
24 sensing systems in disconnected, denied, intermittent
25 or limited bandwidth conditions.

1 (3) The term “joint all domain command and
2 control” refers to the warfighting capabilities that
3 support commander decision making at all echelons
4 from campaigning to conflict, across all domains,
5 and with partners, to deliver information advantage.

6 (4) The term “mission command” is the em-
7 ployment of military operations through decentral-
8 ized execution based upon mission-type orders and
9 the intent of commanders.

10 (5) The terms “mission thread”, “kill chain”,
11 and “effects chain” have the meanings given those
12 terms in the publication of the Office of the Under
13 Secretary of Defense for Research and Engineering
14 titled “Mission Engineering Guide” and dated No-
15 vember 2020.

16 (6) The term “Vice Chairman” means the Vice
17 Chairman of the Joint Chiefs of Staff.

18 **SEC. 916. STRATEGIC MANAGEMENT DASHBOARD DEM-**
19 **ONSTRATION.**

20 (a) IN GENERAL.—Not later than one year after the
21 date of the enactment of this Act, the Secretary of Defense
22 shall conduct a demonstration of a strategic management
23 dashboard to automate the data collection and data visual-
24 ization of the primary management goals of the Depart-
25 ment of Defense.

1 (b) ELEMENTS.—The Secretary of Defense shall en-
2 sure that the strategic management dashboard dem-
3 onstrated under subsection (a) includes the following:

4 (1) The capability for real-time monitoring of
5 the performance of the Department of Defense in
6 meeting the management goals of the Department.

7 (2) An integrated analytics capability, including
8 the ability to dynamically add or upgrade new capa-
9 bilities when needed.

10 (3) Integration with the framework required by
11 subsection (c) of section 125a of title 10, United
12 States Code, for measuring the progress of the De-
13 partment toward covered elements of reform (as de-
14 fined in subsection (d) of that section).

15 (4) Incorporation of the elements of the stra-
16 tegic management plan required by section 904(d) of
17 the National Defense Authorization Act of Fiscal
18 Year 2008 (Public Law 110–181; 10 U.S.C. note
19 prec. 2201), as derived from automated data feeds
20 from existing information systems and databases.

21 (5) Incorporation of the elements of the most
22 recent annual performance plan of the Department
23 required by section 1115(b) of title 31, United
24 States Code, and the most recent update on per-

1 performance of the Department required by section
2 1116 of that title.

3 (6) Use of artificial intelligence and machine
4 learning tools to improve decision making and as-
5 sessment relating to data analytics.

6 (7) Adoption of leading and lagging indicators
7 for key strategic management goals.

8 (c) AUTHORITIES.—

9 (1) IN GENERAL.—In conducting the dem-
10 onstration required by subsection (a), the Secretary
11 of Defense may use the authorities described in
12 paragraph (2), and such other authorities as the
13 Secretary considers appropriate—

14 (A) to help accelerate the development of
15 innovative technological or process approaches;
16 and

17 (B) to attract new entrants to solve the
18 data management and visualization challenges
19 of the Department.

20 (2) AUTHORITIES DESCRIBED.—The authorities
21 described in this paragraph are the authorities pro-
22 vided under the following provisions of law:

23 (A) Section 4025 of title 10, United States
24 Code (relating to prizes for advanced technology
25 achievements).

1 (B) Section 217 of the National Defense
2 Authorization Act for Fiscal Year 2016 (Public
3 Law 114–92; 10 U.S.C. 2222 note) (relating to
4 science and technology activities to support
5 business systems information technology acqui-
6 sition programs).

7 (C) Section 908 of the National Defense
8 Authorization Act for Fiscal Year 2022 (Public
9 Law 117–81; 10 U.S.C. 129a note) (relating to
10 management innovation activities).

11 (d) USE OF BEST PRACTICES.—In conducting the
12 demonstration required by subsection (a), the Secretary
13 of Defense shall leverage commercial best practices in
14 management and leading research in management and
15 data science.

16 (e) STRATEGIC MANAGEMENT DASHBOARD DE-
17 FINED.—In this section, the term “strategic management
18 dashboard” means a system for dynamically displaying
19 management metrics, performance goals, and other infor-
20 mation necessary for Department of Defense leadership
21 to make strategic decisions related to the management of
22 the Department using modern, commercial practices for
23 data visualization and drawn from existing automated in-
24 formation systems available to the Department.

1 **SEC. 917. DEMONSTRATION PROGRAM FOR COMPONENT**
2 **CONTENT MANAGEMENT SYSTEMS.**

3 (a) IN GENERAL.—Not later than July 1, 2023, the
4 Chief Information Officer of the Department of Defense,
5 in coordination with the official designated under section
6 238(b) of the John S. McCain National Defense Author-
7 ization Act for Fiscal Year 2019 (Public Law 115–232;
8 10 U.S.C. note prec. 4061), shall complete a pilot program
9 to demonstrate the application of component content man-
10 agement systems to a distinct set of data of the Depart-
11 ment.

12 (b) SELECTION OF DATA SET.—In selecting a dis-
13 tinct set of data of the Department for purposes of the
14 pilot program required by subsection (a), the Chief Infor-
15 mation Officer shall consult with, at a minimum, the fol-
16 lowing:

17 (1) The Office of the Secretary of Defense, with
18 respect to directives, instructions, and other regu-
19 latory documents of the Department.

20 (2) The Office of the Secretary of Defense and
21 the Joint Staff, with respect to execution orders.

22 (3) The Office of the Under Secretary of De-
23 fense for Research and Engineering and the military
24 departments, with respect to technical manuals.

1 (4) The Office of the Under Secretary of De-
2 fense for Acquisition and Sustainment, with respect
3 to Contract Data Requirements List documents.

4 (c) **AUTHORITY TO ENTER INTO CONTRACTS.**—Sub-
5 ject to the availability of appropriations, the Secretary of
6 Defense may enter into contracts or other agreements
7 with public or private entities to conduct studies and dem-
8 onstration projects under the pilot program required by
9 subsection (a).

10 (c) **BRIEFING REQUIRED.**—Not later than 60 days
11 after the date of the enactment of this Act, the Chief In-
12 formation Officer shall provide to the congressional de-
13 fense committees a briefing on plans to implement the
14 pilot program required by subsection (a).

15 (d) **COMPONENT CONTENT MANAGEMENT SYSTEM**
16 **DEFINED.**—In this section, the term “component content
17 management system” means any content management
18 system that enables the management of content at a com-
19 ponent level instead of at the document level.

20 **SEC. 918. REPORT ON POTENTIAL TRANSITION OF ALL**
21 **MEMBERS OF THE SPACE FORCE INTO A SIN-**
22 **GLE COMPONENT.**

23 (a) **REPORT REQUIRED.**—Not later than March 1,
24 2023, the Secretary of Defense shall submit to the Com-
25 mittees on Armed Services of the Senate and the House

1 of Representatives a report on the proposal of the Air
2 Force to transition the Space Force into a single compo-
3 nent (in this section referred to as the Space Compo-
4 nent)—

5 (1) that consists of all members of the Space
6 Force, without regard to whether such a member is,
7 under laws in effect at the time of the report, in the
8 active or reserve component of the Space Force; and

9 (2) in which such members may transfer be-
10 tween duty statuses more freely than would other-
11 wise be allowed under the laws in effect at the time
12 of the report.

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

15 (1) A plan that describes any rules, regulations,
16 policies, guidance, and statutory provisions that may
17 be implemented to govern—

18 (A) the ability of a member of the Space
19 Component to transfer between duty statuses,
20 the number of members authorized to make
21 such transfers, and the timing of such trans-
22 fers;

23 (B) the retirement of members of the
24 Space Component, including the determination
25 of a member's eligibility for retirement and the

1 calculation of the retirement benefits (including
2 benefits under laws administered by the Sec-
3 retary of Veterans Affairs) to which the mem-
4 ber would be entitled based on a career con-
5 sisting of service in duty statuses of the Space
6 Component; and

7 (C) the composition and operation of pro-
8 motion selection boards with respect to mem-
9 bers of the Space Component, including the
10 treatment of general officers by such boards.

11 (2) A comprehensive analysis of how such pro-
12 posal may affect the ability of departments and
13 agencies of the Federal Government (including de-
14 partments and agencies outside the Department of
15 Defense and the Department of Veterans Affairs) to
16 accurately calculate the pay or determine the bene-
17 fits, including health care benefits under chapter 55
18 of title 10, United States Code, to which a member
19 or former member of the Space Component is enti-
20 tled at any given time.

21 (3) Draft legislative text, prepared by the Office
22 of Legislative Counsel within the Office of the Gen-
23 eral Counsel of the Department of Defense, that
24 comprehensively sets forth all amendments and
25 modifications to Federal statutes needed to effec-

1 tively implement the proposal described in subsection
2 (a), including—

3 (A) amendments and modifications to titles
4 10, 37, and 38, United States Code;

5 (B) amendments and modifications to Fed-
6 eral statutes outside of such titles; and

7 (C) an analysis of each provision of Fed-
8 eral statutory law that refers to the duty status
9 of a member of an Armed Force, or whether
10 such member is in an active or reserve compo-
11 nent, and, for each such provision—

12 (i) a written determination indicating
13 whether such provision requires amend-
14 ment or other modification to clarify its
15 applicability to a member of the Space
16 Component; and

17 (ii) if such an amendment or modi-
18 fication is required, draft legislative text
19 for such amendment or modification.

20 (4) An assessment of the feasibility and advis-
21 ability of—

22 (A) exempting the proposed Space Compo-
23 nent from the existing “up or out” system of
24 officer career advancement first established by
25 the amendments to title 10, United States

1 Code, made by the Defense Officer Personnel
2 Management Act (Public Law 96–513; 94 Stat.
3 2835);

4 (B) combining active and reserve compo-
5 nents in a new, single Space Component and
6 whether a similar outcome could be achieved
7 using the existing active and reserve component
8 frameworks with modest statutory changes to
9 allow reserve officers to serve on sustained ac-
10 tive duty; and

11 (C) creating career flexibility for reserve
12 members of the Space Component, including in
13 shifting retirement points earned from one year
14 to the next and allowing members of the Space
15 Component to move back and forth between ac-
16 tive and reserve status for prolonged periods of
17 time across a career.

18 (5) An assessment of the implications of the
19 proposed reorganization of the Space Force on the
20 development of space as a warfighting domain in the
21 profession of arms, particularly with respect to offi-
22 cer leadership, development, and stewardship of the
23 profession.

24 (6) A determination of whether existing govern-
25 ment ethics regulations are adequate to address po-

1 potential conflicts of interest for Space Component of-
2 ficers who seek to move back and forth between sus-
3 tained active duty and working for private sector or-
4 ganizations in the space industry as reserve officers
5 in the Space Component.

6 (7) An analysis of the following:

7 (A) Whether the proposed Space Compo-
8 nent framework is consistent with the joint
9 service requirements of chapter 38 of title 10,
10 United States Code.

11 (B) Budgetary implications of the estab-
12 lishment of the Space Component.

13 (C) The nature of the relationship with
14 private industry and civilian employers that
15 would be required and consistent with profes-
16 sional ethics to successfully implement the
17 Space Component.

18 (D) The effect of establishing a Space
19 Component on diversity and inclusion within
20 the Space Force.

21 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Sense of Congress relating to the corrective action plans review process.

Sec. 1003. Annual reports on budgetary effects of inflation.

Subtitle B—Counterdrug Activities

- Sec. 1011. Extension of authority to support a unified counterdrug and counterterrorism campaign in Colombia.

Subtitle C—Naval Vessels and Shipyards

- Sec. 1021. Modification to annual naval vessel construction plan.
- Sec. 1022. Navy consultation with Marine Corps on major decisions directly concerning Marine Corps amphibious force structure and capability.
- Sec. 1023. Amphibious warship force structure.
- Sec. 1024. Modification to limitation on decommissioning or inactivating battle force ships before end of expected service life.
- Sec. 1025. Amphibious warfare ship assessment and requirements.
- Sec. 1026. Battle force ship employment, maintenance, and manning baseline plans.
- Sec. 1027. Withholding of certain information about sunken military crafts.
- Sec. 1028. Business case analyses on disposition of certain Government-owned dry-docks.
- Sec. 1029. Prohibition on retirement of certain naval vessels.

Subtitle D—Counterterrorism

- Sec. 1031. Extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to the United States.
- Sec. 1032. Extension of prohibition on use of funds to construct or modify facilities in the United States to house detainees transferred from United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1033. Modification and extension of prohibition on use of funds for transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, to certain countries.
- Sec. 1034. Extension of prohibition on use of funds to close or relinquish control of United States Naval Station, Guantanamo Bay, Cuba.

Subtitle E—Miscellaneous Authorities and Limitations

- Sec. 1041. Submission of national defense strategy in classified and unclassified form.
- Sec. 1042. Department of Defense support for funerals and memorial events for Members and former Members of Congress.
- Sec. 1043. Modification of authority for humanitarian demining assistance and stockpiled conventional munitions assistance.
- Sec. 1044. Modification of provisions relating to anomalous health incidents.
- Sec. 1045. Security clearances for recently separated members of the Armed Forces and civilian employees of the Department of Defense.
- Sec. 1046. Integrated and authenticated access to Department of Defense systems for certain congressional staff for oversight purposes.
- Sec. 1047. Introduction of entities in transactions critical to national security.
- Sec. 1048. Joint training pipeline between United States Navy and Royal Australian Navy.
- Sec. 1049. Standardization of sectional barge construction for Department of Defense use on rivers and intercoastal waterways.
- Sec. 1050. Department of Defense support for recently enacted commissions.

Subtitle F—Studies and Reports

- Sec. 1051. Modification of annual report on unfunded priorities.

- Sec. 1052. Congressional notification of military information support operations in the information environment.
- Sec. 1053. Modification and continuation of reporting requirement relating to humanitarian assistance.
- Sec. 1054. Briefing on Global Force Management Allocation Plan.
- Sec. 1055. Report and budget details regarding Operation Spartan Shield.
- Sec. 1056. Annual report on civilian casualties in connection with United States military operations.
- Sec. 1057. Extension of certain reporting deadlines.
- Sec. 1058. Extension and modification of reporting requirement regarding enhancement of information sharing and coordination of military training between Department of Homeland Security and Department of Defense.
- Sec. 1059. Continuation of requirement for annual report on National Guard and reserve component equipment.
- Sec. 1060. Modification of authority of Secretary of Defense to transfer excess aircraft to other departments of the Federal Government and authority to transfer excess aircraft to States.
- Sec. 1061. Combatant command risk assessment for airborne intelligence, surveillance, and reconnaissance.
- Sec. 1062. Study on military training routes and special use air space near wind turbines.
- Sec. 1063. Annual reports on safety upgrades to the high mobility multipurpose wheeled vehicle fleets.
- Sec. 1064. Department of Defense delays in providing comments on Government Accountability Office reports.
- Sec. 1065. Justification for transfer or elimination of certain flying missions.
- Sec. 1066. Reports on United States military force presence in Europe.
- Sec. 1067. Report on Department of Defense practices regarding distinction between combatants and civilians in United States military operations.
- Sec. 1068. Report on strategy and improvement of community engagement efforts of Armed Forces in Hawaii.
- Sec. 1069. Report on Department of Defense military capabilities in the Caribbean.
- Sec. 1070. Quarterly briefings on Department of Defense support for civil authorities to address immigration at the southwest border.
- Sec. 1071. Annual report on procurement of equipment by State and local governments through the Department of Defense.
- Sec. 1072. Briefing on financial oversight of certain educational institutions receiving Department of Defense funds.
- Sec. 1073. Report on effects of certain ethics requirements on Department of Defense hiring, retention, and operations.
- Sec. 1074. Joint Concept for Competing.
- Sec. 1075. Analysis of feasibility and advisability of relocating major units of the United States Armed Forces to certain European countries.
- Sec. 1076. Report on effects of strategic competitor naval facilities in Africa.

Subtitle G—Other Matters

- Sec. 1081. Technical and conforming amendments.
- Sec. 1082. Department of Defense Civilian Protection Center of Excellence.
- Sec. 1083. Ronald V. Dellums Memorial Fellowship in STEM.

- Sec. 1084. Amendment to memorial for members of the Armed Forces killed in attack on Hamid Karzai International Airport.
- Sec. 1085. Public availability of cost of certain military operations.
- Sec. 1086. Combating military reliance on Russian energy.
- Sec. 1087. Establishment of joint force headquarters in area of operations of United States Indo-Pacific Command.
- Sec. 1088. National tabletop exercise.
- Sec. 1089. Personnel supporting the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
- Sec. 1090. Sense of Congress on redesignation of the Africa Center for Strategic Studies as the James M. Inhofe Center for Africa Strategic Studies.
- Sec. 1091. Integration of electronic warfare into Tier 1 and Tier 2 joint training exercises.
- Sec. 1092. National Commission on the Future of the Navy.
- Sec. 1093. Dynamic airspace pilot program.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

4 (1) AUTHORITY.—Upon determination by the
5 Secretary of Defense that such action is necessary in
6 the national interest, the Secretary may transfer
7 amounts of authorizations made available to the De-
8 partment of Defense in this division for fiscal year
9 2023 between any such authorizations for that fiscal
10 year (or any subdivisions thereof). Amounts of au-
11 thorizations so transferred shall be merged with and
12 be available for the same purposes as the authoriza-
13 tion to which transferred.

14 (2) LIMITATION.—Except as provided in para-
15 graph (3), the total amount of authorizations that
16 the Secretary may transfer under the authority of
17 this section may not exceed \$6,000,000,000.

1 (3) EXCEPTION FOR TRANSFERS BETWEEN
2 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
3 fer of funds between military personnel authoriza-
4 tions under title IV shall not be counted toward the
5 dollar limitation in paragraph (2).

6 (b) LIMITATIONS.—The authority provided by sub-
7 section (a) to transfer authorizations—

8 (1) may only be used to provide authority for
9 items that have a higher priority than the items
10 from which authority is transferred; and

11 (2) may not be used to provide authority for an
12 item that has been denied authorization by Con-
13 gress.

14 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
15 transfer made from one account to another under the au-
16 thority of this section shall be deemed to increase the
17 amount authorized for the account to which the amount
18 is transferred by an amount equal to the amount trans-
19 ferred.

20 (d) NOTICE TO CONGRESS.—The Secretary shall
21 promptly notify Congress of each transfer made under
22 subsection (a).

1 **SEC. 1002. SENSE OF CONGRESS RELATING TO THE COR-**
2 **RECTIVE ACTION PLANS REVIEW PROCESS.**

3 It is the sense of Congress that the Under Secretary
4 of Defense (Comptroller) should—

5 (1) take appropriate steps to improve the cor-
6 rective action plans review process, including by link-
7 ing notices of findings and recommendations with
8 the corrective action plans to address such notices;
9 and

10 (2) update Department of Defense guidance to
11 instruct the Department and its components to doc-
12 ument root cause analysis when needed to address
13 deficiencies auditors have identified.

14 **SEC. 1003. ANNUAL REPORTS ON BUDGETARY EFFECTS OF**
15 **INFLATION.**

16 (a) ANNUAL REPORT.—Not later than 30 days after
17 the date of the submission of the President’s budget for
18 a fiscal year under section 1105 of title 31, United States
19 Code, the Secretary of Defense shall deliver to the con-
20 gressional defense committees a report on observed and
21 anticipated budgetary effects related to inflation, includ-
22 ing—

23 (1) for each Department of Defense appropria-
24 tion account—

25 (A) the amount appropriated for the fiscal
26 year preceding the fiscal year during which the

1 report is submitted, the amount appropriated
2 for the fiscal year during which the report is
3 submitted, and the amount requested for the
4 fiscal year for which the budget is submitted;

5 (B) the relevant inflation index applied to
6 each such account at the time of the budget
7 submission for the fiscal year preceding the fis-
8 cal year during which the report is submitted,
9 the fiscal year during which the report is sub-
10 mitted, and the fiscal year for which the budget
11 is submitted;

12 (C) the actual inflationary budgetary ef-
13 fects on each such account for the fiscal year
14 preceding the fiscal year during which the re-
15 port is submitted;

16 (D) the estimated inflationary budgetary
17 effects for the fiscal year during which the re-
18 port is submitted and the fiscal year for which
19 the budget is submitted; and

20 (E) a calculation of estimated budgetary
21 effects due to inflation using the estimated indi-
22 ces for the fiscal year during which the report
23 is submitted compared to the estimated indices
24 for the fiscal year for the budget is submitted.

1 (2) for the fiscal year preceding the fiscal year
2 during which the report is submitted, the fiscal year
3 during which the report is submitted, and the fiscal
4 year for which the budget is submitted, a summary
5 of any requests for equitable adjustment, exercising
6 of economic price adjustment (hereinafter referred to
7 as “EPA”) clauses, or bilateral contract modifica-
8 tions to include an EPA, including the contract type
9 and fiscal year and the type and amount of appro-
10 priated funds used for the contract;

11 (3) a summary of any methodological changes
12 in Department of Defense cost estimation practices
13 for inflationary budgetary effects for the fiscal year
14 during which the report is submitted and the fiscal
15 year for which the budget is submitted; and

16 (4) any other matters the Secretary determines
17 appropriate.

18 (b) PERIODIC BRIEFING.—Not later than 60 days
19 after the conclusion of the Department of Defense budget
20 mid-year review, the Secretary of Defense shall provide the
21 congressional defense committees with a briefing on—

22 (1) any changes in the observed or anticipated
23 inflation indices included in the report required
24 under subsection (a);

1 (2) any actions taken by the Department of De-
2 fense to respond to changes discussed in such report,
3 with specific dollar value figures; and

4 (3) any requests for equitable adjustment re-
5 ceived by the Department of Defense, economic price
6 adjustment clauses exercised, or bilateral contract
7 modifications to include an EPA made since the sub-
8 mission of the report required under subsection (a).

9 (c) **TERMINATION.**—The requirement to submit a re-
10 port under subsection (a) and the requirement to provide
11 a briefing under subsection (b) shall terminate on the date
12 that is five years after the date of the enactment of this
13 Act.

14 **Subtitle B—Counterdrug Activities**

15 **SEC. 1011. EXTENSION OF AUTHORITY TO SUPPORT A UNI-** 16 **FIED COUNTERDRUG AND COUNTERTER-** 17 **RORISM CAMPAIGN IN COLOMBIA.**

18 Section 1021 of the Ronald W. Reagan National De-
19 fense Authorization Act for Fiscal Year 2005 (Public Law
20 108–375; 118 Stat. 2042), as most recently amended by
21 section 1007 of the National Defense Authorization Act
22 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
23 1889), is further amended—

24 (1) in subsection (a)(1), by striking “2023” and
25 inserting “2025”; and

1 (2) in subsection (c), by striking “2023” and
2 inserting “2025”; and

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

4 “(h) ANNUAL REPORT ON PLAN COLOMBIA.—Not
5 later than 30 days after the end of each fiscal year from
6 2023 to 2025, the Secretary of Defense shall submit to
7 the congressional defense committees and the Committee
8 on Foreign Relations of the Senate and the Committee
9 on Foreign Affairs of the House of Representatives a re-
10 port that includes the following:

11 “(1) An assessment of the threat to Colombia
12 from narcotics trafficking and activities by organiza-
13 tions designated as foreign terrorist organizations
14 under section 219(a) of the Immigration and Na-
15 tionality Act (8 U.S.C. 1189(a)).

16 “(2) A description of the plan of the Govern-
17 ment of Colombia for the unified campaign described
18 in subsection (a).

19 “(3) A description of the activities supported
20 using the authority provided by subsection (a).

21 “(4) An assessment of the effectiveness of the
22 activities described in paragraph (3) in addressing
23 the threat described in paragraph (1).”.

1 **Subtitle C—Naval Vessels and**
2 **Shipyards**

3 **SEC. 1021. MODIFICATION TO ANNUAL NAVAL VESSEL CON-**
4 **STRUCTION PLAN.**

5 Section 231(b)(2) of title 10, United States Code, is
6 amended by adding at the end the following new subpara-
7 graph:

8 “(J) For any class of battle force ship for which
9 the procurement of the final ship of the class is pro-
10 posed in the relevant future-years defense program
11 submitted under section 221 of this title—

12 “(i) a description of the expected specific
13 effects on the Navy shipbuilding industrial base
14 of—

15 “(I) the termination of the production
16 program for the ship and the transition to
17 a new or modified production program, or

18 “(II) the termination of the produc-
19 tion program for the ship without a new or
20 modified production program to replace it;
21 and

22 “(ii) in the case of any such production
23 program for which a replacement production
24 program is proposed, a detailed schedule for the
25 replacement production program with planned

1 decision points, solicitations, and contract
2 awards.”.

3 **SEC. 1022. NAVY CONSULTATION WITH MARINE CORPS ON**
4 **MAJOR DECISIONS DIRECTLY CONCERNING**
5 **MARINE CORPS AMPHIBIOUS FORCE STRUC-**
6 **TURE AND CAPABILITY.**

7 (a) IN GENERAL.—Section 8026 of title 10, United
8 States Code, is amended by inserting “or amphibious force
9 structure and capability” after “Marine Corps aviation”.

10 (b) CLERICAL AMENDMENTS.—

11 (1) SECTION HEADING.—The heading of such
12 section is amended by inserting “**or amphibious**
13 **force structure and capability**” after “**avia-**
14 **tion**”.

15 (2) TABLE OF SECTIONS.—The table of sections
16 at the beginning of chapter 803 of such title is
17 amended by striking the item relating to section
18 8026 and inserting the following new item:

“8026. Consultation with Commandant of the Marine Corps on major decisions
directly concerning Marine Corps aviation or amphibious force
structure and capability.”.

19 **SEC. 1023. AMPHIBIOUS WARSHIP FORCE STRUCTURE.**

20 Section 8062 of title 10, United States Code, is
21 amended—

22 (1) in subsection (b)—

23 (A) in the first sentence, by inserting “and
24 not less than 31 operational amphibious war-

1 fare ships, of which not less than 10 shall be
2 amphibious assault ships” before the period;
3 and

4 (B) in the second sentence—

5 (i) by inserting “or amphibious war-
6 fare ship” before “includes”; and

7 (ii) by inserting “or amphibious war-
8 fare ship” before “that is temporarily un-
9 available”; and

10 (2) by adding at the end the following new sub-
11 section:

12 “(g) In this section, the term ‘amphibious warfare
13 ship’ means a ship that is classified as an amphibious as-
14 sault ship (general purpose) (LHA), an amphibious as-
15 sault ship (multi-purpose) (LHD), an amphibious trans-
16 port dock (LPD), or a dock landing ship (LSD).”.

17 **SEC. 1024. MODIFICATION TO LIMITATION ON DECOMMIS-**
18 **SIONING OR INACTIVATING BATTLE FORCE**
19 **SHIPS BEFORE END OF EXPECTED SERVICE**
20 **LIFE.**

21 (a) IN GENERAL.—Section 8678a(b) of title 10,
22 United States Code, is amended—

23 (1) in paragraph (1), by inserting “by not later
24 than three days after the date on which the Presi-
25 dent submits the budget materials under section

1 1105(a) of title 31 for the fiscal year in which such
2 waiver is sought” after “such ship”; and

3 (2) in paragraph (2), by striking “such certifi-
4 cation was submitted” and inserting “the National
5 Defense Authorization Act for such fiscal year is en-
6 acted”.

7 (b) NO EFFECT ON CERTAIN SHIPS.—The amend-
8 ments made by subsection (a) do not apply to a battle
9 force ship (as such term is defined in section 8678a(e)(1)
10 of title 10, United States Code) that is proposed to be
11 decommissioned or inactivated during fiscal year 2023.

12 **SEC. 1025. AMPHIBIOUS WARFARE SHIP ASSESSMENT AND**
13 **REQUIREMENTS.**

14 Section 8695 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(e) AMPHIBIOUS WARFARE SHIPS.—In preparing
18 each assessment and requirement under subsection (a),
19 the Commandant of the Marine Corps shall be specifically
20 responsible for developing the requirements relating to
21 amphibious warfare ships.”.

1 **SEC. 1026. BATTLE FORCE SHIP EMPLOYMENT, MAINTEN-**
2 **NANCE, AND MANNING BASELINE PLANS.**

3 (a) IN GENERAL.—Chapter 863 of title 10, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 8696. Battle force ship employment, maintenance,**
7 **and manning baseline plans**

8 “(a) IN GENERAL.—Not later than 45 days after the
9 date of the delivery of the first ship in a new class of battle
10 force ships, the Secretary of the Navy shall submit to the
11 congressional defense committees a report on the employ-
12 ment, maintenance, and manning baseline plans for the
13 class, including a description of the following:

14 “(1) The sustainment and maintenance plans
15 for the class that encompass the number of years
16 the class is expected to be in service, including—

17 “(A) the allocation of maintenance tasks
18 among organizational, intermediate, depot, or
19 other activities;

20 “(B) the planned duration and interval of
21 maintenance for all depot-level maintenance
22 availabilities; and

23 “(C) the planned duration and interval of
24 drydock maintenance periods.

1 “(2) Any contractually required integrated lo-
2 gistics support deliverables for the ship, including
3 technical manuals, and an identification of—

4 “(A) the deliverables provided to the Gov-
5 ernment on or before the delivery date; and

6 “(B) the deliverables not provided to the
7 Government on or before the delivery date and
8 the expected dates those deliverables will be
9 provided to the Government.

10 “(3) The planned maintenance system for the
11 ship, including—

12 “(A) the elements of the system, including
13 maintenance requirement cards, completed on
14 or before the delivery date;

15 “(B) the elements of the system not com-
16 pleted on or before the delivery date and the ex-
17 pected completion date of those elements; and

18 “(C) the plans to complete planned main-
19 tenance from the delivery date until all elements
20 of the system have been completed.

21 “(4) The coordinated shipboard allowance list
22 for the class, including—

23 “(A) the items on the list onboard on or
24 before the delivery date; and

1 “(B) the items on the list not onboard on
2 or before the delivery date and the expected ar-
3 rival date of those items.

4 “(5) The ship manpower document for the
5 class, including—

6 “(A) the number of officers by grade and
7 designator; and

8 “(B) the number of enlisted personnel by
9 rate and rating.

10 “(6) The personnel billets authorized for the
11 ship for the fiscal year in which the ship is delivered
12 and each of the four fiscal years thereafter, includ-
13 ing—

14 “(A) the number of officers by grade and
15 designator; and

16 “(B) the number of enlisted personnel by
17 rate and rating.

18 “(7) Programmed funding for manning and end
19 strength on the ship for the fiscal year in which the
20 ship is delivered and each of the four fiscal years
21 thereafter, including—

22 “(A) the number of officers by grade and
23 designator; and

24 “(B) the number of enlisted personnel by
25 rate and rating.

1 “(8) Personnel assigned to the ship on the de-
2 livery date, including—

3 “(A) the number of officers by grade and
4 designator; and

5 “(B) the number of enlisted personnel by
6 rate and rating.

7 “(9) For each critical hull, mechanical, elec-
8 trical, propulsion, and combat system of the class as
9 so designated by the Senior Technical Authority pur-
10 suant to section 8669b(c)(2)(C) of this title, the fol-
11 lowing:

12 “(A) The Government-provided training
13 available for personnel assigned to the ship at
14 the time of delivery, including the nature, objec-
15 tives, duration, and location of the training.

16 “(B) The contractor-provided training
17 available for personnel assigned to the ship at
18 the time of delivery, including the nature, objec-
19 tives, duration, and location of the training.

20 “(C) Plans to adjust how the training de-
21 scribed in subparagraphs (A) and (B) will be
22 provided to personnel after delivery, including
23 the nature and timeline of those adjustments.

24 “(10) The notional employment schedule of the
25 ship for each month of the fiscal year in which the

1 ship is delivered and each of the four fiscal years
2 thereafter, including an identification of time spent
3 in the following phases:

4 “(A) Basic.

5 “(B) Integrated or advanced.

6 “(C) Deployment.

7 “(D) Maintenance.

8 “(E) Sustainment.

9 “(b) NOTIFICATION REQUIRED.—Not less than 30
10 days before implementing a significant change to the base-
11 line plans described in subsection (a) or any subsequent
12 significant change, the Secretary of the Navy shall submit
13 to the congressional defense committees written notifica-
14 tion of the change, including for each such change the fol-
15 lowing:

16 “(1) An explanation of the change.

17 “(2) The desired outcome.

18 “(3) The rationale.

19 “(4) The duration.

20 “(5) The operational effects.

21 “(6) The budgetary effects, including—

22 “(A) for the year in which the change is
23 made;

24 “(B) over the five years thereafter; and

1 “(C) over the expected service life of the
2 relevant class of battle force ships.

3 “(7) The personnel effects, including—

4 “(A) for the year in which the change is
5 made;

6 “(B) over the five years thereafter; and

7 “(C) over the expected service life of the
8 relevant class of battle force ships.

9 “(8) The sustainment and maintenance effects,
10 including—

11 “(A) for the year in which the change is
12 made;

13 “(B) over the five years thereafter; and

14 “(C) over the expected service life of the
15 relevant class of battle force ships.

16 “(c) TREATMENT OF CERTAIN SHIPS.—(1) For the
17 purposes of this section, the Secretary of the Navy shall
18 treat as the first ship in a new class of battle force ships
19 the following:

20 “(A) U.S.S. John F. Kennedy (CVN-79).

21 “(B) U.S.S. Michael Monsoor (DDG-1001).

22 “(C) U.S.S. Jack H. Lucas (DDG-125).

23 “(2) For each ship described in paragraph (1), the
24 Senior Technical Authority shall identify critical systems
25 for the purposes of subsection (a)(9).

1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘battle force ship’ means the fol-
3 lowing:

4 “(A) A commissioned United States Ship
5 warship capable of contributing to combat oper-
6 ations.

7 “(B) A United States Naval Ship that con-
8 tributes directly to Navy warfighting or support
9 missions.

10 “(2) The term ‘delivery’ has the meaning pro-
11 vided for in section 8671 of this title.

12 “(3) The term ‘Senior Technical Authority’ has
13 the meaning provided for in section 8669b of this
14 title.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 at the beginning of chapter 863 of such title is amended
17 by adding at the end the following new item:

“8696. Battle force ship employment, maintenance, and manning baseline
plans.”.

18 **SEC. 1027. WITHHOLDING OF CERTAIN INFORMATION**
19 **ABOUT SUNKEN MILITARY CRAFTS.**

20 Section 1406 of the Sunken Military Craft Act (title
21 XIV of Public Law 108–375; 10 U.S.C. 113 note) is
22 amended by adding at the end the following new sub-
23 section:

1 “(j) WITHHOLDING OF CERTAIN INFORMATION.—
2 Pursuant to subparagraphs (A)(ii) and (B) of section
3 552(b)(3) of title 5 United States Code, the Secretary con-
4 cerned may withhold from public disclosure information
5 and data about the location or related artifacts of a sunk-
6 en military craft under the jurisdiction of the Secretary,
7 if such disclosure would increase the risk of the unauthor-
8 ized disturbance of one or more sunken military craft.”.

9 **SEC. 1028. BUSINESS CASE ANALYSES ON DISPOSITION OF**
10 **CERTAIN GOVERNMENT-OWNED DRY-DOCKS.**

11 (a) AFDM-10.—Not later than June 1, 2023, the
12 Secretary of the Navy shall submit to the congressional
13 defense committees the results of a business case analysis
14 for Auxiliary Floating Dock, Medium-10 (in this section
15 referred to as “AFDM-10”) that compares the following
16 options:

17 (1) The continued use of AFDM-10, in the
18 same location and under the same lease authorities
19 in effect on the date of the enactment of this Act.

20 (2) The relocation of AFDM-10 to Naval Sta-
21 tion Everett, including all infrastructure support re-
22 quirement costs and anticipated operating costs.

23 (3) The relocation and use of AFDM-10 in al-
24 ternate locations under the same lease authorities in
25 effect on the date of the enactment of this Act, in-

1 including all infrastructure support requirement costs
2 and anticipated operating costs.

3 (4) The relocation and use of AFDM-10 in al-
4 ternate locations under alternative lease authorities.

5 (5) The conveyance of AFDM-10 at a fair mar-
6 ket rate to an appropriate non-Government entity
7 with expertise in the non-nuclear ship repair indus-
8 try.

9 (6) Such other options as the Secretary deter-
10 mines appropriate.

11 (b) GRAVING DOCK AT NAVAL BASE, SAN DIEGO.—

12 Not later than June 1, 2023, the Secretary of the Navy
13 shall submit to the congressional defense committees the
14 results of a business case analysis for the Government-
15 owned graving dock at Naval Base San Diego, California,
16 that compares the following options:

17 (1) The continued use of such graving dock, in
18 accordance with the utilization strategy described in
19 the May 25, 2022 report to Congress entitled “Navy
20 Dry Dock Strategy for Surface Ship Maintenance
21 and Repair”.

22 (2) Such other options as the Secretary deter-
23 mines appropriate.

1 (c) MATTERS FOR EVALUATION.—The business case
2 analyses required under subsections (a) and (b) shall each
3 include an evaluation of each of the following:

4 (1) The extent to which the Secretary plans to
5 execute a consistent and balanced docking strategy
6 that ensures the health of private sector mainte-
7 nance and repair capability and capacity.

8 (2) Legal, regulatory, and other requirements
9 applicable to each of the options considered under
10 each such analysis, including environmental docu-
11 mentation, and the effect that such requirements are
12 projected to have on the cost and schedule of such
13 option.

14 (3) The extent to which the Secretary is consid-
15 ering adding dry dock capacity, including an anal-
16 ysis of the projected cost of adding such capacity
17 and the potential effects of adding such capacity on
18 private sector repair and maintenance facilities.

19 (4) The projected use by the Navy of Govern-
20 ment and non-Government dry docks assets through
21 fiscal year 2027.

22 (5) For each option considered under each such
23 analysis, the projected implementation timeline and
24 costs.

1 (6) For each option considered under each such
2 analysis, the relative maintenance capacity and out-
3 put.

4 **SEC. 1029. PROHIBITION ON RETIREMENT OF CERTAIN**
5 **NAVAL VESSELS.**

6 (a) IN GENERAL.—None of the funds authorized to
7 be appropriated by this Act for fiscal year 2023 may be
8 obligated or expended to retire, prepare to retire, or place
9 in storage—

10 (1) any of the naval vessels referred to in sub-
11 section (b); or

12 (2) more than four Littoral Combat Ships.

13 (b) NAVAL VESSELS.—The naval vessels referred to
14 in this subsection are the following:

15 (1) USS Vicksburg (CG 69).

16 (2) USS Germantown (LSD 42).

17 (3) USS Gunston Hall (LSD 44).

18 (4) USS Tortuga (LSD 46).

19 (5) USS Ashland (LSD 48).

20 (6) USNS Montford Point (T-ESD 1).

21 (7) USNS John Glenn (T-ESD 2).

22 (c) LITTORAL COMBAT SHIPS.—In the case of any
23 Littoral Combat Ship that is retired, prepared to retire,
24 or placed in storage using funds authorized to be appro-
25 priated by this Act for fiscal year 2023, the Secretary of

1 Defense shall ensure that such vessel is evaluated for po-
2 tential transfer to the military forces of a nation that is
3 an ally or partner of the United States.

4 **Subtitle D—Counterterrorism**

5 **SEC. 1031. EXTENSION OF PROHIBITION ON USE OF FUNDS** 6 **FOR TRANSFER OR RELEASE OF INDIVID-** 7 **UALS DETAINED AT UNITED STATES NAVAL** 8 **STATION, GUANTANAMO BAY, CUBA, TO THE** 9 **UNITED STATES.**

10 Section 1033 of the John S. McCain National De-
11 fense Authorization Act for Fiscal Year 2019 (Public Law
12 115–232; 132 Stat. 1953), as most recently amended by
13 section 1033 of the National Defense Authorization Act
14 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
15 1901), is further amended by striking “December 31,
16 2022” and inserting “December 31, 2023”.

17 **SEC. 1032. EXTENSION OF PROHIBITION ON USE OF FUNDS** 18 **TO CONSTRUCT OR MODIFY FACILITIES IN** 19 **THE UNITED STATES TO HOUSE DETAINEES** 20 **TRANSFERRED FROM UNITED STATES NAVAL** 21 **STATION, GUANTANAMO BAY, CUBA.**

22 Section 1034(a) of the John S. McCain National De-
23 fense Authorization Act for Fiscal Year 2019 (Public Law
24 115–232; 132 Stat. 1954), as most recently amended by
25 section 1034 of the National Defense Authorization Act

1 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
2 1901), is further amended by striking “December 31,
3 2022” and inserting “December 31, 2023”.

4 **SEC. 1033. MODIFICATION AND EXTENSION OF PROHIBI-**
5 **TION ON USE OF FUNDS FOR TRANSFER OR**
6 **RELEASE OF INDIVIDUALS DETAINED AT**
7 **UNITED STATES NAVAL STATION, GUANTA-**
8 **NAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

9 Section 1035 of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019 (Public Law
11 115–232; 132 Stat. 1954), as most recently amended by
12 section 1032 of the National Defense Authorization Act
13 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
14 1901), is further amended—

15 (1) by striking “December 31, 2022” and in-
16 serting “December 31, 2023”;

17 (2) by redesignating paragraphs (1) through
18 (4) as paragraphs (2) through (5), respectively; and

19 (3) by inserting before paragraph (2), as so re-
20 designated, the following new paragraph:

21 “(1) Afghanistan.”.

1 **SEC. 1034. EXTENSION OF PROHIBITION ON USE OF FUNDS**
2 **TO CLOSE OR RELINQUISH CONTROL OF**
3 **UNITED STATES NAVAL STATION, GUANTA-**
4 **NAMO BAY, CUBA.**

5 Section 1036 of the National Defense Authorization
6 Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat.
7 1551), as most recently amended by section 1035 of the
8 National Defense Authorization Act for Fiscal Year 2022
9 (Public Law 117–81; 135 Stat. 1901), is further amended
10 by striking “2022” and inserting “2023”.

11 **Subtitle E—Miscellaneous**
12 **Authorities and Limitations**

13 **SEC. 1041. SUBMISSION OF NATIONAL DEFENSE STRATEGY**
14 **IN CLASSIFIED AND UNCLASSIFIED FORM.**

15 Section 113(g)(1)(D) of title 10, United States Code,
16 is amended by striking “in classified form with an unclas-
17 sified summary.” and inserting “in both classified and un-
18 classified form. The unclassified form may not be a sum-
19 mary of the classified document.”.

20 **SEC. 1042. DEPARTMENT OF DEFENSE SUPPORT FOR FU-**
21 **NERALS AND MEMORIAL EVENTS FOR MEM-**
22 **BERS AND FORMER MEMBERS OF CONGRESS.**

23 (a) **IN GENERAL.**—Chapter 3 of title 10, United
24 States Code, is amended by inserting after section 130 the
25 following new section:

1 **“§ 130a. Department of Defense support for funerals**
2 **and memorial events for Members and**
3 **former Members of Congress**

4 “(a) SUPPORT FOR FUNERALS.—Subject to sub-
5 section (b), the Secretary of Defense may provide such
6 support as the Secretary considers appropriate for a fu-
7 neral or memorial event for a Member or former Member
8 of Congress, including support with respect to transpor-
9 tation to and from such a funeral or memorial event, in
10 accordance with this section.

11 “(b) REQUESTS FOR SUPPORT; SECRETARY DETER-
12 MINATION.—The Secretary may provide support under
13 this section—

14 “(1) upon request from the Speaker of the
15 House of Representatives, the Minority Leader of
16 the House of Representatives, the Majority Leader
17 of the Senate, or the Minority Leader of the Senate;
18 or

19 “(2) if the Secretary determines such support is
20 necessary to carry out duties or responsibilities of
21 the Department of Defense.

22 “(c) USE OF FUNDS.—The Secretary may use funds
23 authorized to be appropriated for operation and mainte-
24 nance to provide support under this section.”.

25 (b) CLERICAL AMENDMENT.—The table of sections
26 at the beginning of such chapter is amended by inserting

1 after the item relating to section 130 the following new
2 item:

“130a. Department of Defense support for funerals and memorial events for
Members and former Members of Congress.”.

3 **SEC. 1043. MODIFICATION OF AUTHORITY FOR HUMANI-**
4 **TARIAN DEMINING ASSISTANCE AND STOCK-**
5 **PILED CONVENTIONAL MUNITIONS ASSIST-**
6 **ANCE.**

7 (a) LOCATION OF ASSISTANCE.—Section 407 of title
8 10, United States Code, is amended—

9 (1) in subsection (a)(1)—

10 (A) in the matter preceding subparagraph

11 (A)—

12 (i) by striking “carry out” and insert-
13 ing “provide”; and

14 (ii) by striking “in a country” and in-
15 serting “to a country”; and

16 (B) in subparagraph (A), by striking “in
17 which the activities are to be carried out” and
18 inserting “to which the assistance is to be pro-
19 vided”; and

20 (2) in subsection (d)—

21 (A) in paragraph (1)—

22 (i) by striking “in which” and insert-
23 ing “to which”; and

1 (ii) by striking “carried out” and in-
2 serting “provided”;

3 (B) in paragraph (2), by striking “carried
4 out in” and inserting “provided to”;

5 (C) in paragraph (3)—

6 (i) by striking “in which” and insert-
7 ing “to which”; and

8 (ii) by striking “carried out” and in-
9 serting “provided”; and

10 (D) in paragraph (4), by striking “in car-
11 rying out such assistance in each such country”
12 and inserting “in providing such assistance to
13 each such country”.

14 (b) EXPENSES.—Subsection (c) of such section 407
15 is amended—

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

18 “(C) Travel, transportation, and subsistence ex-
19 penses of foreign personnel to attend training pro-
20 vided by the Department of Defense under this sec-
21 tion.”; and

22 (2) by striking paragraph (3).

23 (c) REPORT.—Subsection (d) of such section 407, as
24 amended by subsection (a)(2) of this section, is further
25 amended in the matter preceding paragraph (1), by strik-

1 ing “include in the annual report under section 401 of
2 this title a separate discussion of” and inserting “submit
3 to the Committee on Armed Services and the Committee
4 on Foreign Relations of the Senate and the Committee
5 on Armed Services and the Committee on Foreign Affairs
6 of the House of Representatives a report on”.

7 **SEC. 1044. MODIFICATION OF PROVISIONS RELATING TO**
8 **ANOMALOUS HEALTH INCIDENTS.**

9 (a) **CROSS-FUNCTIONAL TEAM.**—Section 910 of the
10 National Defense Authorization Act for Fiscal Year 2022
11 (Public Law 117–81; 10 U.S.C. 111 note) is amended—

12 (1) in subsection (b)—

13 (A) in paragraph (1), by striking “and any
14 other” and all that follows through “necessary;
15 and” and inserting “, including the causation,
16 attribution, mitigation, identification, and treat-
17 ment for such incidents;”;

18 (B) in paragraph (2)—

19 (i) by inserting “and deconflict” after
20 “integrate”;

21 (ii) by striking “agency” and inserting
22 “agencies”; and

23 (iii) by striking the period at the end
24 and inserting “; and”; and

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

3 “(3) any other efforts regarding such incidents
4 that the Secretary considers appropriate.”; and

5 (2) in subsection (e)(2), by striking “90 days”
6 and all that follows through “of enactment” and in-
7 sserting “March 1, 2023, and not less frequently
8 than once every 180 days thereafter until March 1,
9 2026”.

10 (b) ACCESS TO CERTAIN FACILITIES OF DEPART-
11 MENT OF DEFENSE.—Section 732 of the National De-
12 fense Authorization Act for Fiscal Year 2022 (Public Law
13 117–81; 135 Stat. 1797; 10 U.S.C. 1071 note) is amend-
14 ed—

15 (1) in the section heading, by striking
16 **“UNITED STATES GOVERNMENT EMPLOYEES**
17 **AND THEIR FAMILY MEMBERS”** and inserting
18 **“COVERED INDIVIDUALS”**;

19 (2) in subsection (a), by striking “employees of
20 the United States Government and their family
21 members who” and inserting “covered individuals
22 whom”;

23 (3) in subsection (c), by striking “employees
24 from those agencies and their family members” and
25 inserting “covered individuals”;

1 (4) in subsection (d)—

2 (A) by striking “employees of the United
3 States Government and their family members”
4 and inserting “covered individuals”; and

5 (B) by striking “subject to an agreement
6 by the employing agency and the consent of the
7 employee” and inserting “subject to the consent
8 of the covered individual and, if applicable, an
9 agreement with the employing agency”; and

10 (5) by adding at the end the following new sub-
11 section:

12 “(e) COVERED INDIVIDUALS DEFINED.—In this sec-
13 tion, the term ‘covered individuals’ means—

14 “(1) current and former employees of the
15 United States Government and their family mem-
16 bers; and

17 “(2) current and former members of the Armed
18 Forces and their family members.”.

19 **SEC. 1045. SECURITY CLEARANCES FOR RECENTLY SEPA-**
20 **RATED MEMBERS OF THE ARMED FORCES**
21 **AND CIVILIAN EMPLOYEES OF THE DEPART-**
22 **MENT OF DEFENSE.**

23 (a) IMPROVEMENTS.—

24 (1) IN GENERAL.—No later than September 30,
25 2023, the Secretary of Defense, in coordination with

1 the Director of National Intelligence when acting as
2 the Security Executive Agent, shall establish a process to—
3

4 (A) determine, on the date on which a covered
5 individual separates from the Armed
6 Forces or the Department of Defense (as the
7 case may be), whether the covered individual
8 held an eligibility to access classified information
9 or to occupy a sensitive position immediately
10 prior to such separation and requires an
11 eligibility of an equal or lower level for employment
12 as a covered contractor, except as provided
13 in subsection (b);

14 (B) ensure that the re-establishment of
15 trust of a covered individual's eligibility to occupy
16 a sensitive position takes place expeditiously,
17 in accordance with applicable laws, Executive
18 Orders, or Security Executive Agent policy; and

20 (C) ensure that any additional security
21 processing required to re-establish trust to reinstate
22 a covered individual's eligibility to access
23 classified information or occupy a sensitive position
24 takes place expeditiously.

1 (2) COAST GUARD.—In the case of a member of
2 the Armed Forces who is a member of the Coast
3 Guard, the Secretary of Defense shall carry out
4 paragraph (1) in consultation with the Secretary of
5 the Department in which the Coast Guard is oper-
6 ating.

7 (b) EXCEPTIONS.—

8 (1) IN GENERAL.—Subsection (a) shall not
9 apply with respect to a covered individual—

10 (A) whose previously held security clear-
11 ance is, or was as of the date of separation of
12 the covered individual, under review as a result
13 of one or more potentially disqualifying factors
14 or conditions that have not been fully inves-
15 tigated or mitigated; or

16 (B) in the case of a member of the Armed
17 Forces, who separated from the Armed Forces
18 under other than honorable conditions.

19 (2) CLARIFICATION OF REVIEW EXCEPTION.—
20 The exception specified in paragraph (1)(A) shall
21 not apply with respect to a routine periodic reinves-
22 tigation or a continuous vetting investigation in
23 which no potentially disqualifying factors or condi-
24 tions have been found.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “covered contractor” means an
2 individual who is employed by an entity that carries
3 out work under a contract with the Department of
4 Defense or an element of the intelligence community.

5 (2) The term “covered individual” means a
6 former member of the Armed Forces or a former ci-
7 vilian employee of the Department of Defense.

8 (3) The term “intelligence community” has the
9 meaning given that term in section 3 of the National
10 Security Act of 1947 (50 U.S.C. 3003).

11 **SEC. 1046. INTEGRATED AND AUTHENTICATED ACCESS TO**
12 **DEPARTMENT OF DEFENSE SYSTEMS FOR**
13 **CERTAIN CONGRESSIONAL STAFF FOR OVER-**
14 **SIGHT PURPOSES.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 develop processes and procedures under which the Sec-
17 retary shall issue access tokens to staff of the congres-
18 sional defense committees to facilitate the performance of
19 required congressional oversight activities. Such access to-
20 kens shall—

21 (1) provide designated and authenticated staff
22 with access to designated Department of Defense in-
23 formation systems, including—

24 (A) the reporting system described in sec-
25 tion 805(b) of the National Defense Authoriza-

1 tion Act for Fiscal Year 2022 (Public Law
2 117–81) that will replace the Selected Acquisi-
3 tion Report requirements under section 4351 of
4 title 10, United States Code; and

5 (B) the process referred to in section 908
6 of the William (Mac) Thornberry National De-
7 fense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283) that is used by the De-
9 partment of Defense to identify reports to Con-
10 gress required by annual national defense au-
11 thorization Acts, assign responsibility for prepa-
12 ration of such reports, and manage the comple-
13 tion and delivery of such reports to Congress;
14 and

15 (2) to the extent feasible, be integrated with the
16 provision of Pentagon Facilities Alternative Creden-
17 tials.

18 (b) IMPLEMENTATION.—The Secretary shall imple-
19 ment the processes and procedures developed under sub-
20 section (a) not later than 180 days after the date of the
21 enactment of this Act.

22 (c) INTERIM BRIEFING.—Not later than 90 days
23 after the date of the enactment of the Act, the Secretary
24 of Defense shall provide to the congressional defense com-
25 mittees an interim briefing on the status of the processes

1 and procedures required to be developed under subsection
2 (a), including any updates to applicable policies, instruc-
3 tions, and guidance issued by the Department.

4 **SEC. 1047. INTRODUCTION OF ENTITIES IN TRANSACTIONS**

5 **CRITICAL TO NATIONAL SECURITY.**

6 (a) IN GENERAL.—The Secretary of Defense may fa-
7 cilitate the introduction of entities for the purpose of dis-
8 cussing a covered transaction that the Secretary has deter-
9 mined is in the national security interests of the United
10 States.

11 (b) COVERED TRANSACTION DEFINED.—The term
12 “covered transaction” means a transaction that the Sec-
13 retary has reason to believe would likely involve an entity
14 affiliated with a strategic competitor unless an alternative
15 transaction were to occur.

16 **SEC. 1048. JOINT TRAINING PIPELINE BETWEEN UNITED**

17 **STATES NAVY AND ROYAL AUSTRALIAN NAVY.**

18 (a) EXCHANGE PROGRAM.—Beginning in 2023, the
19 Secretary of Defense, in consultation with the Secretary
20 of Energy, may carry out an exchange program for Aus-
21 tralian submarine officers to implement one or more
22 agreements entered into under the enhanced trilateral se-
23 curity partnership referred to as “AUKUS”. Under such
24 a program, to the extent consistent with one or more
25 AUKUS agreements—

1 (1) a minimum of two Australian submarine of-
2 ficers may participate in the United States Navy of-
3 ficer training program for officers who are assigned
4 to duty on nuclear powered submarines; and

5 (2) following the successful completion of all as-
6 pects of such training, such officers may be assigned
7 to duty on an operational United States submarine.

8 (b) BRIEFING.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall provide the congressional defense committees with a
11 briefing on a notional exchange program for Australian
12 submarine officers that includes initial, follow-on, and re-
13 curring training that could be provided to Australian sub-
14 marine officers in order prepare such officers for com-
15 mand of nuclear-powered Australian submarines.

16 **SEC. 1049. STANDARDIZATION OF SECTIONAL BARGE CON-**
17 **STRUCTION FOR DEPARTMENT OF DEFENSE**
18 **USE ON RIVERS AND INTERCOASTAL WATER-**
19 **WAYS.**

20 With respect to the procurement of a sectional barge
21 for the Department of Defense on or after December 31,
22 2023, the Secretary of Defense shall, to the extent prac-
23 ticable—

24 (1) ensure the solicitation for such sectional
25 barge includes a requirement for a design that has

1 been approved by the American Bureau of Shipping,
2 using its rule set for building and classing steel ves-
3 sels, for service on rivers and intercoastal waterways;
4 or

5 (2) prioritize prime contractors that are in com-
6 pliance with ISO 9001:2015 of the International Or-
7 ganization for Standardization (or successor stand-
8 ard) in awarding contracts pursuant to such pro-
9 curement.

10 **SEC. 1050. DEPARTMENT OF DEFENSE SUPPORT FOR RE-**
11 **CENTLY ENACTED COMMISSIONS.**

12 (a) ASSISTANCE FROM DEPARTMENT OF DE-
13 FENSE.—At the request of a covered commission, the Sec-
14 retary of Defense may provide to the covered commission,
15 on a reimbursable basis, such services, funds, facilities,
16 staff, and other support services as necessary for the per-
17 formance of the functions of the commission. Amounts
18 provided to a covered commission pursuant to this section
19 may be provided from amounts appropriated for the De-
20 partment of Defense, as provided in advance in appropria-
21 tions Acts.

22 (b) COVERED COMMISSION DEFINED.—In this sec-
23 tion, the term “covered commission” means a commission
24 established pursuant to any of the following sections of

1 the National Defense Authorization Act for Fiscal Year
2 2022 (Public Law 117–81):

3 (1) Section 1004 (Commission on Planning,
4 Programming, Budgeting, and Execution Reform).

5 (2) section 1091 (National Security Commis-
6 sion on Emerging Biotechnology).

7 (3) section 1094 (Afghanistan War Commis-
8 sion).

9 (4) section 1095 (Commission on the National
10 Defense Strategy).

11 (5) section 1687 (Congressional Commission on
12 the Strategic Posture of the United States).

13 **Subtitle F—Studies and Reports**

14 **SEC. 1051. MODIFICATION OF ANNUAL REPORT ON UN-** 15 **FUNDED PRIORITIES.**

16 Section 222a of title 10, United States Code, is
17 amended—

18 (1) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) in subparagraph (A), by striking
21 “to be achieved” and inserting “outlined in
22 the national defense strategy required
23 under section 113(g) of this title and the
24 National Military Strategy required under

1 section 139(b) of this title to be ad-
2 vanced”; and

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

5 “(D) A detailed assessment of each specific
6 risk that would be reduced in executing the na-
7 tional defense strategy required under section
8 113(g) of this title and the National Military
9 Strategy required under section 139(b) of this
10 title if such priority is funded (whether in whole
11 or in part).”; and

12 (B) in paragraph (2)(A), by inserting “ac-
13 cording to the amount of risk reduced” after
14 “priority”;

15 (2) by adding redesignating subsection (d) as
16 subsection (e); and

17 (3) by inserting after subsection (c) the fol-
18 lowing new subsection (d):

19 “(d) PRIORITIZATION.—Not later than 10 days after
20 the receipt of the all of the reports referred to in sub-
21 section (a), the Secretary of Defense, in consultation with
22 the Chairman of the Joint Chiefs of Staff, shall submit
23 to the congressional defense committees a report that
24 prioritizes each specific unfunded priority across all un-
25 funded priorities submitted by officers specified in (b) ac-

1 cording to the risk reduced in executing the national de-
2 fense strategy required under section 113(g) of this title
3 and the National Military Strategy required under section
4 139(b) of this title.”.

5 **SEC. 1052. CONGRESSIONAL NOTIFICATION OF MILITARY**
6 **INFORMATION SUPPORT OPERATIONS IN THE**
7 **INFORMATION ENVIRONMENT.**

8 (a) IN GENERAL.—Chapter 19 of title 10, United
9 States Code, is amended by adding at the end the fol-
10 lowing new section:

11 **“§ 398. Military information support operations in in-**
12 **formation environment**

13 “(a) CONGRESSIONAL NOTIFICATION REQUIRE-
14 MENT.—(1) Not later than 48 hours after the execution
15 of any new military information support operation plan
16 (in this section referred to as a ‘MISO plan’) approved
17 by the commander of a combatant command, or any
18 change in scope of any existing MISO plan, including any
19 underlying MISO supporting plan, the Secretary of De-
20 fense shall promptly submit to the congressional defense
21 committees notice in writing of such approval or execution
22 of change in scope.

23 “(2) A notification under paragraph (1) with respect
24 to a MISO plan shall include each of the following:

1 “(A) A description of the military information
2 support operation program (in this section referred
3 to as a ‘MISO program’) supported by the MISO
4 plan.

5 “(B) A description of the objectives of the
6 MISO plan.

7 “(C) A description of the intended target audi-
8 ence for military information support operation ac-
9 tivities under the MISO plan.

10 “(D) A description of the tactics, techniques,
11 and procedures to be used in executing the MISO
12 plan.

13 “(E) A description of the personnel engaged in
14 supporting or facilitating the operation.

15 “(F) The amount of funding anticipated to be
16 obligated and expended to execute the MISO plan
17 during the current and subsequent fiscal years.

18 “(G) The expected duration and desired out-
19 come of the MISO plan.

20 “(H) Any other elements the Secretary deter-
21 mines appropriate.

22 “(3) To the maximum extent practicable, the Sec-
23 retary shall ensure that the congressional defense commit-
24 tees are notified promptly of any unauthorized disclosure
25 of a clandestine military support operation covered by this

1 section. A notification under this subsection may be verbal
2 or written, but in the event of a verbal notification, the
3 Secretary shall provide a written notification by not later
4 than 48 hours after the provision of the verbal notifica-
5 tion.

6 “(b) ANNUAL REPORT.—Not later than 90 days after
7 the last day of any fiscal year during which the Secretary
8 conducts a MISO plan, the Secretary shall submit to the
9 congressional defense committees a report on all such
10 MISO plans conducted during such fiscal year. Such re-
11 port shall include each of the following:

12 “(1) A list of each MISO program and the com-
13 batant command responsible for the program.

14 “(2) For each MISO plan—

15 “(A) a description of the plan and any
16 supporting plans, including the objectives for
17 the plan;

18 “(B) a description of the intended target
19 audience for the activities carried out under the
20 plan and the means of distribution; and

21 “(C) the cost of executing the plan.

22 “(c) PROHIBITION ON CLANDESTINE OPERATIONS
23 DESIGNED TO INFLUENCE OPINIONS AND POLITICS IN
24 UNITED STATES.—None of the funds authorized to be ap-
25 propriated or otherwise made available for the Depart-

1 ment of Defense for any fiscal year may be used to con-
2 duct a clandestine military information support operation
3 that is designed to influence—

4 “(1) any political process taking place in the
5 United States;

6 “(2) the opinions of United States persons;

7 “(3) United States policies; or

8 “(4) media produced by United States entities
9 for United States persons.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 at the beginning of such chapter is amended by adding
12 at the end the following new item:

“398. Military information support operations in information environment.”.

13 **SEC. 1053. MODIFICATION AND CONTINUATION OF REPORT-**
14 **ING REQUIREMENT RELATING TO HUMANI-**
15 **TARIAN ASSISTANCE.**

16 (a) MODIFICATION.—Section 2561(c)(3) of title 10,
17 United States Code, is amended—

18 (1) in subparagraph (A), by striking “relief”
19 and inserting “assistance”; and

20 (2) by striking subparagraphs (B) and (C) and
21 inserting the following new subparagraphs:

22 “(B) A comprehensive list of humanitarian as-
23 sistance efforts for which support was provided
24 under this section, disaggregated by foreign partner

1 country, amount obligated, and purpose specified in
2 subsection (b).

3 “(C) A description of the manner in which such
4 efforts address—

5 “(i) the humanitarian needs of the foreign
6 partner country; and

7 “(ii) Department of Defense objectives and
8 broader United States national security objec-
9 tives.

10 “(D) A description of any transfer of nonlethal
11 excess supplies of the Department of Defense made
12 available for humanitarian relief purposes under sec-
13 tion 2557 of this title, including, for each such
14 transfer—

15 “(i) the date of the transfer;

16 “(ii) the entity to which the transfer is
17 made; and

18 “(iii) the quantity of items transferred.”.

19 (b) CONTINUATION OF REPORTING REQUIRE-
20 MENT.—

21 (1) IN GENERAL.—Section 1080(a) of the Na-
22 tional Defense Authorization Act for Fiscal Year
23 2016 (Public Law 114–92; 129 Stat. 1000; 10
24 U.S.C. 111 note) does not apply to the report re-

1 quired to be submitted to Congress under section
2 2561(e) of title 10, United States Code.

3 (2) CONFORMING REPEAL.—Section 1061(e) of
4 National Defense Authorization Act for Fiscal Year
5 2017 (Public Law 114–328; 10 U.S.C. 111 note) is
6 amended by striking paragraph (48).

7 **SEC. 1054. BRIEFING ON GLOBAL FORCE MANAGEMENT AL-**
8 **LOCATION PLAN.**

9 Section 1074(e) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2022 (Public Law 117–81) is
11 amended by adding at the end the following new para-
12 graph:

13 “(4) For each major modification to global
14 force allocation made during the preceding fiscal
15 year that deviated from the Global Force Manage-
16 ment Allocation Plan for that fiscal year—

17 “(A) an analysis of the costs of such modi-
18 fication;

19 “(B) an assessment of the risks associated
20 with such modification, including strategic
21 risks, operational risks, and risks to readiness;
22 and

23 “(C) a description of any strategic trade-
24 offs associated with such modification.”.

1 **SEC. 1055. REPORT AND BUDGET DETAILS REGARDING OP-**
2 **ERATION SPARTAN SHIELD.**

3 Section 1225(b) of the William M. (Mac) Thornberry
4 National Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283) is amended—

6 (1) in paragraph (6) by striking “; and” and in-
7 serting a semicolon;

8 (2) by redesignating paragraph (7) as para-
9 graph (11); and

10 (3) by inserting after paragraph (6), the fol-
11 lowing new paragraphs:

12 “(7) a list of all countries in which Task Force
13 Spartan operated during the prior fiscal year;

14 “(8) a description of activities conducted pursu-
15 ant to the operation to build the military readiness
16 of partner forces during the prior fiscal year, includ-
17 ing—

18 “(A) training exercises;

19 “(B) joint exercises; and

20 “(C) bilateral or multilateral exchanges;

21 “(9) an assessment of the extent to which the
22 activities described in paragraph (8) improved—

23 “(A) the military readiness of such partner
24 forces;

25 “(B) the national security of the United
26 States; and

1 “(C) the national security of allies and
2 partners of the United States;

3 “(10) a description of criteria used to make the
4 assessment required under paragraph (9); and”.

5 **SEC. 1056. ANNUAL REPORT ON CIVILIAN CASUALTIES IN**
6 **CONNECTION WITH UNITED STATES MILI-**
7 **TARY OPERATIONS.**

8 (a) IN GENERAL.—Section 1057(b) of the National
9 Defense Authorization Act for Fiscal Year 2018 (Public
10 Law 115–91) is amended—

11 (1) in paragraph (1), by striking “that were
12 confirmed, or reasonably suspected, to have resulted
13 in civilian casualties” and inserting “that resulted in
14 civilian casualties that have been confirmed or are
15 reasonably suspected to have occurred”;

16 (2) in paragraph (2)—

17 (A) in subparagraph (B), by inserting “,
18 including, to the extent practicable, the closest
19 town, city, or identifiable place” after “loca-
20 tion”;

21 (B) in subparagraph (D), by inserting be-
22 fore the period the following: “, including the
23 specific justification or use of authority for each
24 strike conducted”;

1 (C) in subparagraph (E), by inserting be-
2 fore the period at the end the following: “, for-
3 mulated as a range, if necessary, and including,
4 to the extent practicable, information regarding
5 the number of men, women, and children in-
6 volved”; and

7 (D) by adding at the end the following new
8 subparagraphs:

9 “(F) A summary of the determination of
10 each completed civilian casualty assessment or
11 investigation.

12 “(G) For each assessment or investigation
13 of an incident that resulted in civilian casual-
14 ties—

15 “(i) whether the Department con-
16 ducted any witness interviews or site visits
17 occurred, and if not, an explanation of why
18 not; and

19 “(ii) whether information pertaining
20 to the incident that was collected by one or
21 more non-governmental entities was con-
22 sidered, if such information exists.”; and

23 (3) by striking paragraph (4) and inserting the
24 following new paragraph (4):

1 “(4) A description of any new or updated civil-
2 ian harm policies and procedures implemented by
3 the Department of Defense.”.

4 (b) **APPLICABILITY.**—The amendments made by this
5 section shall apply as follows:

6 (1) Except as provided in paragraph (2), the
7 amendments made by this section shall apply with
8 respect to a report submitted on or after May 1,
9 2024.

10 (2) The amendments made by subparagraphs
11 (A) and (B) of subsection (a)(2) shall apply with re-
12 spect to a report submitted after the date of the en-
13 actment of this Act.

14 **SEC. 1057. EXTENSION OF CERTAIN REPORTING DEAD-**
15 **LINES.**

16 (a) **COMMISSION ON PLANNING, PROGRAMMING,**
17 **BUDGETING, AND EXECUTION REFORM.**—Section
18 1004(g) of the National Defense Authorization Act for
19 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 1886)
20 is amended—

21 (1) in paragraph (1), by striking “February 6,
22 2023” and inserting “August 6, 2023”; and

23 (2) in paragraph (2), by striking “September 1,
24 2023” and inserting “March 1, 2024”.

1 (b) NATIONAL SECURITY COMMISSION ON EMERGING
2 BIOTECHNOLOGY.—Section 1091(g) of the National De-
3 fense Authorization Act for Fiscal Year 2022 (Public Law
4 117–81; 135 Stat. 1931) is amended—

5 (1) in paragraph (1), by striking “2 years
6 after” and inserting “3 years after”; and

7 (2) in paragraph (2), by striking “1 year after”
8 and inserting “2 years after”.

9 (c) COMMISSION ON THE NATIONAL DEFENSE
10 STRATEGY.—Section 1095(g) of the National Defense Au-
11 thorization Act for Fiscal Year 2022 (Public Law 117–
12 81; 135 Stat. 1945) is amended—

13 (1) in paragraph (1), by striking “one year
14 after” and inserting “two years after”; and

15 (2) in paragraph (2), by striking “180 days
16 after” and inserting “one year after”.

17 (d) CONGRESSIONAL COMMISSION ON THE STRA-
18 TEGIC POSTURE OF THE UNITED STATES.—Section
19 1687(d) of the National Defense Authorization Act for
20 Fiscal Year 2022 (Public Law 117–81; 135 Stat. 2128)
21 is amended—

22 (1) in paragraph (1), by striking “December
23 31, 2022” and inserting “July 31, 2023”; and

24 (2) in paragraph (3), by striking “180 days
25 after” and inserting “one year after”.

1 **SEC. 1058. EXTENSION AND MODIFICATION OF REPORTING**
2 **REQUIREMENT REGARDING ENHANCEMENT**
3 **OF INFORMATION SHARING AND COORDINA-**
4 **TION OF MILITARY TRAINING BETWEEN DE-**
5 **PARTMENT OF HOMELAND SECURITY AND**
6 **DEPARTMENT OF DEFENSE.**

7 Section 1014(d) of the National Defense Authoriza-
8 tion Act for Fiscal Year 2017 (Public Law 114–328) is
9 amended—

10 (1) in paragraph (1)(B)(iv)—

11 (A) by striking “(iii)—” and inserting
12 “(iii), the following:”; and

13 (B) by adding at the end the following new
14 subclauses:

15 “(VIII) The methodology used
16 for making cost estimates in the eval-
17 uation of a request for assistance.

18 “(IX) The extent to which the
19 fulfillment of the request for assist-
20 ance affected readiness of the Armed
21 Forces, including members of the re-
22 serve components.”; and

23 (2) in paragraph (3), by striking “December
24 31, 2023” and inserting “December 31, 2024”.

1 **SEC. 1059. CONTINUATION OF REQUIREMENT FOR ANNUAL**
2 **REPORT ON NATIONAL GUARD AND RESERVE**
3 **COMPONENT EQUIPMENT.**

4 (a) IN GENERAL.—Section 1080(a) of the National
5 Defense Authorization Act for Fiscal Year 2016 (Public
6 Law 114–92; 129 Stat. 1000; 10 U.S.C. 111 note) does
7 not apply to the report required to be submitted to Con-
8 gress under section 10541 of title 10, United States Code.

9 (b) CONFORMING REPEAL.—Section 1061(c) of the
10 National Defense Authorization Act for Fiscal Year 2017
11 (Public Law 114–328); 130 Stat. 2402; 10 U.S.C. 111
12 note) is amended by striking paragraph (62).

13 **SEC. 1060. MODIFICATION OF AUTHORITY OF SECRETARY**
14 **OF DEFENSE TO TRANSFER EXCESS AIR-**
15 **CRAFT TO OTHER DEPARTMENTS OF THE**
16 **FEDERAL GOVERNMENT AND AUTHORITY TO**
17 **TRANSFER EXCESS AIRCRAFT TO STATES.**

18 Section 1091 of the National Defense Authorization
19 Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C.
20 2576 note) is amended—

21 (1) in the section heading, by inserting “**AND**
22 **TO STATES**” after “**FEDERAL GOVERNMENT**”;

23 (2) in subsection (a), in the first sentence, by
24 striking “and the Secretary of Homeland Security
25 for use by the Forest Service and the United States
26 Coast Guard” and inserting “for use by the Forest

1 Service, to the Secretary of Homeland Security for
2 use by the United States Coast Guard, and to the
3 Governor of a State”;

4 (3) in subsection (b)—

5 (A) in paragraph (1), by striking “or the
6 United States Coast Guard as a suitable plat-
7 form to carry out their respective missions” and
8 inserting “, the United States Coast Guard, or
9 the Governor of a State, as the case may be, as
10 a suitable platform to carry out wildfire sup-
11 pression, search and rescue, or emergency oper-
12 ations pertaining to wildfires”;

13 (B) in paragraph (3), by striking “; and”
14 and inserting a semicolon;

15 (C) in paragraph (4), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (D) by adding at the end the following new
18 paragraph:

19 “(5) in the case of aircraft to be transferred to
20 the Governor of a State, acceptable for use by the
21 State, as determined by the Governor.”;

22 (4) by striking subsection (c);

23 (5) by redesignating subsections (d) through (g)
24 as subsections (c) through (f), respectively;

25 (6) in subsection (c), as so redesignated—

1 (A) in paragraph (1)—

2 (i) by striking “up to seven”; and

3 (ii) by inserting “the Governor of a
4 State or to” after “offered to”; and

5 (B) by amending paragraph (2) to read as
6 follows:

7 “(2) EXPIRATION OF RIGHT OF REFUSAL.—A
8 right of refusal afforded the Secretary of Agriculture
9 or the Secretary of Homeland Security under para-
10 graph (1) with regards to an aircraft shall expire
11 upon official notice of such Secretary to the Sec-
12 retary of Defense that such Secretary declines such
13 aircraft.”;

14 (7) in subsection (d), as so redesignated—

15 (A) in the matter preceding paragraph (1),
16 by inserting “or to the Governor of a State”
17 after “the Secretary of Agriculture”;

18 (B) in paragraph (1), by striking “wildfire
19 suppression purposes” and inserting “purposes
20 of wildfire suppression, search and rescue, or
21 emergency operations pertaining to wildfires”;
22 and

23 (C) in paragraph (2)—

1 (i) by inserting “, search and rescue,
2 emergency operations pertaining to
3 wildfires,” after “efforts”; and

4 (ii) by inserting “or Governor of the
5 State, as the case may be,” after “Sec-
6 retary of Agriculture”;

7 (8) in subsection (e), as so redesignated, by
8 striking “or the Secretary of Homeland Security”
9 and inserting “, the Secretary of Homeland Secu-
10 rity, or the Governor of a State”;

11 (9) in subsection (f), as so redesignated, by
12 striking “and the Secretary of Homeland Security”
13 and inserting “, the Secretary of Homeland Secu-
14 rity, or the Governor of the State to which such air-
15 craft is transferred using only State funds”; and

16 (10) by adding at the end the following new
17 subsection:

18 “(g) REPORTING.—Not later than December 1, 2022,
19 and annually thereafter, the Secretary of Defense shall
20 submit to the Committees on Armed Services of the Sen-
21 ate and the House of Representatives a report on aircraft
22 transferred, during the fiscal year preceding the date of
23 such report, to—

1 “(1) the Secretary of Agriculture, the Secretary
2 of Homeland Security, or the Governor of a State
3 under this section;

4 “(2) the chief executive officer of a State under
5 section 112 of the National Defense Authorization
6 Act for Fiscal Year 2012 (Public Law 112–81; 125
7 Stat. 1318); or

8 “(3) the Secretary of the Air Force or the Sec-
9 retary of Agriculture under section 1098 of the Na-
10 tional Defense Authorization Act for Fiscal Year
11 2014 (Public Law 113–66; 127 Stat. 881).”.

12 **SEC. 1061. COMBATANT COMMAND RISK ASSESSMENT FOR**
13 **AIRBORNE INTELLIGENCE, SURVEILLANCE,**
14 **AND RECONNAISSANCE.**

15 (a) IN GENERAL.—Not later than 90 days after the
16 date on which the Secretary of Defense submits to Con-
17 gress the materials in support of the budget for any fiscal
18 year, or the date on which any of the military departments
19 otherwise proposes to retire or otherwise divest any air-
20 borne intelligence, surveillance, and reconnaissance capa-
21 bilities, the Vice Chairman of the Joint Chiefs of Staff,
22 in coordination with the commanders of each of the geo-
23 graphic combatant commands, shall submit to the con-
24 gressional defense committees a report containing an as-
25 sessment of the level of operational risk to each such com-

1 mand posed by the proposed retirement or divestment with
2 respect to the capability of the command to meet near-
3 , mid-, and far-term contingency and steady-state require-
4 ments against adversaries in support of the objectives of
5 the national defense strategy under section 113(g) of title
6 10, United States Code.

7 (b) RISK ASSESSMENT.—In assessing levels of oper-
8 ational risk for the purposes of subsection (a), the Vice
9 Chairman and the commanders of the geographic combat-
10 ant commands shall use the military risk matrix of the
11 Chairman of the Joint Chiefs of Staff, as described in
12 CJCS Instruction 3401.01E, or any successor instruction.

13 (c) GEOGRAPHIC COMBATANT COMMAND.—In this
14 section, the term “geographic combatant command”
15 means any of the following:

- 16 (1) United States European Command.
- 17 (2) United States Indo-Pacific Command.
- 18 (3) United States Africa Command.
- 19 (4) United States Southern Command.
- 20 (5) United States Northern Command.
- 21 (6) United States Central Command.

22 (d) TERMINATION.—The requirement to submit a re-
23 port under this section shall terminate on the date that
24 is five years after the date of the enactment of this Act.

1 **SEC. 1062. STUDY ON MILITARY TRAINING ROUTES AND**
2 **SPECIAL USE AIR SPACE NEAR WIND TUR-**
3 **BINES.**

4 (a) STUDY AND REPORT.—

5 (1) IN GENERAL.—The Secretary of Defense
6 shall seek to enter into an agreement with a feder-
7 ally funded research and development center to con-
8 duct a study to identify low-level military training
9 routes and special use airspace that may be used by
10 the Department of Defense to conduct realistic
11 training over and near wind turbines.

12 (2) ELEMENTS.—As part of the study under
13 paragraph (1), the federally funded research and de-
14 velopment center that conducts the study shall—

15 (A) identify and define the requirements
16 for military airspace that may be used for the
17 training described in paragraph (1), taking into
18 consideration—

19 (i) the operational and training needs
20 of the Armed Forces; and

21 (ii) the threat environments of adver-
22 saries of the United States, including the
23 People's Republic of China;

24 (B) identify possibilities for combining live,
25 virtual, and constructive flight training near
26 wind projects, both onshore and offshore;

1 (C) describe the airspace inventory re-
2 quired for low-level training proficiency given
3 current and projected force structures;

4 (D) provide recommendations for rede-
5 signing and properly sizing special use air space
6 and military training routes to combine live and
7 synthetic training in a realistic environment;

8 (E) describe ongoing research and develop-
9 ment programs being utilized to mitigate effects
10 of wind turbines on low-level training routes;
11 and

12 (F) identify current training routes af-
13 fected by wind turbines, any previous training
14 routes that are no longer in use because of wind
15 turbines, and any training routes projected to
16 be lost due to wind turbines.

17 (3) CONSULTATION.—In carrying out para-
18 graph (1), the Secretary of Defense shall consult
19 with—

20 (A) the Under Secretary of Defense for
21 Personnel and Readiness;

22 (B) the Department of Defense Policy
23 Board on Federal Aviation; and

24 (C) the Federal Aviation Administration.

25 (4) SUBMITTAL TO DOD.—

1 (A) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the
3 federally funded research and development cen-
4 ter that conducts the study under paragraph
5 (1) shall submit to the Secretary of Defense a
6 report on the results of the study.

7 (B) FORM.—The report under paragraph
8 (1) shall be submitted in unclassified form but
9 may include a classified annex.

10 (5) SUBMITTAL TO CONGRESS.—Not later than
11 60 days after the date on which the Secretary of De-
12 fense receives the report under paragraph (4), the
13 Secretary shall submit to the appropriate congres-
14 sional committees an unaltered copy of the report to-
15 gether with any comments the Secretary may have
16 with respect to the report.

17 (b) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means the following:

20 (A) The congressional defense committees.

21 (B) The Committee on Transportation and
22 Infrastructure of the House of Representatives.

23 (C) The Committee on Commerce, Science,
24 and Transportation of the Senate.

1 (2) The term “affected by wind turbines”
2 means a situation in which the presence of wind tur-
3 bines in the area of a low-level military training
4 route or special use airspace—

5 (A) prompted the Department of Defense
6 to alter a testing and training mission or to re-
7 duce previously planned training activities; or

8 (B) prevented the Department from meet-
9 ing testing and training requirements.

10 **SEC. 1063. ANNUAL REPORTS ON SAFETY UPGRADES TO**
11 **THE HIGH MOBILITY MULTIPURPOSE**
12 **WHEELED VEHICLE FLEETS.**

13 (a) ANNUAL REPORTS.—Not later than March 1,
14 2023, and annually thereafter until the date specified in
15 subsection (c), the Secretaries of the Army, Navy, and Air
16 Force shall each submit to the Committees on Armed
17 Services of the Senate and House of Representatives a re-
18 port on the installation of safety upgrades to the high mo-
19 bility multipurpose wheeled vehicle fleets under the juris-
20 diction of the Secretary concerned, including anti-lock
21 brakes, electronic stability control, and fuel tanks.

22 (b) MATTERS FOR INCLUSION.—Each report re-
23 quired under subsection (a) shall include, for the year cov-
24 ered by the report, each of the following:

1 (1) The total number of safety upgrades nec-
2 essary for the high mobility multipurpose wheeled
3 vehicle fleets under the jurisdiction of the Secretary
4 concerned.

5 (2) The total cumulative number of such up-
6 grades completed prior to the year covered by the re-
7 port.

8 (3) A description of any such upgrades that
9 were planned for the year covered by the report.

10 (4) A description of any such upgrades that
11 were made during the year covered by the report
12 and, if the number of such upgrades was less than
13 the number of upgrades planned for such year, an
14 explanation of the variance.

15 (5) If the total number of necessary upgrades
16 has not been made, a description of the upgrades
17 planned for each year subsequent to the year cov-
18 ered by the report.

19 (c) TERMINATION.—No report shall be required
20 under this section after March 1, 2026.

21 **SEC. 1064. DEPARTMENT OF DEFENSE DELAYS IN PRO-**
22 **VIDING COMMENTS ON GOVERNMENT AC-**
23 **COUNTABILITY OFFICE REPORTS.**

24 (a) REPORTS REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, and once every

1 180 days thereafter until the date that is 2 years after
2 the date of the enactment of this Act, the Comptroller
3 General of the United States shall submit to the congress-
4 sional defense committees a report on the extent to which
5 the Department of Defense provided comments and sensi-
6 tivity and security reviews (for drafts tentatively identified
7 as containing controlled unclassified information or classi-
8 fied information) in a timely manner and in accordance
9 with the protocols of the Government Accountability Office
10 during the 180-day period preceding the date of the sub-
11 mittal of the report.

12 (b) REQUIREMENTS FOR GAO REPORT.—Each re-
13 port under subsection (a) shall include the following infor-
14 mation for the period covered by the report:

15 (1) The number of draft Government Account-
16 ability Office reports for which the Government Ac-
17 countability Office requested comments from the De-
18 partment of Defense, including an identification of
19 the reports for which a sensitivity or security review
20 was requested (separated by reports potentially con-
21 taining only controlled unclassified information and
22 reports potentially containing classified information)
23 and the reports for which such a review was not re-
24 quested.

1 (2) The median and average number of days
2 between the date of the request for Department of
3 Defense comments and the receipt of such com-
4 ments.

5 (3) The average number of days between the
6 date of the request for a Department of Defense
7 sensitivity or security review and the receipt of the
8 results of such review.

9 (4) In the case of any such draft report for
10 which the Department of Defense failed to provide
11 such comments or review within 30 days of the re-
12 quest for such comments or review—

13 (A) the number of days between the date
14 of the request and the receipt of such comments
15 or review; and

16 (B) a unique identifier, for purposes of
17 identifying the draft report.

18 (5) In the case of any such draft report for
19 which the Government Accountability Office pro-
20 vided an extension to the Department of Defense—

21 (A) whether the Department provided the
22 comments or review within the time period of
23 the extension; and

24 (B) a unique identifier, for purposes of
25 identifying the draft report.

1 (6) Any other information the Comptroller Gen-
2 eral determines appropriate.

3 (c) DOD RESPONSES.—Not later than 30 days after
4 the Comptroller General submits a report under sub-
5 section (a), the Secretary of Defense shall submit to the
6 congressional defense committees a response to such re-
7 port that includes each of the following:

8 (1) An identification of factors that contributed
9 to any delays identified in the report with respect to
10 Department of Defense comments and sensitivity or
11 security reviews requested by the Government Ac-
12 countability Office.

13 (2) A description of any actions the Depart-
14 ment of Defense has taken or plans to take to ad-
15 dress such factors.

16 (3) A description of any improvements the De-
17 partment has made in the ability to track timeliness
18 in providing such comments and sensitivity or secu-
19 rity reviews.

20 (4) Any other information the Secretary deter-
21 mines relevant to the information contained in the
22 report submitted by the Comptroller General.

1 **SEC. 1065. JUSTIFICATION FOR TRANSFER OR ELIMI-**
2 **NATION OF CERTAIN FLYING MISSIONS.**

3 Prior to the relocation or elimination of any flying
4 mission that involves 50 personnel or more assigned to a
5 unit performing that mission, either with respect to an ac-
6 tive or reserve component of a military department, the
7 Secretary of Defense shall submit to the congressional de-
8 fense committees a report describing the justification of
9 the Secretary for the decision to relocate or eliminate such
10 flying mission. Such report shall include each of the fol-
11 lowing:

12 (1) A description of how the decision supports
13 the national defense strategy, the national military
14 strategy, the North American Aerospace Defense
15 Command strategy, and other relevant strategies.

16 (2) A specific analysis and metrics supporting
17 such decision.

18 (3) An analysis and metrics to show that the
19 elimination or relocation of the flying mission would
20 not negatively affect broader mission sets, such as
21 the homeland defense mission.

22 (4) A plan for how the Department of Defense
23 intends to fulfill or continue to meet the mission re-
24 quirements of the eliminated or relocated flying mis-
25 sion.

1 (5) An assessment of the effect of the elimi-
2 nation or relocation on the national defense strategy,
3 the national military strategy, the North American
4 Aerospace Defense Command strategy, and broader
5 mission sets, such as the homeland defense mission.

6 (6) An analysis and metrics to show that the
7 elimination or relocation of the flying mission and its
8 secondary and tertiary impacts would not degrade
9 capabilities and readiness of the Joint Force.

10 (7) An analysis and metrics to show that the
11 elimination or relocation of the flying mission would
12 not negatively affect the continental United States
13 national airspace system.

14 **SEC. 1066. REPORTS ON UNITED STATES MILITARY FORCE**
15 **PRESENCE IN EUROPE.**

16 (a) REPORT ON UNITED STATES MILITARY FORCE
17 POSTURE AND RESOURCING REQUIREMENTS IN EU-
18 ROPE.—

19 (1) IN GENERAL.—Not later than 120 days
20 after the date of the enactment of this Act, the Sec-
21 retary of Defense shall submit to the congressional
22 defense committees a report containing an assess-
23 ment of the United States military force posture re-
24 quirements for the United States European Com-
25 mand to support the following objectives:

1 (A) Implementation of the national defense
2 strategy under section 113(g) of title 10,
3 United States Code, with respect to the area of
4 responsibility of the United States European
5 Command.

6 (B) Fulfillment of the commitments of the
7 United States to NATO operations, missions,
8 and activities, as modified and agreed upon at
9 the 2022 Madrid Summit.

10 (C) Reduction of the risk of executing the
11 contingency plans of the Department of De-
12 fense.

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

15 (A) For the Army, the Navy, the Air
16 Force, the Marine Corps, and the Space Force
17 and for each warfighting domain, a description
18 of the force structure and posture of assigned
19 and allocated forces in Europe, including con-
20 sideration of the balance of permanently sta-
21 tioned forces and forces rotating from the
22 United States, to support the objectives de-
23 scribed in paragraph (1).

1 (B) An assessment of the military training
2 and all domain exercises to support such objec-
3 tives, including—

4 (i) training and exercises on inter-
5 operability; and

6 (ii) joint activities with allies and
7 partners.

8 (C) An assessment of logistics require-
9 ments, including personnel, equipment, supplies,
10 pre-positioned storage, host country support
11 and agreements, and maintenance needs, to
12 support such objectives.

13 (D) An identification of required infra-
14 structure, facilities, and military construction
15 investments to support such objectives.

16 (E) A description of the requirements for
17 United States European Command integrated
18 air and missile defense throughout the area of
19 responsibility of the United States European
20 Command.

21 (F) An assessment of United States secu-
22 rity cooperation activities and resources re-
23 quired to support such objectives.

24 (G) A detailed assessment of the resources
25 necessary to address the elements described in

1 subparagraphs (A) through (F), categorized by
2 the budget accounts for—

3 (i) procurement;

4 (ii) research, development, test, and
5 evaluation;

6 (iii) operation and maintenance;

7 (iv) military personnel; and

8 (v) military construction.

9 (H) The projected timeline to achieve ful-
10 fillment of each such element.

11 (I) Any other information the Secretary
12 considers relevant.

13 (3) FORM.—The report required under para-
14 graph (1) may be submitted in classified form, but,
15 if so, it shall include an unclassified summary.

16 (b) QUARTERLY REPORTS ON EXPENDITURES FOR
17 PLANNING AND DESIGN OF INFRASTRUCTURE TO SUP-
18 PORT PERMANENT UNITED STATES FORCE PRESENCE ON
19 EUROPE'S EASTERN FLANK.—

20 (1) IN GENERAL.—The Commander of United
21 States European Command shall submit to the con-
22 gressional defense committees quarterly reports on
23 the use of the funds described in paragraph (3) until
24 the date on which all such funds are expended.

1 (2) CONTENTS.—Each report required under
2 paragraph (1) shall include an expenditure plan for
3 the establishment of infrastructure to support a per-
4 manent United States force presence in the covered
5 region.

6 (3) FUNDS DESCRIBED.—The funds described
7 in this paragraph are the amounts authorized to be
8 appropriated or otherwise made available for fiscal
9 year 2023 for—

10 (A) Operation and Maintenance, Air
11 Force, for Advanced Planning for Infrastruc-
12 ture to Support Presence on NATO’s Eastern
13 Flank;

14 (B) Operation and Maintenance, Army, for
15 Advanced Planning for Infrastructure to Sup-
16 port Presence on NATO’s Eastern Flank; and

17 (C) Military Construction, Defense-wide,
18 Planning & Design: EUCOM—Infrastructure to
19 Support Presence on NATO’s Eastern Flank.

20 (D) Military Construction, Defense-wide,
21 Exercise-related Minor Construction: EUCOM.

22 (4) COVERED REGION.—In this subsection, the
23 term “covered region” means Romania, Poland,
24 Lithuania, Latvia, Estonia, Hungary, Bulgaria, the
25 Czech Republic, and Slovakia.

1 **SEC. 1067. REPORT ON DEPARTMENT OF DEFENSE PRAC-**
2 **TICES REGARDING DISTINCTION BETWEEN**
3 **COMBATANTS AND CIVILIANS IN UNITED**
4 **STATES MILITARY OPERATIONS.**

5 (a) REPORT.—The Civilian Protection Center of Ex-
6 cellence of the Department of Defense, as established
7 under section 184 of title 10, United States Code, as
8 added by section 1082 of this Act, shall seek to enter into
9 an agreement with an appropriate federally funded re-
10 search and development center to develop an independent
11 report on Department of Defense practices regarding dis-
12 tinguishing between combatants and civilians in United
13 States military operations.

14 (b) ELEMENTS.—The report required under sub-
15 section (a) shall include the following matters:

16 (1) A description of how the Department of De-
17 fense has differentiated between combatants and ci-
18 vilians in both ground and air operations since 2001,
19 including in Afghanistan, Iraq, Syria, Somalia,
20 Libya, and Yemen, including—

21 (A) relevant policy and legal standards and
22 how these standards were implemented in prac-
23 tice; and

24 (B) target engagement criteria.

25 (2) A description of how the Department of De-
26 fense has differentiated between combatants and ci-

1 vilians when assessing allegations of civilian casual-
2 ties since 2001, including in Afghanistan, Iraq,
3 Syria, Somalia, Libya, and Yemen, including—

4 (A) relevant policy and legal standards and
5 the factual indicators these standards were ap-
6 plied to in assessing claims of civilian casual-
7 ties; and

8 (B) any other matters the Secretary of De-
9 fense determines appropriate.

10 (c) SUBMISSION OF REPORT.—Not later than one
11 year after the date of the enactment of this Act, the Sec-
12 retary of Defense shall submit to the congressional defense
13 committees a report setting forth an unaltered copy of the
14 federally funded research and development center assess-
15 ment required under this section, together with the views
16 of the Secretary on the assessment.

17 (d) DEFINITION OF UNITED STATES MILITARY OP-
18 ERATION.—In this section, the term “United States mili-
19 tary operations” includes any mission, strike, engagement,
20 raid, or incident involving the United States Armed
21 Forces.

1 **SEC. 1068. REPORT ON STRATEGY AND IMPROVEMENT OF**
2 **COMMUNITY ENGAGEMENT EFFORTS OF**
3 **ARMED FORCES IN HAWAII.**

4 (a) IN GENERAL.—In an effort to better meet the
5 future force posture needs within the Indo-Pacific area of
6 responsibility, the Commander of the United States Indo-
7 Pacific Command, in collaboration with the Assistant Sec-
8 retary of Defense for Energy, Installations, and Environ-
9 ment, installation commanders, and the relevant theater
10 component commanders, shall—

11 (1) develop and implement a holistic strategy
12 to—

13 (A) improve, standardize, and coordinate
14 the engagement efforts of the military with the
15 local community in Hawaii; and

16 (B) effectively communicate with such
17 community for the purpose of enhancing readi-
18 ness; and

19 (2) enhance coordinated community engage-
20 ment efforts (as described in section 587 of the Na-
21 tional Defense Authorization Act for Fiscal Year
22 2022 (Public Law 117–81)) in Hawaii.

23 (b) REPORT REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Com-
25 mander shall submit to the congressional defense commit-
26 tees a report on the strategy and enhanced engagement

1 efforts implemented pursuant to subsection (a). Such re-
2 port shall include each of the following:

3 (1) The plan of the Commander for conducting
4 education and training programs relating to con-
5 sultation and engagement with the local and native
6 Hawaiian community, including—

7 (A) a description of the outreach activities
8 conducted during fiscal years 2023 and 2024;
9 and

10 (B) a description of the extent to which
11 members of the local and native Hawaiian com-
12 munity have been involved in development of
13 curricula, tentative dates, locations, required
14 attendees, and topics for the education and
15 training programs.

16 (2) A list of all local and native Hawaiian com-
17 munity groups involved or expected to be consulted
18 in the process of updating Department of Defense
19 Instruction 4710.03 (or any successor document).

20 (3) Recommendations for improving Depart-
21 ment of Defense Instruction 4710.03 to reflect best
22 practices and provide continuity across the military
23 departments with respect to the practices, policies,
24 training, and personnel related to consultation with
25 the local and native Hawaiian community.

1 (4) A timeline for issuing the next update or
2 successor document to Department of Defense In-
3 struction 4710.03.

4 (5) Recommendations for the enhancement and
5 expansion of—

6 (A) Department of Defense education and
7 training programs relating to consultation and
8 engagement with the local and Native Hawaiian
9 community; and

10 (B) outreach activities for all commands
11 and installations in Hawaii.

12 (c) THEATER COMPONENT COMMANDER.—In this
13 section, the term “theater component commander” has the
14 meaning given such term in section 1513(8) of title 10,
15 United States Code.

16 **SEC. 1069. REPORT ON DEPARTMENT OF DEFENSE MILI-**
17 **TARY CAPABILITIES IN THE CARIBBEAN.**

18 (a) IN GENERAL.—Not later than one year after the
19 date of the enactment of this Act, the Secretary of De-
20 fense, in consultation with the Secretary of State and the
21 Secretary of Homeland Security, shall submit to the Com-
22 mittees on Armed Services of the Senate and House of
23 Representatives a report on United States military posture
24 and capabilities in the Caribbean basin, particularly in and
25 around Puerto Rico and the United States Virgin Islands.

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

3 (1) An assessment of United States military
4 force posture and capabilities in the Caribbean
5 basin.

6 (2) An assessment of the feasibility, desir-
7 ability, and cost of increasing United States military
8 posture and capabilities in the Caribbean basin to—

9 (A) enhance access and influence and pro-
10 vide forward-deployed capabilities to effectively
11 implement the national defense strategy and
12 support strategic competition with China and
13 Russia;

14 (B) ensure, to the greatest extent possible,
15 that United States Northern Command and
16 United States Southern Command have the
17 necessary assets to support the defense of the
18 United States homeland;

19 (C) confront the threats posed by
20 transnational criminal organizations and illicit
21 trafficking in the Caribbean basin, including by
22 supporting interagency partners in disrupting
23 and degrading illicit trafficking into the United
24 States;

1 (D) improve surveillance capabilities and
2 maximize the effectiveness of counter-traf-
3 ficking operations in the Caribbean region;

4 (E) ensure, to the greatest extent possible,
5 that United States Northern Command and
6 United States Southern Command have the as-
7 sets necessary to detect, interdict, disrupt, or
8 curtail illicit narcotics and weapons trafficking
9 activities within their respective areas of oper-
10 ations in the Caribbean basin;

11 (F) respond to malign influences of foreign
12 governments, particularly including non-market
13 economies, in the Caribbean basin that harm
14 United States national security and regional se-
15 curity interests in the Caribbean basin and in
16 the Western Hemisphere; and

17 (G) strengthen the ability of the security
18 sector of partner nations in the Caribbean basin
19 to respond to, and become more resilient in the
20 face of, major humanitarian or natural disas-
21 ters, including to ensure critical infrastructure
22 and ports can come back online rapidly fol-
23 lowing disasters.

24 (c) FORM OF REPORT.—The report required under
25 subsection (a) shall be submitted in unclassified form

1 without any designation relating to dissemination control,
2 but may include a classified annex.

3 **SEC. 1070. QUARTERLY BRIEFINGS ON DEPARTMENT OF**
4 **DEFENSE SUPPORT FOR CIVIL AUTHORITIES**
5 **TO ADDRESS IMMIGRATION AT THE SOUTH-**
6 **WEST BORDER.**

7 Not later than 30 days after the date of the enact-
8 ment of this Act, and every 90 days thereafter through
9 December 31, 2024, the Assistant Secretary of Defense
10 for Homeland Defense or another Assistant Secretary of
11 Defense, as appropriate, shall provide an unclassified
12 briefing to the Committee on Armed Services of the Sen-
13 ate and the Committee on Armed Services of the House
14 of Representatives, with a classified component, if nec-
15 essary, regarding—

16 (1) Department of Defense planning to address
17 current and anticipated border support mission re-
18 quirements as part of the Department of Defense's
19 annual planning, programming, budgeting, and exe-
20 cution process;

21 (2) any Department of Defense risk assessment
22 with respect to the safety of Department of Defense
23 personnel conducted in evaluating any request for
24 assistance from the Department of Homeland Secu-
25 rity during the quarter covered by the briefing;

1 (3) any Department of Defense efforts, or up-
2 dates to existing efforts, to cooperate with Mexico
3 with respect to border security;

4 (4) the type of support that is currently being
5 provided by the Department of Defense along the
6 southwest border of the United States;

7 (5) the effect of such efforts and support on
8 National Guard readiness; and

9 (6) any recommendations of the Department of
10 Defense regarding the modification of the support
11 provided by the Department of Defense to the De-
12 partment of Homeland Security at the southwest
13 border.

14 **SEC. 1071. ANNUAL REPORT ON PROCUREMENT OF EQUIP-**
15 **MENT BY STATE AND LOCAL GOVERNMENTS**
16 **THROUGH THE DEPARTMENT OF DEFENSE.**

17 (a) IN GENERAL.—The Secretary of Defense, in co-
18 ordination with the Administrator of General Services,
19 shall submit to the Committees on Armed Services of the
20 Senate and House of Representatives an annual report
21 that includes current information on the purchase of
22 equipment under the procedures established under section
23 281(a) of title 10, United States Code, and the recipients
24 of such equipment.

1 (b) MATTERS FOR INCLUSION.—Each report under
2 subsection (a) shall include the following for the year cov-
3 ered by the report:

4 (1) The catalog of equipment available for pur-
5 chase under subsection (c) of section 281 of title 10,
6 United States Code.

7 (2) For each purchase of equipment under the
8 procedures established under subsection (a) of such
9 section—

10 (A) the recipient State or unit of local gov-
11 ernment;

12 (B) the type of equipment;

13 (C) the cost of the equipment; and

14 (D) the administrative costs under sub-
15 section (b) of such section.

16 (3) Such other information the Secretary deter-
17 mines is necessary.

18 (c) TERMINATION.—The requirement to submit a re-
19 port under subsection (a) shall terminate on the date that
20 is five years after the date of the enactment of this Act.

21 **SEC. 1072. BRIEFING ON FINANCIAL OVERSIGHT OF CER-**
22 **TAIN EDUCATIONAL INSTITUTIONS RECEIV-**
23 **ING DEPARTMENT OF DEFENSE FUNDS.**

24 Not later than 180 days after the date of the enact-
25 ment of this Act, the Secretary of Defense shall provide

1 to the Committees on Armed Services of the Senate and
2 the House of Representatives a briefing on the methods
3 used to assess the eligibility of educational institutions for
4 the receipt of payments under the payment method de-
5 scribed in section 668.162(d) of title 34, Code of Federal
6 Regulations (as in effect on the date of the enactment of
7 this Act).

8 **SEC. 1073. REPORT ON EFFECTS OF CERTAIN ETHICS RE-**
9 **QUIREMENTS ON DEPARTMENT OF DEFENSE**
10 **HIRING, RETENTION, AND OPERATIONS.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall seek to enter into an agreement with a feder-
14 ally funded research and development center under
15 which the center shall conduct a study to assess
16 whether the covered ethics requirements have had an
17 effect on—

18 (A) the hiring or retention of personnel at
19 the Department of Defense, particularly those
20 persons with specialized experience or training;
21 and

22 (B) the ability of the Department of De-
23 fense to detect, deter, prevent, and redress vio-
24 lations of the Standards of Ethical Conduct for
25 Employees of the Executive Branch and appli-

1 cable statutory and regulatory ethics require-
2 ments, including conflicts of interest, by De-
3 partment of Defense personnel.

4 (2) ELEMENTS.—A study conducted pursuant
5 to paragraph (1) shall include the following ele-
6 ments:

7 (A) An examination of how the covered
8 ethics requirements are inconsistent or incon-
9 gruent with ethics statutes, and any imple-
10 menting regulations, that apply to all executive
11 branch employees.

12 (B) An examination of the relative degrees
13 of risk associated with the potential for viola-
14 tions of ethical standards at the Department of
15 Defense and those associated with the potential
16 for such violations at other Federal agencies,
17 and an analysis of whether ethical standards
18 that are applied exclusively to Department of
19 Defense personnel are justified.

20 (C) An examination of how covered ethics
21 requirements have affected, or are likely to af-
22 fect, the hiring and retention of personnel, par-
23 ticularly those persons with specialized experi-
24 ence or training, at the Department of Defense
25 in comparison to other Federal agencies that

1 are not subject to such requirements. The ex-
2 amination shall account for any relevant dif-
3 ferences between the Department of Defense
4 and other Federal departments and agencies
5 within the executive branch and shall use ana-
6 lytical methods to control for any variables that
7 may affect the comparative results.

8 (D) An examination of how any confusion
9 in the interpretation of the requirement re-
10 ferred to in paragraph (3)(B) may have af-
11 fected, or is likely to affect—

12 (i) the hiring or retention of per-
13 sonnel, particularly those persons with spe-
14 cialized experience or training, at the De-
15 partment of Defense; and

16 (ii) the ability of the Department of
17 Defense to detect, deter, prevent, and re-
18 dress violations of ethical standards, in-
19 cluding conflicts of interest, by Depart-
20 ment of Defense personnel.

21 (E) An examination of how the ethics re-
22 quirements referred to in subparagraphs (B)
23 and (C) of paragraph (3) may affect the ability
24 of the Department of Defense to obtain exper-
25 tise from industry and other groups in support

1 of technology development, supply chain secu-
2 rity, and other national security matters.

3 (F) An examination of whether the re-
4 moval or alteration of any covered ethics re-
5 quirement may adversely affect the ability of
6 the Department of Defense to detect, deter,
7 prevent, and redress violations of ethical stand-
8 ards, including conflicts of interest, by Depart-
9 ment of Defense personnel.

10 (G) An examination of whether the re-
11 moval or alteration of any covered ethics re-
12 quirement may adversely affect the ability of
13 the Department of Defense to negotiate and ef-
14 fectuate arms-length transactions.

15 (H) Any suggested changes to any covered
16 ethics requirement to further the establishment
17 and maintenance of ethical standards, while
18 also supporting the ability of the Department of
19 Defense to hire and retain personnel and obtain
20 expertise from academia, think tanks, industry,
21 and other groups to support national security.

22 (3) COVERED ETHICS REQUIREMENTS.—In this
23 section, the term “covered ethics requirement”
24 means each of the requirements under the following
25 provisions of law:

1 (A) Section 847 of the National Defense
2 Authorization Act for Fiscal Year 2008 (Public
3 Law 110–181; 10 U.S.C. 1701 note).

4 (B) Section 1045 of the National Defense
5 Authorization Act for Fiscal Year 2018 (Public
6 Law 115–91; 10 U.S.C. 971 note prec.).

7 (C) Section 1117 of the National Defense
8 Authorization Act for Fiscal Year 2022 (10
9 U.S.C. 971 note prec.).

10 (D) Section 988 of title 10, United States
11 Code.

12 (b) REPORT.—

13 (1) IN GENERAL.—An agreement entered into
14 under subsection (a) shall provide that the federally
15 funded research and development center shall submit
16 to the Secretary a report containing the results of
17 the study conducted under the agreement by not
18 later than one year after the date of the enactment
19 of this Act.

20 (2) TRANSMITTAL TO CONGRESS.—Not later
21 than 30 days after the Secretary receives the report
22 under paragraph (1), the Secretary shall transmit a
23 copy of the report to the Committee on Armed Serv-
24 ices of the Senate and the Committee on Armed
25 Services of the House of Representatives.

1 (3) SECRETARY OF DEFENSE EVALUATION.—

2 The Secretary shall submit with the report trans-
3 mitted pursuant to paragraph (2) an evaluation of
4 each change suggested pursuant to subsection
5 (a)(2)(H). The evaluation shall include—

6 (A) a determination of whether the Sec-
7 retary concurs with each suggested change;

8 (B) an assessment of the potential effects
9 of each suggested change on the ability of the
10 Department of Defense to hire or retain per-
11 sonnel at the Department of Defense, particu-
12 larly those persons with specialized experience
13 or training;

14 (C) an assessment of the potential effects
15 of each suggested change on the ability of the
16 Department of Defense to detect, deter, pre-
17 vent, or redress violations of ethical standards,
18 including conflicts of interest; and

19 (D) any other information that the Sec-
20 retary determines to be appropriate.

21 **SEC. 1074. JOINT CONCEPT FOR COMPETING.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall develop a Joint Concept for Competing.

1 (b) PURPOSES.—The purposes of the Joint Concept
2 for Competing are to—

3 (1) define the roles and missions of the Depart-
4 ment of Defense in long-term strategic competition
5 with specific competitors;

6 (2) conceptualize the employment of joint forces
7 capabilities to deter adversarial military action by
8 strategic competitors;

9 (3) describe the manner in which the Depart-
10 ment of Defense will use its forces, capabilities, posture,
11 indications and warning systems, and authorities
12 to protect United States national interests in
13 the course of participating in long-term strategic
14 competition, including through—

15 (A) departmental efforts to integrate De-
16 partment of Defense roles and missions with
17 other instruments of national power;

18 (B) security cooperation with partners and
19 allies; and

20 (C) operations relating to long-term stra-
21 tegic competition, particularly below the thresh-
22 old of traditional armed conflict;

23 (4) identify priority lines of effort and assign
24 responsibility to relevant Armed Forces, combatant
25 commands, and other elements of the Department of

1 Defense for each specified line of effort in support
2 of the Joint Concept for Competing; and

3 (5) provide means for integrating and continu-
4 ously improving the ability of the Department to en-
5 gage in long-term strategic competition.

6 (c) REPORT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, and
9 every 180 days thereafter for two years, the Sec-
10 retary of Defense shall submit to the congressional
11 defense committees a report on the implementation
12 of the Joint Concept for Competing.

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

15 (A) A detailed description of any actions
16 taken by the Department of Defense relative to
17 the purposes specified under subsection (b).

18 (B) An articulation of any new concepts or
19 strategies necessary to support the Joint Con-
20 cept for Competing.

21 (C) An articulation of any capabilities, re-
22 sources, or authorities necessary to implement
23 the Joint Concept for Competing.

1 (D) An explanation of the manner in which
2 the Joint Concept for Competing relates to and
3 integrates with the Joint Warfighting Concept.

4 (E) An explanation of the manner in which
5 the Joint Concept for Competing synchronizes
6 and integrates with efforts of other depart-
7 ments and agencies of the United States Gov-
8 ernment to address long-term strategic competi-
9 tion.

10 (F) Any other matters the Secretary of
11 Defense determines relevant.

12 **SEC. 1075. ANALYSIS OF FEASIBILITY AND ADVISABILITY**
13 **OF RELOCATING MAJOR UNITS OF THE**
14 **UNITED STATES ARMED FORCES TO CERTAIN**
15 **EUROPEAN COUNTRIES.**

16 (a) REPORT.—Not later than 180 days after the date
17 of enactment of this Act, the Secretary of Defense shall
18 submit to the congressional defense committees a report
19 on the feasibility and advisability of relocating major units
20 of the United States Armed Forces to a covered country.
21 Such report shall include—

22 (1) a description of commitments made by a
23 covered country to provide host nation support, in-
24 cluding funding for construction and maintenance of
25 Department of Defense facilities and other actions

1 that might reduce costs to the Department of De-
2 fense associated with hosting major units of the
3 Armed Forces in such covered country;

4 (2) an estimate of the expenses associated with
5 the relocation of major units of the Armed Forces
6 from current host nation locations, as well as a de-
7 scription of any benefits that would be derived from
8 colocating such units with existing United States or
9 multinational forces at current host nation locations;

10 (3) a description of the extent to which posi-
11 tioning major units of the Armed Forces in covered
12 countries would provide greater operational benefit
13 than keeping such units in current locations, includ-
14 ing an analysis of—

15 (A) the geographic significance of covered
16 countries;

17 (B) any capabilities the host nation may
18 offer, such as air defense or base security or
19 terms under which the United States may use
20 facilities on their territory; and

21 (C) an analysis of the risks associated with
22 the relocation of such units to covered coun-
23 tries;

24 (4) a description of any engagements at the
25 Under Secretary level or higher with an official of a

1 covered country with respect to anticipated major
2 unit movements in the area of responsibility of the
3 United States European Command during the pe-
4 riod covered by the future-years defense program
5 most recently submitted to Congress pursuant to
6 section 221 of title 10, United States Code, includ-
7 ing—

8 (A) a description of the engagement with
9 each covered country during the calendar year
10 preceding the calendar during which the report
11 is submitted;

12 (B) a description of any specific require-
13 ments identified in order to host a major unit;
14 and

15 (C) in the case of a covered country has
16 been determined to be unsuitable for hosting a
17 major unit of the Armed Forces, a description
18 of why it was determined unsuitable; and

19 (5) any other matter the Secretary determines
20 is relevant.

21 (b) DEFINITIONS.—In this section:

22 (1) The term “covered country” means Roma-
23 nia, Poland, Lithuania, Latvia, Estonia, Hungary,
24 Bulgaria, the Czech Republic, or Slovakia.

1 (2) The term “major unit” means an organiza-
2 tional unit composed of more than 500 military per-
3 sonnel.

4 **SEC. 1076. REPORT ON EFFECTS OF STRATEGIC COMPET-**
5 **ITOR NAVAL FACILITIES IN AFRICA.**

6 (a) IN GENERAL.—Not later than May 15, 2023, the
7 Secretary of Defense shall submit to the congressional de-
8 fense committees a report on the effects of current or
9 planned covered naval facilities in Africa on the interests
10 of the Department of Defense.

11 (b) ELEMENTS.—The report required under sub-
12 section (a) shall include the following:

13 (1) An identification of—

14 (A) any location in Africa where a covered
15 naval facility has been established; and

16 (B) any location in Africa where a covered
17 naval facility is planned for construction.

18 (2) A detailed description of—

19 (A) any agreement entered into between
20 China or Russia and a country or government
21 in Africa providing for or enabling the estab-
22 lishment or operation of a covered naval facility
23 in Africa; and

24 (B) any efforts by the Department of De-
25 fense to change force posture, deployments, or

1 other activities in Africa as a result of current
2 or planned covered naval facilities in Africa.

3 (3) An assessment of—

4 (A) the effect that each current covered
5 naval facility has had on Department of De-
6 fense interests in and around Africa, including
7 Department of Defense operational plans in the
8 areas of responsibility of geographic combatant
9 commands other than United States Africa
10 Command;

11 (B) the effect that each planned covered
12 naval facility is expected to have on Department
13 of Defense interests in and around Africa, in-
14 cluding Department of Defense operational
15 plans in the areas of responsibility of geo-
16 graphic combatant commands other than
17 United States Africa Command;

18 (C) the policy objectives of China and Rus-
19 sia in establishing current and future covered
20 naval facilities at the locations identified under
21 paragraph (1); and

22 (D) the specific military capabilities sup-
23 ported by each current or planned covered naval
24 facility.

1 (c) FORM OF REPORT.—The report required under
2 subsection (a) shall be submitted in unclassified form
3 without any designation relating to dissemination control,
4 but may include a classified annex.

5 (d) DEFINITIONS.—In this section:

6 (1) The term “Africa” means all countries in
7 the area of operations of United States Africa Com-
8 mand and Egypt.

9 (2) The term “covered naval facility” means a
10 naval facility owned, operated, or otherwise con-
11 trolled by the People’s Republic of China or the Rus-
12 sian Federation.

13 (3) The term “naval facility” means a naval
14 base, civilian sea port with dual military uses, or
15 other facility intended for the use of warships or
16 other naval vessels for refueling, refitting, resupply,
17 force projection, or other military purposes.

18 **Subtitle G—Other Matters**

19 **SEC. 1081. TECHNICAL AND CONFORMING AMENDMENTS.**

20 (a) TITLE 10, UNITED STATES CODE.—Title 10,
21 United States Code, is amended as follows:

22 (1) The table of chapters at the beginning of
23 subtitle A is amended by striking the item relating
24 to the second chapter 19 (relating to cyber matters).

25 (2) Section 113 is amended—

1 (A) in subsection (l)(2)(F), by inserting a
2 period after “inclusion in the armed forces”;
3 and

4 (B) in subsection (m), by redesignating the
5 second paragraph (8) as paragraph (9).

6 (3) The section heading for section 2691 is
7 amended by striking “**state**” and inserting
8 “**State**”.

9 (4) Section 3014 is amended by striking “sec-
10 tion 4002(a) or 4003” and inserting “section
11 4021(a) or 4022”.

12 (5) Section 4423(e) is amended by striking
13 “section 4003” and inserting “section 4022”.

14 (6) Section 4831(a) is amended by striking
15 “section 4002” and inserting “section 4021”.

16 (7) Section 4833(c) is amended by striking
17 “section 4002” and inserting “section 4021”.

18 (b) NATIONAL DEFENSE AUTHORIZATION ACT FOR
19 FISCAL YEAR 2022.—Effective as of December 27, 2021,
20 and as if included therein as enacted, section 907(a) of
21 the National Defense Authorization Act for Fiscal Year
22 2022 (Public Law 117–81) is amended by striking “116–
23 283” and inserting “115–232”.

24 (c) NATIONAL DEFENSE AUTHORIZATION ACT FOR
25 FISCAL YEAR 2020.—Effective as of December 20, 2019,

1 and as if included therein as enacted, section 905(a)(2)
2 of the National Defense Authorization Act for Fiscal Year
3 2020 (Public Law 116–92; 10 U.S.C. 391 note) is amend-
4 ed by inserting a period at the end.

5 (d) NATIONAL DEFENSE AUTHORIZATION ACT FOR
6 FISCAL YEAR 2014.—Effective as of December 26, 2013,
7 and as if included therein as enacted, section 932(c)(2)(D)
8 of the National Defense Authorization Act for Fiscal Year
9 2014 (Public Law 113–66; 10 U.S.C. 2224 note) is
10 amended by striking “subsection (c)(3)” and inserting
11 “paragraph (3)”.

12 (e) AUTOMATIC EXECUTION OF CONFORMING
13 CHANGES TO TABLES OF SECTIONS, TABLES OF CON-
14 TENTS, AND SIMILAR TABULAR ENTRIES IN DEFENSE
15 LAWS.—

16 (1) ELIMINATION OF NEED FOR SEPARATE
17 CONFORMING AMENDMENT.—Chapter 1 of title 10,
18 United States Code, is amended by adding at the
19 end the following new section:

20 **“§ 102. Effect of certain amendments on conforming**
21 **changes to tables of sections, tables of**
22 **contents, and similar tabular entries**

23 “(a) AUTOMATIC EXECUTION OF CONFORMING
24 CHANGES.—When an amendment to a covered defense law
25 adds a section or larger organizational unit to the covered

1 defense law, repeals or transfers a section or larger organi-
2 zational unit in the covered defense law, or amends the
3 designation or heading of a section or larger organiza-
4 tional unit in the covered defense law, that amendment
5 also shall have the effect of amending any table of sec-
6 tions, table of contents, or similar tabular entries in the
7 covered defense law to alter the table to conform to the
8 changes made by the amendment.

9 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
10 an amendment described in such subsection when—

11 “(1) the amendment or a clerical amendment
12 enacted at the same time expressly amends a table
13 of sections, table of contents, or similar tabular en-
14 tries in the covered defense law to alter the table to
15 conform to the changes made by the amendment; or

16 “(2) the amendment otherwise expressly ex-
17 empts itself from the operation of this section.

18 “(c) COVERED DEFENSE LAW.—In this section, the
19 term ‘covered defense law’ means—

20 “(1) this title;

21 “(2) titles 32 and 37;

22 “(3) any national defense authorization Act
23 that authorizes funds to be appropriated for a fiscal
24 year to the Department of Defense; and

1 “(4) any other law designated in the text there-
2 of as a covered defense law for purposes of applica-
3 tion of this section.”.

4 (2) CONFORMING AMENDMENT.—The heading
5 of chapter 1 of title 10, United States Code, is
6 amended to read as follows:

7 **“CHAPTER 1—DEFINITIONS, RULES OF**
8 **CONSTRUCTION, CROSS REFERENCES,**
9 **AND RELATED MATTERS”.**

10 (3) APPLICATION OF AMENDMENT.—Section
11 102 of title 10, United States Code, as added by
12 paragraph (1), shall apply to the amendments made
13 by this section and other amendments made by this
14 Act.

15 (f) COORDINATION WITH OTHER AMENDMENTS
16 MADE BY THIS ACT.—For purposes of applying amend-
17 ments made by provisions of this Act other than this sec-
18 tion, the amendments made by this section shall be treated
19 as having been enacted immediately before any such
20 amendments by other provisions of this Act.

21 **SEC. 1082. DEPARTMENT OF DEFENSE CIVILIAN PROTEC-**
22 **TION CENTER OF EXCELLENCE.**

23 (a) CIVILIAN PROTECTION CENTER OF EXCEL-
24 LENCE.—

1 (1) IN GENERAL.—Chapter 7 of title 10, United
2 States Code, is amended by inserting after section
3 183a the following new section:

4 **“§ 184. Civilian Protection Center of Excellence**

5 “(a) ESTABLISHMENT.—The Secretary of Defense
6 shall operate the Civilian Protection Center of Excellence.
7 The purpose of the Center shall be to—

8 “(1) serve as the focal point for matters related
9 to civilian casualties and other forms of civilian
10 harm resulting from military operations involving
11 the United States Armed Forces; and

12 “(2) institutionalize and advance knowledge,
13 practices, and tools for preventing, mitigating, and
14 responding to civilian harm.

15 “(b) PURPOSE.—The Center shall be used to—

16 “(1) develop standardized civilian-harm oper-
17 ational reporting and data management processes to
18 improve data collection, sharing, and learning across
19 the Department of Defense;

20 “(2) develop, recommend, and review guidance,
21 and the implementation of guidance, on how the De-
22 partment responds to civilian harm;

23 “(3) develop recommended guidance for ad-
24 dressing civilian harm across the full spectrum of

1 armed conflict and for use in doctrine and oper-
2 ational plans;

3 “(4) recommend training and exercises for the
4 prevention and investigation of civilian harm;

5 “(5) develop a repository of civilian casualty
6 and civilian harm information;

7 “(6) capture lessons learned from assessments
8 and investigations of civilian casualty incidents and
9 supporting institutionalization of such lessons
10 learned within policy, doctrine, training, exercises,
11 and tactics, techniques, and procedures of the De-
12 partment of Defense;

13 “(7) support the coordination and synchroni-
14 zation of efforts across combatant commands, the
15 Department of State, and other relevant United
16 States Government departments and agencies to pre-
17 vent, mitigate, and respond to incidents of civilian
18 harm;

19 “(8) engage with nongovernmental organiza-
20 tions and civilian casualty experts; and

21 “(9) perform such other functions as the Sec-
22 retary of Defense may specify.

23 “(c) ANNUAL REPORT.—The Secretary of Defense
24 shall submit to the congressional defense committees, and
25 make publicly available on an appropriate website of the

1 Department, an annual report on the activities of the Cen-
2 ter.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by inserting after the item relating to section 183a
6 the following new item:

“184. Civilian Protection Center of Excellence.”.

7 (b) DEADLINE FOR ESTABLISHMENT.—The Civilian
8 Protection Center of Excellence, as required under section
9 184 of title 10, United States Code, as added by sub-
10 section (a), shall be established by not later than 90 days
11 after the date of the enactment of this Act.

12 (c) REPORT TO CONGRESS.—Not later than 90 days
13 after the date of the enactment of this Act, the Secretary
14 of Defense shall submit to the congressional defense com-
15 mittees a report on the establishment of such Civilian Pro-
16 tection Center of Excellence.

17 **SEC. 1083. RONALD V. DELLUMS MEMORIAL FELLOWSHIP**
18 **IN STEM.**

19 Section 4093(f) of title 10, United States Code, is
20 amended by adding at the end the following new para-
21 graph:

22 “(3) In coordination with the efforts under paragraph
23 (2), the Secretary of Defense shall additionally establish
24 a program, which shall be known as the ‘Ronald V. Del-
25 lums Memorial Fellowship in STEM’, to provide financial

1 assistance under this section to at least 30 students from
2 communities that are underrepresented in the Department
3 of Defense STEM workforce, not fewer of 50 percent of
4 whom shall attend historically Black colleges and univer-
5 sities and minority-serving institutions. As part of such
6 program, the Secretary shall establish an internship pro-
7 gram that provides each student who is awarded a fellow-
8 ship under this paragraph with an internship in an organi-
9 zation or element of the Department of Defense, and to
10 the extent practicable, each such student shall be paired
11 with a mid-level or a senior-level official of the relevant
12 organization or element of the Department of Defense who
13 shall serve as a mentor during the internship.”.

14 **SEC. 1084. AMENDMENT TO MEMORIAL FOR MEMBERS OF**
15 **THE ARMED FORCES KILLED IN ATTACK ON**
16 **HAMID KARZAI INTERNATIONAL AIRPORT.**

17 Section 1087 of National Defense Authorization Act
18 for Fiscal Year 2022 (40 U.S.C. 8903 note) is amended
19 by striking “The Secretary of Defense may” and inserting
20 “The Secretary of Defense shall, not later than 1 year
21 after the date of enactment of the National Defense Au-
22 thorization Act for Fiscal Year 2023,”.

1 **SEC. 1085. PUBLIC AVAILABILITY OF COST OF CERTAIN**
2 **MILITARY OPERATIONS.**

3 Section 1090 of the National Defense Authorization
4 Act for Fiscal Year 2017 (Public Law 114–328) is amend-
5 ed—

6 (1) by inserting “(a) PUBLICATION OF INFOR-
7 MATION.—” before “The Secretary of Defense”;

8 (2) by striking “of each of the wars in Afghani-
9 stan, Iraq, and Syria.” and inserting “of any contin-
10 gency operation conducted by the United States
11 Armed Forces on or after September 18, 2001.”;
12 and

13 (3) by adding at the end the following new sub-
14 sections:

15 “(b) DISPLAY OF INFORMATION.—The information
16 required to be posted under subsection (a) shall, to the
17 extent practicable—

18 “(1) be posted directly on the website of the
19 Department of Defense, in an accessible and clear
20 format;

21 “(2) include corresponding documentation as
22 links or attachments; and

23 “(3) include, for each contingency operation, a
24 list of countries where the contingency operation has
25 taken place.

1 “(c) UPDATES.—The Secretary shall ensure that all
2 the information required to be posted under subsection (a)
3 is updated by not later than 90 days after the last day
4 of each fiscal year.

5 “(d) CONTINGENCY OPERATION DEFINED.—In this
6 section, the term ‘contingency operation’ has the meaning
7 given such term in section 101(a)(13) of title 10, United
8 States Code.”.

9 **SEC. 1086. COMBATING MILITARY RELIANCE ON RUSSIAN**
10 **ENERGY.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that—

13 (1) reliance on Russian energy poses a critical
14 challenge for national security activities in the area
15 of responsibility of the United States European
16 Command; and

17 (2) in order to reduce the vulnerability of
18 United States military facilities to disruptions
19 caused by reliance on Russian energy, the Depart-
20 ment of Defense should establish and implement
21 plans to reduce reliance on Russian energy for all
22 main operating bases in the area of responsibility of
23 the United States European Command.

24 (b) ELIMINATING USE OF RUSSIAN ENERGY.—It
25 shall be the goal of the Department of Defense to elimi-

1 nate the use of Russian energy on each main operating
2 base in the area of responsibility of the United States Eu-
3 ropean Command by not later than five years after the
4 date of the completion of an installation energy plan for
5 such base, as required under this section.

6 (c) INSTALLATION ENERGY PLANS FOR MAIN OPER-
7 ATING BASES.—

8 (1) IDENTIFICATION OF INSTALLATIONS.—Not
9 later than June 1, 2023, the Secretary of Defense
10 shall submit to the congressional defense committees
11 a list of main operating bases within the area of re-
12 sponsibility of the United States European Com-
13 mand ranked according to mission criticality and
14 vulnerability to energy disruption.

15 (2) SUBMITTAL OF PLANS.—Not later than 12
16 months after the date of the enactment of this Act,
17 the Secretary of Defense shall submit to the con-
18 gressional defense committees—

19 (A) an installation energy plan for each
20 main operating base on the list submitted under
21 paragraph (1); and

22 (B) an assessment of the feasibility of
23 reaching the goal for the elimination of the use
24 of Russian energy pursuant to subsection (b) on
25 that base, including—

- 1 (i) a description of the steps that
2 would be required to meet such goal; and
3 (ii) an analysis of the effects such
4 steps would have on the national security
5 of the United States.

6 (d) CONTENT OF PLANS.—Each installation energy
7 plan for a main operating base shall include each of the
8 following with respect to that base:

9 (1) An assessment of the energy resilience re-
10 quirements, resiliency gaps, and energy-related cy-
11 bersecurity requirements of the base, including with
12 respect to operational technology, control systems,
13 and facilities-related control systems.

14 (2) An identification of investments in tech-
15 nology required to improve energy resilience, reduce
16 demand, strengthen energy conservation, and sup-
17 port mission readiness.

18 (3) An identification of investments in infra-
19 structure, including microgrids, required to strenght-
20 en energy resilience and mitigate risk due to grid
21 disturbance.

22 (4) Recommendations related to opportunities
23 for the use of renewable energy, clean energy, nu-
24 clear energy, and energy storage projects to reduce
25 dependence on natural gas.

1 (5) An assessment of how the requirements and
2 recommendations included pursuant to paragraphs
3 (2) through (4) interact with the energy policies of
4 the country where the base is located, both at
5 present and into the future.

6 (e) IMPLEMENTATION OF PLANS.—

7 (1) DEADLINE FOR IMPLEMENTATION.—Not
8 later than 30 days after the date on which the Sec-
9 retary submits an installation energy plan for a base
10 under subsection (c)(2), the Secretary shall—

11 (A) begin implementing the plan; and

12 (B) provide to the congressional defense
13 committees a briefing on the contents of the
14 plan and the strategy of the Secretary for im-
15 plementing the mitigation measures identified
16 in the plan.

17 (2) PRIORITIZATION OF CERTAIN PROJECTS.—

18 In implementing an installation energy plan for a
19 base under this section, the Secretary shall prioritize
20 projects requested under section 2914 of title 10,
21 United States Code, to mitigate assessed risks and
22 improve energy resilience, energy security, and en-
23 ergy conservation at the base.

24 (3) NONAPPLICATION OF CERTAIN OTHER AU-
25 THORITIES.—Subsection (d) of section 2914 of title

1 10, United States Code, shall not apply with respect
2 to any project carried out pursuant to this section
3 or pursuant to an installation energy plan for a base
4 under this section.

5 (f) POLICY FOR FUTURE BASES.—The Secretary of
6 Defense shall establish a policy to ensure that any new
7 military base in the area of responsibility of the United
8 States European Command is established in a manner
9 that proactively includes the consideration of energy secu-
10 rity, energy resilience, and mitigation of risk due to energy
11 disruption.

12 (g) ANNUAL CONGRESSIONAL BRIEFINGS.—The Sec-
13 retary of Defense shall provide to the congressional de-
14 fense committees annual briefings on the installation en-
15 ergy plans required under this section. Such briefings shall
16 include an identification of each of the following:

17 (1) The actions each main operating base is
18 taking to implement the installation energy plan for
19 that base.

20 (2) The progress that has been made toward re-
21 ducing the reliance of United States bases on Rus-
22 sian energy.

23 (3) The steps being taken and planned across
24 the future-years defense program to meet the goal of
25 eliminating reliance on Russian energy.

1 **SEC. 1087. ESTABLISHMENT OF JOINT FORCE HEAD-**
2 **QUARTERS IN AREA OF OPERATIONS OF**
3 **UNITED STATES INDO-PACIFIC COMMAND.**

4 (a) ESTABLISHMENT.—Not later than October 1,
5 2024, the Secretary of Defense shall establish a joint force
6 headquarters in the area of operations of United States
7 Indo-Pacific Command, in accordance with the implemen-
8 tation plan required under subsection (b).

9 (b) IMPLEMENTATION PLAN AND ESTABLISHMENT
10 OF JOINT FORCE HEADQUARTERS.—

11 (1) IMPLEMENTATION PLAN.—Not later than
12 180 days after the date of the enactment of this Act,
13 the Secretary of Defense shall submit to the con-
14 gressional defense committees an implementation
15 plan for the establishment of a joint force head-
16 quarters in the area of operations of United States
17 Indo-Pacific Command to serve as an operational
18 command. Such plan shall include—

19 (A) the integration of joint all domain
20 command and control effects chains and mis-
21 sion command and control, including in con-
22 flicts that arise with minimal warning;

23 (B) the integration of the capabilities of
24 Assault Breaker II, developed by the Defense
25 Advanced Research Projects Agency, and re-

1 lated developmental efforts as they transition to
2 operational deployment;

3 (C) the exercise of other joint all domain
4 command and control capabilities and func-
5 tions; and

6 (D) such other missions and operational
7 tasks as the Secretary determines appropriate.

8 (2) ELEMENTS.—The plan required by para-
9 graph (1) shall include each of the following with re-
10 spect to the joint force headquarters to be estab-
11 lished:

12 (A) A description of the operational chain
13 of command.

14 (B) An identification of the manning and
15 resourcing required, relative to assigned mis-
16 sions, particularly the sources of personnel re-
17 quired.

18 (C) A description of the mission and lines
19 of effort.

20 (D) A description of the relationship with
21 existing entities in United States Indo-Pacific
22 Command, including an assessment of com-
23 plementary and duplicative activities with such
24 entities and the joint force headquarters.

1 (E) An identification of supporting infra-
2 structure required.

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

5 (c) SUPPORT FOR JOINT FORCE HEADQUARTERS.—
6 The commander of the joint force headquarters estab-
7 lished under this section shall be supported by the United
8 States Indo-Pacific Command subordinate unified com-
9 mands, subordinate component commands, standing joint
10 task force, and the Armed Forces.

11 (d) ANNUAL REPORT REQUIRED.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of the establishment of the joint force
14 headquarters required under subsection (a), and not
15 less frequently than once each year thereafter until
16 December 31, 2028, the Secretary of Defense shall
17 submit to the congressional defense committees an
18 annual report on the joint force headquarters estab-
19 lished under this section.

20 (2) CONTENTS.—Each report submitted under
21 paragraph (1) shall include the following:

22 (A) A description of the mission and lines
23 of effort of the joint force headquarters.

24 (B) An accounting of the personnel and
25 other resources supporting the joint force head-

1 quarters, including support external to the
2 headquarters.

3 (C) A description of the operational chain
4 of command of the joint force headquarters.

5 (D) An assessment of the manning and
6 resourcing of the joint force headquarters, rel-
7 ative to assigned missions.

8 (E) A description of the relationship with
9 existing entities in Indo-Pacific Command, in-
10 cluding an assessment of complementary and
11 duplicative activities with such entities and the
12 joint force headquarters.

13 (3) FORM.—Each report submitted under para-
14 graph (1) shall be submitted in unclassified form,
15 but may include a classified annex.

16 **SEC. 1088. NATIONAL TABLETOP EXERCISE.**

17 (a) REQUIREMENT.—Not later than one year after
18 the date of the enactment of this Act, the Secretary of
19 Defense shall conduct a tabletop exercise designed to as-
20 sess the resiliency of United States domestic critical infra-
21 structure supporting United States military requirements
22 in the event of a military contingency involving Taiwan.

23 (b) ELEMENTS.—A tabletop exercise under this sec-
24 tion shall be designed to evaluate the following elements:

1 (1) The resilience of domestic critical infra-
2 structure and logistical chokepoints necessary for the
3 United States Armed Forces to respond to a contin-
4 gency involving Taiwan, including an assessment of
5 the mobility of the United States Armed Forces in
6 the event of attacks upon such infrastructure.

7 (2) Federal Government response options to en-
8 sure the viability of domestic critical infrastructure
9 in the event of a military contingency involving Tai-
10 wan.

11 (3) The ability of the United States Armed
12 Forces, with the armed forces of United States allies
13 and partners, to resist any resort to force or other
14 form of coercion by an aggressor in the event of a
15 military contingency involving Taiwan, if domestic
16 critical infrastructure is compromised.

17 (4) The importance of nonmilitary actions, in-
18 cluding economic and financial measures, by the
19 United States, with United States allies and part-
20 ners, to deter and, if necessary, respond to a contin-
21 gency involving Taiwan.

22 (c) CONSULTATION REQUIREMENT.—In carrying out
23 this section, the Secretary shall consult with the heads of
24 other appropriate Federal departments and agencies, as
25 the Secretary determines appropriate.

1 (d) BRIEFING.—

2 (1) IN GENERAL.—Not later than 90 days after
3 the date on which a tabletop exercise is conducted
4 under this section, the Secretary shall provide to the
5 appropriate congressional committees a briefing on
6 the exercise.

7 (2) CONTENTS.—A briefing under paragraph
8 (1) shall include—

9 (A) an assessment of the decision-making,
10 capability, and response gaps observed in the
11 tabletop exercise; and

12 (B) recommendations to improve the resil-
13 iency of, and reduce vulnerabilities in, the do-
14 mestic critical infrastructure of the United
15 States in the event of a military contingency in-
16 volving Taiwan.

17 (e) DEFINITIONS.—In this section:

18 (1) The term “appropriate congressional com-
19 mittees” means—

20 (A) the Committee on Armed Services, the
21 Committee on Foreign Affairs, and the Com-
22 mittee on Oversight and Reform of the House
23 of Representatives; and

24 (B) the Committee on Armed Services, the
25 Committee on Foreign Relations, and the Com-

1 mittee on Homeland Security and Government
2 Affairs of the Senate.

3 (2) The term “tabletop exercise” means an ac-
4 tivity—

5 (A) in which key personnel assigned high-
6 level roles and responsibilities are gathered to
7 deliberate various simulated emergency or rapid
8 response situations; and

9 (B) that is designed to be used to assess
10 the adequacy of plans, policies, procedures,
11 training, resources, and relationships or agree-
12 ments that guide prevention of, response to,
13 and recovery from a defined event.

14 **SEC. 1089. PERSONNEL SUPPORTING THE OFFICE OF THE**
15 **ASSISTANT SECRETARY OF DEFENSE FOR**
16 **SPECIAL OPERATIONS AND LOW INTENSITY**
17 **CONFLICT.**

18 (a) **PLAN REQUIRED.**—Not later than 30 days after
19 the date of the completion of the manpower study required
20 by the Joint Explanatory Statement accompanying the
21 National Defense Authorization Act for Fiscal Year 2022
22 (Public Law 117–81), the Secretary of Defense shall sub-
23 mit to the congressional defense committees a plan for
24 adequately staffing the Office of the Assistant Secretary
25 of Defense for Special Operations and Low Intensity Con-

1 flict to fulfill the requirements of section 138(b)(2)(A)(i)
2 of title 10, United States Code, for exercising authority,
3 direction, and control of all special-operations peculiar ad-
4 ministrative matters relating to the organization, training,
5 and equipping of special operations forces.

6 (b) ADDITIONAL INFORMATION.—The Secretary shall
7 ensure the plan required under subsection (a) is informed
8 by the manpower study required by the Joint Explanatory
9 Statement accompanying the National Defense Authoriza-
10 tion Act for Fiscal Year 2022 (Public Law 117–81).

11 (c) ELEMENTS.—The plan required under subsection
12 (a) shall include the following elements:

13 (1) A validated number of personnel necessary
14 to fulfill the responsibilities of the Secretariat for
15 Special Operations outlined in section 139b of title
16 10, United States Code, and associated funding
17 across the future-years defense program submitted
18 to Congress under section 221 of title 10, United
19 States Code.

20 (2) A hiring plan with milestones for gradually
21 increasing the number of required personnel.

22 (3) A breakdown of the optimal mix of required
23 military, civilian, and contractor personnel.

24 (4) An analysis of the feasibility and advis-
25 ability of assigning a member of the Senior Execu-

1 tive Service to serve as the Deputy Director of the
2 Secretariat for Special Operations.

3 (5) An identification of any anticipated funding
4 shortfalls for personnel supporting the Secretariat
5 for Special Operations across the future-years de-
6 fense program submitted to Congress under section
7 221 of title 10, United States Code.

8 (6) Any other matters the Secretary determines
9 relevant.

10 **SEC. 1090. SENSE OF CONGRESS ON REDESIGNATION OF**
11 **THE AFRICA CENTER FOR STRATEGIC STUD-**
12 **IES AS THE JAMES M. INHOFE CENTER FOR**
13 **AFRICA STRATEGIC STUDIES.**

14 It is the sense of Congress that—

15 (1) Senator James M. Inhofe—

16 (A) has, during his more than three dec-
17 ades of service in the United States Congress—

18 (i) demonstrated a profound commit-
19 ment to strengthening United States-Afri-
20 ca relations; and

21 (ii) been one of the foremost leaders
22 in Congress on matters related to United
23 States-Africa relations;

24 (B) was a key advocate for the establish-
25 ment of United States Africa Command; and

1 (C) has conducted 170 visits to countries
2 in Africa; and

3 (2) as a recognition of Senator Inhofe's long
4 history of engaging with, and advocating for, Africa,
5 the Department of Defense Africa Center for Stra-
6 tegic Studies should be renamed the James M.
7 Inhofe Center for Africa Strategic Studies.

8 **SEC. 1091. INTEGRATION OF ELECTRONIC WARFARE INTO**
9 **TIER 1 AND TIER 2 JOINT TRAINING EXER-**
10 **CISES.**

11 (a) IN GENERAL.—During fiscal years 2023 through
12 2027, the Chairman of the Joint Chiefs of Staff shall re-
13 quire that offensive and defensive electronic warfare capa-
14 bilities be integrated into Tier 1 and Tier 2 joint training
15 exercises.

16 (b) REQUIREMENT TO INCLUDE OPPOSING FORCE.—
17 The Chairman shall require exercises conducted under
18 subsection (a) to include an opposing force design based
19 on a current intelligence assessment of the electromagnetic
20 order of battle and capabilities of an adversary.

21 (c) WAIVER.—The Chairman may waive the require-
22 ments under subsections (a) and (b) with respect to an
23 exercise if the Chairman determines that—

24 (1) the exercise does not require—

1 (A) a demonstration of electronic warfare
2 capabilities; or

3 (B) a militarily significant threat from
4 electronic warfare attack; or

5 (2) the integration of offensive and defensive
6 electronic warfare capabilities into the exercise is
7 cost prohibitive or not technically feasible based on
8 the overall goals of the exercise.

9 (d) BRIEFING REQUIRED.—Concurrent with the sub-
10 mission of the budget of the President to Congress pursu-
11 ant to section 1105(a) of title 31, United States Code,
12 for each of fiscal years 2023 through 2027, the Chairman
13 shall provide to the congressional defense committees a
14 briefing on exercises conducted under subsection (a) that
15 includes—

16 (1) a description of such exercises planned and
17 included in the budget submission for that fiscal
18 year; and

19 (2) the results of each such exercise conducted
20 in the preceding fiscal year, including—

21 (A) the extent to which offensive and de-
22 fensive electronic warfare capabilities were inte-
23 grated into the exercise;

24 (B) an evaluation and assessment of the
25 exercise to determine the impact of the oppos-

1 ing force on the participants in the exercise, in-
2 cluding—

3 (i) joint lessons learned;

4 (ii) high interest training issues; and

5 (iii) high interest training require-
6 ments; and

7 (C) whether offensive and defensive elec-
8 tronic warfare capabilities were part of an over-
9 all joint fires and, if so, a description of how
10 such capabilities were incorporated into the
11 joint fires.

12 (e) DEFINITIONS.—In this section:

13 (1) The term “electromagnetic order of battle”
14 has the meaning given that term in Joint Publica-
15 tion 3-85 titled “Joint Electromagnetic Spectrum
16 Operations”, dated May 2020.

17 (2) The terms “high interest training issue”,
18 “high interest training requirement”, “Tier 1”, and
19 “Tier 2” have the meanings given those terms in the
20 Joint Training Manual for the Armed Forces of the
21 United States (Document No. CJCSM 3500.03E),
22 dated April 20, 2015.

23 (3) The term “joint fires” has the meaning
24 given that term in the publication of the Joint Staff
25 titled “Insights and Best Practices Focus Paper on

1 Integration and Synchronization of Joint Fires”,
2 dated July 2018.

3 **SEC. 1092. NATIONAL COMMISSION ON THE FUTURE OF**
4 **THE NAVY.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—There is established an inde-
7 pendent commission in the legislative branch to be
8 known as the “Commission on the Future of the
9 Navy” (in this section referred to as the “Commis-
10 sion”).

11 (2) DUTIES OF COMMISSION.—

12 (A) STUDY ON NAVAL FORCE STRUC-
13 TURE.—

14 (i) IN GENERAL.—The Commission
15 shall undertake a comprehensive study of
16 the structure of the Navy and policy as-
17 sumptions related to the size and force
18 mixture of the Navy, in order—

19 (I) to make recommendations on
20 the size and force mixture of ships;
21 and

22 (II) to make recommendations on
23 the size and force mixture of naval
24 aviation.

1 (ii) CONSIDERATIONS.—In under-
2 taking the study required by this sub-
3 section, the Commission shall carry out
4 each of the following:

5 (I) An evaluation and identifica-
6 tion of a structure for the Navy
7 that—

8 (aa) has the depth and
9 scalability to meet current and
10 anticipated requirements of the
11 combatant commands;

12 (bb) assumes four different
13 funding levels of: fiscal year 2023
14 appropriated plus inflation; fiscal
15 year 2023 appropriated with 3–5
16 percent real growth; such as is
17 necessary to build, man, maintain
18 and modernize the fleet required
19 by section 1025 of the National
20 Defense Authorization Act for
21 2018 (Public Law 115–91); and
22 notionally unconstrained to meet
23 the needs of the National De-
24 fense Strategy including a par-
25 ticular focus on the areas of re-

1 responsibility of United States
2 Indo-Pacific Command and
3 United States European Com-
4 mand;

5 (cc) ensures that the Navy
6 has the capacity needed to sup-
7 port current and anticipated
8 homeland defense and disaster
9 assistance missions in the United
10 States;

11 (dd) provides for sufficient
12 numbers of members of the Navy
13 to ensure a 115 percent manning
14 level of all deployed ships and not
15 less than a 90 percent manning
16 level at any point in time;

17 (ee) provides a sustainable
18 force generation model with the
19 associated rotational presence,
20 personnel, training, and mainte-
21 nance assumptions;

22 (ff) identifies forward basing
23 and stationing requirements; and

24 (gg) identifies potential stra-
25 tegic and operational risk trade-

1 offs and makes recommendations
2 among readiness, efficiency, ef-
3 fectiveness, capability, and af-
4 fordability.

5 (II) An evaluation and identifica-
6 tion of combatant command demand
7 and fleet size, including recommenda-
8 tions to support—

9 (aa) readiness;

10 (bb) training;

11 (cc) routine ship mainte-
12 nance;

13 (dd) personnel;

14 (ee) forward presence;

15 (ff) depot level ship mainte-
16 nance; and

17 (gg) fleet modernization.

18 (III) A detailed review of the cost
19 of the recapitalization of the Nuclear
20 Triad in the Department of Defense
21 and its effect on the Navy's budget.

22 (IV) A review of Navy personnel
23 policies and training to determine
24 changes needed across all personnel
25 activities to improve training effective-

1 ness and force tactical readiness and
2 reduce operational stress.

3 (B) STUDY ON SHIPBUILDING AND INNO-
4 VATION.—

5 (i) IN GENERAL.—The Commission
6 shall conduct a study on shipbuilding, new
7 construction, and repair shipyards, and op-
8 portunities to better integrate advanced
9 technologies such as augmented reality and
10 artificial intelligence in the fleet.

11 (ii) CONSIDERATIONS.—In conducting
12 the study required under this subsection,
13 the Commission shall consider the fol-
14 lowing:

15 (I) Recommendations for specific
16 changes to the Navy’s Shipyard Infra-
17 structure Optimization Program,
18 which may include legislative changes
19 such as providing multi-year appro-
20 priations or expanded use of innova-
21 tive technology.

22 (II) Recommendations for
23 changes to the ship design and build
24 program that could reduce technical
25 and schedule risk, reduce cost, accel-

1 erate build timelines, and prioritize an
2 incremental approach to introducing
3 change.

4 (III) Recommendations for
5 changes to the ship depot mainte-
6 nance program in order to reduce
7 overhaul timelines, integrate current
8 technologies into ships, and reduce
9 costs.

10 (3) POWERS OF COMMISSION.—

11 (A) HEARINGS.—The Commission may
12 hold such hearings, sit and act at such times
13 and places, take such testimony, and receive
14 such evidence as the Commission considers ad-
15 visable to carry out its duties under this sec-
16 tion.

17 (B) INFORMATION FROM FEDERAL AGEN-
18 CIES.—The Commission may secure directly
19 from any Federal department or agency such
20 information as the Commission considers nec-
21 essary to carry out its duties under this section.
22 Upon request of the Co-Chairs of the Commis-
23 sion, the head of such department or agency
24 shall furnish such information to the Commis-
25 sion.

1 (C) USE OF POSTAL SERVICE.—The Com-
2 mission may use the United States mails in the
3 same manner and under the same conditions as
4 other departments and agencies of the Federal
5 Government.

6 (D) AUTHORITY TO ACCEPT GIFTS.—

7 (i) IN GENERAL.—The Commission
8 may accept, use, and dispose of gifts or do-
9 nations of services, goods, and property
10 from non-Federal entities for the purposes
11 of aiding and facilitating the work of the
12 Commission. The authority under this
13 paragraph does not extend to gifts of
14 money.

15 (ii) DOCUMENTATION; CONFLICTS OF
16 INTEREST.—The Commission shall docu-
17 ment gifts accepted under the authority
18 provided by clause (i) and shall avoid con-
19 flicts of interest or the appearance of con-
20 flicts of interest.

21 (iii) COMPLIANCE WITH CONGRES-
22 SIONAL ETHICS RULES.—Except as specifi-
23 cally provided in this section, a member of
24 the Commission shall comply with rules set
25 forth by the Select Committee on Ethics of

1 the Senate and the Committee on Ethics of
2 the House of Representatives governing
3 employees of the Senate and the House of
4 Representatives, respectively.

5 (4) REPORT REQUIRED.—Not later than July
6 1, 2024, the Commission shall submit to the Com-
7 mittees on Armed Services of the Senate and House
8 of Representatives an unclassified report, with clas-
9 sified annexes if necessary, that includes the find-
10 ings and conclusions of the Commission as a result
11 of the studies required under this section, together
12 with its recommendations for such legislative actions
13 as the Commission considers appropriate in light of
14 the results of the studies.

15 (b) MEMBERSHIP.—

16 (1) COMPOSITION.—The Commission shall be
17 composed of 8 members, of whom—

18 (A) one shall be appointed by the Speaker
19 of the House of Representatives;

20 (B) one shall be appointed by the Minority
21 Leader of the House of Representatives;

22 (C) one shall be appointed by the Majority
23 Leader of the Senate;

24 (D) one shall be appointed by the Minority
25 Leader of the Senate;

1 (E) one shall be appointed by the Chair-
2 man of the Committee on Armed Services of
3 the Senate;

4 (F) one shall be appointed by the Ranking
5 Member of the Committee on Armed Services of
6 the Senate;

7 (G) one shall be appointed by the Chair-
8 man of the Committee on Armed Services of
9 the House of Representatives; and

10 (H) one shall be appointed by the Ranking
11 Member of the Committee on Armed Services of
12 the House of Representatives.

13 (2) CO-CHAIRS.—There shall be two Co-Chairs
14 of the Commission. The Republican leadership of the
15 Senate and House of Representatives shall jointly
16 select one Co-Chair, and the Democratic leadership
17 of the Senate and House of Representatives shall
18 jointly select the other.

19 (3) APPOINTMENT DATE; NOTIFICATIONS.—

20 (A) Members shall be appointed to the
21 commission under paragraph (1) by not later
22 than 90 days after the date of enactment of
23 this Act.

24 (B) Individuals making appointments
25 under paragraph (1) shall provide notice of the

1 appointments to the Secretary of Defense (in
2 this section referred to as the “Secretary”).

3 (4) QUALIFICATIONS AND EXPERTISE.—

4 (A) IN GENERAL.—In making appoint-
5 ments under this subsection, consideration shall
6 be given to individuals with expertise in—

7 (i) United States naval policy and
8 strategy;

9 (ii) naval forces capability;

10 (iii) naval nuclear propulsion and
11 weapons;

12 (iv) naval force structure design, orga-
13 nization, and employment;

14 (v) Navy personnel matters;

15 (vi) Navy acquisition and
16 sustainment;

17 (vii) Navy shipbuilding;

18 (viii) naval aviation aircraft procure-
19 ment; and

20 (ix) Navy ship and aircraft depot
21 maintenance.

22 (B) RESTRICTION ON APPOINTMENT.—Of-
23 ficers or employees of the Federal Government
24 (other than experts or consultants the services
25 of which are procured under section 3109 of

1 title 5, United States Code) may not be ap-
2 pointed as members of the Commission.

3 (C) RESTRICTION ON MEMBERS OF CON-
4 GRESS.—Members of Congress may not serve
5 on the Commission.

6 (5) PERIOD OF APPOINTMENT; VACANCIES; RE-
7 MOVAL OF MEMBERS.—

8 (A) APPOINTMENT DURATION.—Members
9 shall be appointed for the life of the Commis-
10 sion.

11 (B) VACANCIES.—Any vacancy in the
12 Commission shall not affect its powers, but
13 shall be filled in the same manner as the origi-
14 nal appointment.

15 (C) REMOVAL OF MEMBERS.—A member
16 may be removed from the Commission for cause
17 by the individual serving in the position respon-
18 sible for the original appointment of such mem-
19 ber under subsection (b)(1), provided that no-
20 tice has first been provided to such member of
21 the cause for removal and voted and agreed
22 upon by three quarters of the members serving.
23 A vacancy created by the removal of a member
24 under this subsection shall not affect the pow-
25 ers of the Commission, and shall be filled in the

1 same manner as the original appointment was
2 made.

3 (D) QUORUM.—A majority of the mem-
4 bers serving on the Commission shall constitute
5 a quorum.

6 (E) INITIAL MEETING.—Not later than 30
7 days after the date on which all members of the
8 Commission have been appointed as published
9 in the Congressional Record, the Commission
10 shall hold its initial meeting.

11 (c) PERSONNEL MATTERS.—

12 (1) STATUS AS FEDERAL EMPLOYEES.—Not-
13 withstanding the requirements of section 2105 of
14 title 5, United States Code, including the required
15 supervision under subsection (a)(3) of such section,
16 members of the Commission shall be deemed to be
17 Federal employees in the legislative branch subject
18 to all the laws and policies applicable to legislative
19 branch employees.

20 (2) OATH OF OFFICE.—Notwithstanding the
21 provision of section 2903(b) of title 5, United States
22 Code, an employee of an Executive Branch agency,
23 otherwise authorized to administer oaths under sec-
24 tion 2903 of title 5, United States Code, may ad-

1 minister the oath of office to Commissioners for the
2 purpose of their service to the Commission.

3 (3) SECURITY CLEARANCES.—The appropriate
4 Federal departments or agencies shall cooperate
5 with the Commission in expeditiously providing to
6 the Commission members and staff appropriate se-
7 curity clearances to the extent possible pursuant to
8 existing procedures and requirements, except that no
9 person may be provided with access to classified in-
10 formation under this Act without the appropriate se-
11 curity clearances.

12 (4) PAY FOR MEMBERS.—Each member of the
13 Commission may be compensated at a rate not to
14 exceed the daily equivalent of the annual rate of
15 basic pay payable for level IV of the Executive
16 Schedule under section 5315 of title 5, United
17 States Code, for each day (including travel time)
18 during which such member is engaged in the per-
19 formance of the duties of the Commission. All mem-
20 bers of the Commission who are officers or employ-
21 ees of the United States shall serve without com-
22 pensation additional to that received for their serv-
23 ices as officers or employees of the United States.

24 (5) STAFF.—

1 (A) EXECUTIVE DIRECTOR.—The Co-
2 Chairs of the Commission may appoint and fix
3 the rate of basic pay for an Executive Director
4 in accordance with section 3161 of title 5,
5 United States Code.

6 (B) COMMISSION STAFF.—The Executive
7 Director may appoint and fix the rate of basic
8 pay for additional personnel as staff of the
9 Commission in accordance with section 3161 of
10 title 5, United States Code.

11 (C) DETAILEES AUTHORIZED.—On a reim-
12 bursable or non-reimbursable basis, the heads
13 of departments and agencies of the Federal
14 Government may provide, and the Commission
15 may accept personnel detailed from such de-
16 partments and agencies, including active-duty
17 military personnel.

18 (D) TRAVEL EXPENSES.—The members
19 and staff of the Commission shall be allowed
20 travel expenses, including per diem in lieu of
21 subsistence, at rates authorized for employees
22 of agencies under subchapter I of chapter 57 of
23 title 5, United States Code, while away from
24 their homes or regular places of business in the
25 performance of services for the Commission.

1 (d) SUPPORT.—

2 (1) ASSISTANCE FROM DEPARTMENT OF DE-
3 FENSE.—

4 (A) IN GENERAL.—Of the amounts author-
5 ized to be appropriated for the Department of
6 Defense for support of the Commission, the
7 Secretary may make transfers to the Commis-
8 sion for commission expenses, including com-
9 pensation of commission members, officers, and
10 employees, and provision of other such services,
11 funds, facilities, and other support services as
12 necessary for the performance of the Commis-
13 sion's functions. Funds made available to sup-
14 port and provide assistance to the Commission
15 may be used for payment of compensation of
16 members, officers, and employees of the Com-
17 mission without transfer under this subpara-
18 graph. Amounts transferred under this sub-
19 paragraph shall remain available until ex-
20 pended. Transfer authority provided by this
21 subparagraph is in addition to any other trans-
22 fer authority provided by law. Section 2215 of
23 title 10, United States Code, shall not apply to
24 a transfer of funds under this subparagraph.

1 (B) TREASURY ACCOUNT AUTHORIZED.—

2 The Secretary of the Treasury may establish an
3 account or accounts for the Commission from
4 which any amounts transferred under this
5 clause may be used for activities of the Com-
6 mission.

7 (2) LIAISON.—The Secretary shall designate at
8 least one officer or employee of the Department of
9 Defense to serve as a liaison officer between the De-
10 partment and the Commission.

11 (3) ADDITIONAL SUPPORT.—To the extent that
12 funds are available for such purpose, or on a reim-
13 bursable basis, the Secretary may, at the request of
14 the Co-Chairs of the Commission—

15 (A) enter into contracts for the acquisition
16 of administrative supplies and equipment for
17 use by the Commission; and

18 (B) make available the services of a Fed-
19 eral funded research and development center or
20 an independent, nongovernmental organization,
21 described under section 501(c)(3) of the Inter-
22 nal Revenue Code of 1986 and exempt from
23 taxation under section 501(a) of such Code.

24 (4) PRELIMINARY ADMINISTRATIVE SUPPORT
25 AUTHORIZED.—Upon the appointment of the Co-

1 Chairs under subsection (b), the Secretary may pro-
2 vide administrative support authorized under this
3 section necessary to facilitate the standing up of the
4 Commission.

5 (e) TERMINATION OF COMMISSION.—The Commis-
6 sion shall terminate 90 days after the submission of the
7 report required under subsection (a).

8 **SEC. 1093. DYNAMIC AIRSPACE PILOT PROGRAM.**

9 (a) PILOT PROGRAM.—

10 (1) PILOT PROGRAM REQUIRED.—Not later
11 than 90 days after the date of the enactment of this
12 Act, the Administrator of the Federal Aviation Ad-
13 ministration, in coordination with the Secretary of
14 Defense, shall establish a pilot program for the pur-
15 pose of developing, testing, and assessing dynamic
16 scheduling and management of special activity air-
17 space in order to accommodate emerging military
18 testing and training requirements, including—

19 (A) special activity airspace for use by the
20 Department of Defense for emerging military
21 testing and training requirements of infrequent
22 or limited durations; and

23 (B) streamlining the process for the De-
24 partment of Defense to request the designation

1 of special activity airspace for activities de-
2 scribed in subparagraph (A).

3 (2) DEVELOPMENT, TEST, AND ASSESSMENT OF
4 DYNAMIC AIRSPACE.—Under the pilot program es-
5 tablished under paragraph (1), the Administrator
6 and the Secretary shall jointly test not less than two
7 use cases concerning temporary or permanent spe-
8 cial activity airspace established by the Federal
9 Aviation Administration for use by the Department
10 of Defense that develop, test, and assess—

11 (A) the availability of such airspace on an
12 infrequent or limited duration necessary to ac-
13 commodate the Department of Defense’s emerg-
14 ing military testing and training requirements;
15 and

16 (B) whether the processes for the Depart-
17 ment of Defense to request special activity air-
18 space for infrequent or limited duration military
19 testing and training events meet Department of
20 Defense testing and training requirements.

21 (b) REQUIREMENTS.—The pilot program established
22 by subsection (a) shall not interfere with—

23 (1) the public’s right of transit consistent with
24 national security;

1 (2) the use of airspace necessary to ensure the
2 safety of aircraft within the National Airspace Sys-
3 tem;

4 (3) the use of airspace necessary to ensure the
5 efficient use of the National Airspace System; and

6 (4) Department of Defense use of special activ-
7 ity airspace that is established through means other
8 than the pilot program established by subsection (a).

9 (c) REPORT BY THE ADMINISTRATOR.—

10 (1) IN GENERAL.—Not later than two years
11 after the date of the establishment of the pilot pro-
12 gram under subsection (a)(1), the Administrator
13 shall submit to the appropriate committees of Con-
14 gress a report on the interim findings of the Admin-
15 istrator with respect to the pilot program.

16 (2) ELEMENTS.—The report submitted under
17 paragraph (1) shall include an analysis of the fol-
18 lowing:

19 (A) How the pilot program established
20 under subsection (a)(1) affected policies on es-
21 tablishing and scheduling special activity air-
22 space with an emphasis on the impact of alloca-
23 tion and utilization policies to other nonpartici-
24 pating aviation users of the National Airspace
25 System.

1 (B) Whether the streamlined processes for
2 dynamic scheduling and management of special
3 activity airspace involved in the pilot program
4 established under subsection (a)(1) contributed
5 to—

6 (i) the public’s right of transit con-
7 sistent with national security;

8 (ii) the use of airspace necessary to
9 ensure the safety of aircraft within the Na-
10 tional Airspace System; and

11 (iii) the use of airspace necessary to
12 ensure the efficient use of the National
13 Airspace System.

14 (d) REPORT BY THE SECRETARY OF DEFENSE.—Not
15 later than two years after the date of the establishment
16 of the pilot program under subsection (a)(1), the Sec-
17 retary shall submit to the appropriate committees of Con-
18 gress a report on the interim findings of the Secretary
19 with respect to the pilot program. Such report shall in-
20 clude an analysis of how the pilot program affected mili-
21 tary testing and training.

22 (e) DEFINITIONS.—In this section:

23 (1) The term “appropriate committees of Con-
24 gress” means—

1 (A) the Committee on Commerce, Science,
2 and Transportation, the Committee on Armed
3 Services, and the Committee on Appropriations
4 of the Senate; and

5 (B) the Committee on Transportation and
6 Infrastructure, the Committee on Science,
7 Space, and Technology, the Committee on
8 Armed Services, and the Committee on Appro-
9 priations of the House of Representatives.

10 (2) The term “special activity airspace” means
11 the following airspace with defined dimensions with-
12 in the National Airspace System wherein limitations
13 may be imposed upon aircraft operations:

14 (A) Restricted areas.

15 (B) Military operations areas.

16 (C) Air traffic control assigned airspace.

17 (D) Warning areas.

18 (3) The term “use cases” means a compendium
19 of airspace utilization data collected from the devel-
20 opment, testing, and assessment conducted under
21 subsection (a)(1), and other test points or metrics as
22 agreed to by the Administrator and the Secretary,
23 within a specific geographic region as determined by
24 the Administrator and Secretary.

1 (f) DURATION.—The pilot program under subsection
2 (a)(1) shall continue for not more than three years after
3 the date on which it is established.

4 **TITLE XI—CIVILIAN PERSONNEL**
5 **MATTERS**

- Sec. 1101. Restricted reporting option for Department of Defense civilian employees choosing to report experiencing adult sexual assault.
- Sec. 1102. Modification and extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
- Sec. 1103. One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Sec. 1104. Standardized credentials for law enforcement officers of the Department of Defense.
- Sec. 1105. Temporary extension of authority to provide security for former Department of Defense officials.
- Sec. 1106. Enhanced pay authority for certain research and technology positions in science and technology reinvention laboratories.
- Sec. 1107. Flexible workplace programs.
- Sec. 1108. Eligibility of Department of Defense employees in time-limited appointments to compete for permanent appointments.
- Sec. 1109. Modification to personnel management authority to attract experts in science and engineering.
- Sec. 1110. Modification and extension of pilot program on dynamic shaping of the workforce to improve the technical skills and expertise at certain department of defense laboratories.
- Sec. 1111. Modification of temporary expansion of authority for noncompetitive appointments of military spouses by federal agencies.
- Sec. 1112. Modification to pilot program for the temporary assignment of cyber and information technology personnel to private sector organizations.

6 **SEC. 1101. RESTRICTED REPORTING OPTION FOR DEPART-**
7 **MENT OF DEFENSE CIVILIAN EMPLOYEES**
8 **CHOOSING TO REPORT EXPERIENCING**
9 **ADULT SEXUAL ASSAULT.**

10 (a) IN GENERAL.—Chapter 81 of title 10, United
11 States Code, is amended by adding at the end the fol-
12 lowing new section:

1 **“§ 1599j. Restricted reports of incidents of adult sex-**
2 **ual assault**

3 “(a) RESTRICTED REPORTS.—The Secretary of De-
4 fense may provide a civilian employee of the Department
5 of Defense an opportunity to submit to an individual de-
6 scribed in subsection (d) a restricted report of an alleged
7 incident of adult sexual assault for the purpose of assist-
8 ing the employee in obtaining information and access to
9 authorized victim support services provided by the Depart-
10 ment.

11 “(b) RESTRICTIONS ON DISCLOSURES AND INITI-
12 ATING INVESTIGATIONS.—Unless the Secretary deter-
13 mines that a disclosure is necessary to prevent or mitigate
14 a serious and imminent safety threat to the employee sub-
15 mitting the report or to another person, a restricted report
16 submitted pursuant to subsection (a) shall not—

17 “(1) be disclosed to the supervisor of the em-
18 ployee or any other management official; or

19 “(2) cause the initiation of a Federal civil or
20 criminal investigation.

21 “(c) DUTIES UNDER OTHER LAWS.—The receipt of
22 a restricted report submitted under subsection (a) shall
23 not be construed as imputing actual or constructive knowl-
24 edge of an alleged incident of sexual assault to the Depart-
25 ment of Defense for any purpose.

1 “(d) INDIVIDUALS AUTHORIZED TO RECEIVE RE-
2 STRICTED REPORTS.—An individual described in this sub-
3 section is an individual who performs victim advocate du-
4 ties under a program for one or more of the following pur-
5 poses (or any other program designated by the Secretary):

6 “(1) Sexual assault prevention and response.

7 “(2) Victim advocacy.

8 “(3) Equal employment opportunity.

9 “(4) Workplace violence prevention and re-
10 sponse.

11 “(5) Employee assistance.

12 “(6) Family advocacy.

13 “(e) DEFINITIONS.—In this section:

14 “(1) CIVILIAN EMPLOYEE.—The term ‘civilian
15 employee’ has the meaning given the term ‘employee’
16 in section 2105 of title 5.

17 “(2) SEXUAL ASSAULT.—The term ‘sexual as-
18 sault’ has the meaning given that term in section
19 920 of this title (article 120 of the Uniform Code of
20 Military Justice), and includes penetrative offenses
21 and sexual contact offenses.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by adding
24 at the end the following new item:

“1599j. Restricted reports of incidents of adult sexual assault.”.

1 **SEC. 1102. MODIFICATION AND EXTENSION OF AUTHORITY**
2 **TO WAIVE ANNUAL LIMITATION ON PREMIUM**
3 **PAY AND AGGREGATE LIMITATION ON PAY**
4 **FOR FEDERAL CIVILIAN EMPLOYEES WORK-**
5 **ING OVERSEAS.**

6 Subsection (a) of section 1101 of the Duncan Hunter
7 National Defense Authorization Act for Fiscal Year 2009
8 (Public Law 110–417; 122 Stat. 4615), as most recently
9 amended by section 1112 of the National Defense Author-
10 ization Act for Fiscal Year 2022 (Public Law 117–81; 135
11 Stat. 1953), is further amended—

12 (1) by striking “that is in the area of responsi-
13 bility” and all that follows through “United States
14 Africa Command,” and

15 (2) by striking “through 2022” and inserting
16 “through 2023”.

17 **SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHOR-**
18 **ITY TO GRANT ALLOWANCES, BENEFITS, AND**
19 **GRATUITIES TO CIVILIAN PERSONNEL ON OF-**
20 **FICIAL DUTY IN A COMBAT ZONE.**

21 Paragraph (2) of section 1603(a) of the Emergency
22 Supplemental Appropriations Act for Defense, the Global
23 War on Terror, and Hurricane Recovery, 2006 (Public
24 Law 109–234; 120 Stat. 443), as added by section 1102
25 of the Duncan Hunter National Defense Authorization
26 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.

1 4616) and as most recently amended by section 1114 of
2 the National Defense Authorization Act for Fiscal Year
3 2022 (Public Law 117–81; 135 Stat. 1954), is further
4 amended by striking “2023” and inserting “2024”.

5 **SEC. 1104. STANDARDIZED CREDENTIALS FOR LAW EN-**
6 **FORCEMENT OFFICERS OF THE DEPART-**
7 **MENT OF DEFENSE.**

8 (a) STANDARDIZED CREDENTIALS REQUIRED.—Not
9 later than 180 days after the date of the enactment of
10 this Act, the Secretary of Defense shall ensure that—

11 (1) the Secretary of each military department
12 develops standardized credentials for Defense law
13 enforcement officers under their respective authority;

14 (2) the Secretary of each military department
15 issues such credential to each such officer at no cost
16 to such officer; and

17 (3) any Department of Defense common access
18 card issued to such an officer clearly identifies the
19 officer as a Defense law enforcement officer.

20 (b) DEFENSE LAW ENFORCEMENT OFFICER DE-
21 FINED.—In this section, the term “Defense law enforce-
22 ment officer” means a member of the Armed Forces or
23 civilian employee of the Department of Defense who—

24 (1) is authorized by law to engage in or super-
25 vise the prevention, detection, investigation, or pros-

1 execution of, or the incarceration of any person for,
2 any violation of law;

3 (2) has statutory powers of arrest or apprehen-
4 sion under section 807(b) of title 10, United States
5 Code (article 7(b) of the Uniform Code of Military
6 Justice); and

7 (3) is authorized by the Department to carry a
8 firearm.

9 **SEC. 1105. TEMPORARY EXTENSION OF AUTHORITY TO**
10 **PROVIDE SECURITY FOR FORMER DEPART-**
11 **MENT OF DEFENSE OFFICIALS.**

12 During the period beginning on the date of enactment
13 of this Act and ending on January 1, 2024, subsection
14 (b) of section 714 of title 10, United States Code, shall
15 be applied—

16 (1) in paragraph (1)(A), by substituting “a se-
17 rious and credible threat” for “an imminent and
18 credible threat”;

19 (2) in paragraph (2)(B), by substituting “three
20 years” for “two years”; and

21 (3) in paragraph (6)(A), by substituting—

22 (A) “congressional leadership and the con-
23 gressional defense committees” for “the con-
24 gressional defense committees”; and

1 (B) by substituting “the justification for
2 such determination, scope of the protection, and
3 the anticipated cost and duration of such pro-
4 tection” for “the justification for such deter-
5 mination”.

6 **SEC. 1106. ENHANCED PAY AUTHORITY FOR CERTAIN RE-**
7 **SEARCH AND TECHNOLOGY POSITIONS IN**
8 **SCIENCE AND TECHNOLOGY REINVENTION**
9 **LABORATORIES.**

10 (a) IN GENERAL.—Chapter 303 of title 10, United
11 States Code, is amended by inserting after section 4093
12 the following new section:

13 **“§ 4094. Enhanced pay authority for certain research**
14 **and technology positions in science and**
15 **technology reinvention laboratories**

16 “(a) IN GENERAL.—The Secretary of Defense may
17 carry out a program using the pay authority specified in
18 subsection (d) to fix the rate of basic pay for positions
19 described in subsection (c) in order to assist the military
20 departments in attracting and retaining high quality ac-
21 quisition and technology experts in positions responsible
22 for managing and performing complex, high-cost research
23 and technology development efforts in the science and
24 technology reinvention laboratories of the Department of
25 Defense.

1 “(b) APPROVAL REQUIRED.—The program may be
2 carried out in a military department only with the ap-
3 proval of the service acquisition executive of the military
4 department concerned.

5 “(c) POSITIONS.—The positions described in this
6 subsection are positions in the science and technology re-
7 invention laboratories of the Department of Defense
8 that—

9 “(1) require expertise of an extremely high level
10 in a scientific, technical, professional, or acquisition
11 management field; and

12 “(2) are critical to the successful accomplish-
13 ment of an important research or technology devel-
14 opment mission.

15 “(d) RATE OF BASIC PAY.—The pay authority speci-
16 fied in this subsection is authority as follows:

17 “(1) Authority to fix the rate of basic pay for
18 a position at a rate not to exceed 150 percent of the
19 rate of basic pay payable for level I of the Executive
20 Schedule, upon the approval of the service acquisi-
21 tion executive concerned.

22 “(2) Authority to fix the rate of basic pay for
23 a position at a rate in excess of 150 percent of the
24 rate of basic pay payable for level I of the Executive

1 Schedule, upon the approval of the Secretary of the
2 military department concerned.

3 “(e) LIMITATIONS.—

4 “(1) IN GENERAL.—The authority in subsection
5 (a) may be used only to the extent necessary to com-
6 petitively recruit or retain individuals exceptionally
7 well qualified for positions described in subsection
8 (c).

9 “(2) NUMBER OF POSITIONS.—The authority in
10 subsection (a) may not be used with respect to more
11 than five positions in each military department at
12 any one time, unless the Under Secretary of Defense
13 for Research and Engineering, in concurrence with
14 the Secretaries of the military departments con-
15 cerned, authorizes the transfer of positions from one
16 military department to another.

17 “(3) TERM OF POSITIONS.—The authority in
18 subsection (a) may be used only for positions having
19 a term of less than five years.

20 “(f) SCIENCE AND TECHNOLOGY REINVENTION LAB-
21 ORATORIES OF THE DEPARTMENT OF DEFENSE DE-
22 FINED.—In this section, the term ‘science and technology
23 reinvention laboratories of the Department of Defense’
24 means the laboratories designated as science and tech-

1 nology reinvention laboratories by section 4121(b) of this
2 title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 303 of such title is amended
5 by inserting after the item relating to section 4093 the
6 following new item:

“4094. Enhanced pay authority for certain research and technology positions in
science and technology reinvention laboratories.”.

7 (c) APPLICATION.—This section shall take effect im-
8 mediately after section 881 of this Act.

9 **SEC. 1107. FLEXIBLE WORKPLACE PROGRAMS.**

10 Not later than 120 days after the date of the enact-
11 ment of this Act, the Secretary of Defense shall promul-
12 gate guidance to the military departments to promote con-
13 sistency in policies relating to flexible workplace programs.
14 Such guidance shall address at a minimum the conditions
15 under which an employee is allowed to perform all or a
16 portion of assigned duties—

17 (1) at a telecommuting center established pur-
18 suant to statute; or

19 (2) through the use of flexible workplace serv-
20 ices agreements.

1 **SEC. 1108. ELIGIBILITY OF DEPARTMENT OF DEFENSE EM-**
2 **PLOYEES IN TIME-LIMITED APPOINTMENTS**
3 **TO COMPETE FOR PERMANENT APPOINT-**
4 **MENTS.**

5 Section 3304 of title 5, United States Code, is
6 amended by adding at the end the following:

7 “(g) ELIGIBILITY OF DEPARTMENT OF DEFENSE
8 EMPLOYEES IN TIME-LIMITED APPOINTMENTS TO COM-
9 PETE FOR PERMANENT APPOINTMENTS.—

10 “(1) DEFINITIONS.—In this subsection—

11 “(A) the term ‘Department’ means the De-
12 partment of Defense; and

13 “(B) the term ‘time-limited appointment’
14 means a temporary or term appointment in the
15 competitive service.

16 “(2) ELIGIBILITY.—Notwithstanding any other
17 provision of this chapter or any other provision of
18 law relating to the examination, certification, and
19 appointment of individuals in the competitive serv-
20 ice, an employee of the Department serving under a
21 time-limited appointment is eligible to compete for a
22 permanent appointment in the competitive service
23 when the Department is accepting applications from
24 individuals within its own workforce, or from indi-
25 viduals outside its own workforce, under merit pro-
26 motion procedures, if—

1 “(A) the employee was appointed initially
2 under open, competitive examination under sub-
3 chapter I of this chapter to the time-limited ap-
4 pointment;

5 “(B) the employee has served under 1 or
6 more time-limited appointments within the De-
7 partment for a period or periods totaling more
8 than 2 years without a break of 2 or more
9 years; and

10 “(C) the employee’s performance has been
11 at an acceptable level of performance through-
12 out the period or periods referred to in sub-
13 paragraph (B).

14 “(3) CAREER-CONDITIONAL STATUS; COMPETI-
15 TIVE STATUS.—An individual appointed to a perma-
16 nent position under this section—

17 “(A) becomes a career-conditional em-
18 ployee, unless the employee has otherwise com-
19 pleted the service requirements for career ten-
20 ure; and

21 “(B) acquires competitive status upon ap-
22 pointment.

23 “(4) FORMER EMPLOYEES.—If the Department
24 is accepting applications as described in paragraph
25 (2), a former employee of the Department who

1 served under a time-limited appointment and who
2 otherwise meets the requirements of this section
3 shall be eligible to compete for a permanent position
4 in the competitive service under this section if—

5 “(A) the employee applies for a position
6 covered by this section not later than 2 years
7 after the most recent date of separation; and

8 “(B) the employee’s most recent separation
9 was for reasons other than misconduct or per-
10 formance.

11 “(5) REGULATIONS.—The Office of Personnel
12 Management shall prescribe regulations necessary
13 for the administration of this subsection.”.

14 **SEC. 1109. MODIFICATION TO PERSONNEL MANAGEMENT**
15 **AUTHORITY TO ATTRACT EXPERTS IN**
16 **SCIENCE AND ENGINEERING.**

17 Section 4092 of title 10, united states code, is amend-
18 ed—

19 (1) in subsection (a)(8), in the second sentence,
20 by striking “December 31, 2025” and inserting
21 “December 31, 2030”;

22 (2) in subsection (b)—

23 (A) in paragraph (1)(H)—

24 (i) by striking “10 positions” and in-
25 serting “15 positions”; and

- 1 (ii) by striking “3 such positions” and
2 inserting “5 such positions”; and
3 (B) in paragraph (2)(A)—
4 (i) in the matter preceding clause (i),
5 by striking “paragraph (1)(B)” and insert-
6 ing “subparagraphs (B) and (H) of para-
7 graph (1)”;
8 (ii) in clause (i)—
9 (I) by striking “to any of” and
10 inserting “to any of the”; and
11 (II) by inserting “and any of the
12 5 positions designated by the Director
13 of the Space Development Agency”
14 after “Projects Agency”; and
15 (iii) in clause (ii), by striking “the Di-
16 rector” and inserting “the Director of the
17 Defense Advanced Research Projects Agen-
18 cy or the Director of the Space Develop-
19 ment Agency”; and
20 (3) in subsection (c)(2), by inserting “the Space
21 Development Agency,” after “Intelligence Center,”.

1 **SEC. 1110. MODIFICATION AND EXTENSION OF PILOT PRO-**
2 **GRAM ON DYNAMIC SHAPING OF THE WORK-**
3 **FORCE TO IMPROVE THE TECHNICAL SKILLS**
4 **AND EXPERTISE AT CERTAIN DEPARTMENT**
5 **OF DEFENSE LABORATORIES.**

6 (a) REPEAL OF OBSOLETE PROVISION.—Section
7 1109(b)(1) of the National Defense Authorization Act for
8 Fiscal Year 2016 (Public Law 114–92) is amended by
9 striking subparagraph (D).

10 (b) EXTENSION OF AUTHORITY.—Section 1109(d)(1)
11 of such Act is amended by striking “December 31, 2023”
12 and inserting “December 31, 2027”.

13 **SEC. 1111. MODIFICATION OF TEMPORARY EXPANSION OF**
14 **AUTHORITY FOR NONCOMPETITIVE APPOINT-**
15 **MENTS OF MILITARY SPOUSES BY FEDERAL**
16 **AGENCIES.**

17 (a) EXTENSION OF SUNSET.—Subsection (e) of sec-
18 tion 573 of the John S. McCain National Defense Author-
19 ization Act for Fiscal Year 2019 (Public Law 115–232;
20 5 U.S.C. 3330d note) is amended, in the matter preceding
21 paragraph (1), by striking “the date that is 5 years after
22 the date of the enactment of this Act” and inserting “De-
23 cember 31, 2028”.

24 (b) REPEAL OF OPM LIMITATION AND REPORTS.—
25 Subsection (d) of such section is repealed.

1 **SEC. 1112. MODIFICATION TO PILOT PROGRAM FOR THE**
2 **TEMPORARY ASSIGNMENT OF CYBER AND IN-**
3 **FORMATION TECHNOLOGY PERSONNEL TO**
4 **PRIVATE SECTOR ORGANIZATIONS.**

5 Section 1110(d) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2010 (5 U.S.C. 3702 note; Public
7 Law 111–84) is amended by striking “September 30,
8 2022” and inserting “December 31, 2026”.

9 **TITLE XII—MATTERS RELATING**
10 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

- Sec. 1201. Payment of personnel expenses necessary for participation in training program conducted by Colombia under the United States-Colombia Action Plan for Regional Security.
- Sec. 1202. Modifications to Reports on Security Cooperation.
- Sec. 1203. Modification of authority for participation in multinational centers of excellence.
- Sec. 1204. Modification of existing authorities to provide for an Irregular Warfare Center and a Regional Defense Fellowship Program.
- Sec. 1205. Modification to authority to provide support for conduct of operations.
- Sec. 1206. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.
- Sec. 1207. Modification and extension of authority to support border security operations of certain foreign countries.
- Sec. 1208. Security cooperation programs with foreign partners to advance women, peace, and security.
- Sec. 1209. 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.
- Sec. 1210. Independent assessment of United States efforts to train, advise, assist, and equip the military forces of Somalia.
- Sec. 1211. Security cooperation activities at Counter-UAS University.
- Sec. 1212. Defense Operational Resilience International Cooperation Pilot Program.

Subtitle B—Matters Relating to Afghanistan and Pakistan

- Sec. 1221. Extension of authority for certain payments to redress injury and loss.
- Sec. 1222. Additional matters for inclusion in reports on oversight in Afghanistan.

- Sec. 1223. Prohibition on transporting currency to the Taliban and the Islamic Emirate of Afghanistan.

Subtitle C—Matters Relating to Syria, Iraq, and Iran

- Sec. 1231. Modification of annual report on the military capabilities of Iran and related activities.
- Sec. 1232. Extension of authority to support operations and activities of the Office of Security Cooperation in Iraq.
- Sec. 1233. Extension of authority to provide assistance to vetted Syrian groups and individuals.
- Sec. 1234. Extension and modification of authority to provide assistance to counter the Islamic State of Iraq and Syria.
- Sec. 1235. Prohibition on transfers to Iran.
- Sec. 1236. Report on Islamic Revolutionary Guard Corps-affiliated operatives abroad.
- Sec. 1237. Assessment of support to Iraqi Security Forces and Kurdish Peshmerga Forces to counter air and missile threats.
- Sec. 1238. Interagency strategy to disrupt and dismantle narcotics production and trafficking and affiliated networks linked to the regime of Bashar al-Assad in Syria.
- Sec. 1239. Prohibition on transfers to Badr Organization.
- Sec. 1240. Report on United Nations arms embargo on Iran.

Subtitle D—Matters Relating to Russia

- Sec. 1241. Modification and extension of Ukraine Security Assistance Initiative.
- Sec. 1242. Extension of limitation on military cooperation between the United States and Russia.
- Sec. 1243. Modification to annual report on military and security developments involving the Russian Federation.
- Sec. 1244. Temporary authorizations related to Ukraine and other matters.
- Sec. 1245. Prohibition on availability of funds relating to sovereignty of the Russian Federation over internationally recognized territory of Ukraine.
- Sec. 1246. Report on Department of Defense plan for the provision of short and medium-term security assistance to Ukraine.
- Sec. 1247. Oversight of United States assistance to Ukraine.

Subtitle E—Matters Relating to the Indo-Pacific Region

- Sec. 1251. Modification to annual report on military and security developments involving the People's Republic of China.
- Sec. 1252. Modification of Indo-Pacific Maritime Security Initiative to authorize use of funds for the Coast Guard.
- Sec. 1253. Modification of prohibition on participation of the People's Republic of China in rim of the Pacific (RIMPAC) naval exercises to include cessation of genocide by China.
- Sec. 1254. Extension and modification of Pacific Deterrence Initiative.
- Sec. 1255. Extension of authority to transfer funds for Bien Hoa dioxin clean-up.
- Sec. 1256. Enhanced indications and warning for deterrence and dissuasion.
- Sec. 1257. Prohibition on use of funds to support entertainment projects with ties to the Government of the People's Republic of China.

- Sec. 1258. Reporting on institutions of higher education domiciled in the People's Republic of China that provide support to the People's Liberation Army.
- Sec. 1259. Review of port and port-related infrastructure purchases and investments made by the Government of the People's Republic of China and entities directed or backed by the Government of the People's Republic of China.
- Sec. 1260. Enhancing major defense partnership with India.
- Sec. 1261. Pilot program to develop young civilian defense leaders in the Indo-Pacific region.
- Sec. 1262. Report on bilateral agreements supporting United States military posture in the Indo-Pacific region.
- Sec. 1263. Statement of policy on Taiwan.
- Sec. 1264. Sense of congress on joint exercises with Taiwan.
- Sec. 1265. Sense of Congress on defense alliances and partnerships in the Indo-Pacific region.

Subtitle F—Other Matters

- Sec. 1271. North Atlantic Treaty Organization Special Operations Headquarters.
- Sec. 1272. Sense of Congress on NATO and United States defense posture in Europe.
- Sec. 1273. Report on Fifth Fleet capabilities upgrades.
- Sec. 1274. Report on use of social media by foreign terrorist organizations.
- Sec. 1275. Report and feasibility study on collaboration to meet shared national security interests in East Africa.
- Sec. 1276. Assessment of challenges to implementation of the partnership among Australia, the United Kingdom, and the United States.
- Sec. 1277. Modification and extension of United States-Israel cooperation to counter unmanned aerial systems.
- Sec. 1278. Sense of Congress and briefing on multinational force and observers.
- Sec. 1279. Briefing on Department of Defense program to protect United States students against foreign agents.

1 **Subtitle A—Assistance and**
2 **Training**

3 **SEC. 1201. PAYMENT OF PERSONNEL EXPENSES NEC-**
4 **CESSARY FOR PARTICIPATION IN TRAINING**
5 **PROGRAM CONDUCTED BY COLOMBIA**
6 **UNDER THE UNITED STATES-COLOMBIA AC-**
7 **TION PLAN FOR REGIONAL SECURITY.**

8 (a) IN GENERAL.—Subchapter IV of chapter 16 of
9 title 10, United States Code, is amended by adding at the
10 end the following:

11 **“§ 335. Payment of personnel expenses necessary for**
12 **participation in training program con-**
13 **ducted by Colombia under the United**
14 **States-Colombia Action Plan for Regional**
15 **Security**

16 “(a) AUTHORITY.—The Secretary of Defense may
17 pay the expendable training supplies, travel, subsistence,
18 and similar personnel expenses of, and special compensa-
19 tion for, the following that the Secretary considers nec-
20 essary for participation in the training program conducted
21 by Colombia under the United States-Colombia Action
22 Plan for Regional Security:

23 “(1) Defense personnel of friendly foreign gov-
24 ernments.

1 “(2) With the concurrence of the Secretary of
2 State, other personnel of friendly foreign govern-
3 ments and nongovernmental personnel.

4 “(b) LIMITATION.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), the authority provided in subsection (a)
7 may only be used for the payment of such expenses
8 of, and special compensation for, such personnel
9 from developing countries.

10 “(2) EXCEPTION.— The Secretary may author-
11 ize the payment of such expenses of, and special
12 compensation for, such personnel from a country
13 other than a developing country if the Secretary de-
14 termines that such payment is—

15 “(A) necessary to respond to extraordinary
16 circumstances; and

17 “(B) in the national security interest of
18 the United States.”.

19 (b) CONFORMING AMENDMENT.—The table of sec-
20 tions at the beginning of subchapter IV of chapter 16 of
21 title 10, United States Code, is amended by adding at the
22 end the following new item:

“335. Payment of personnel expenses necessary for participation in training pro-
gram conducted by Colombia under the United States-Colom-
bia Action Plan for Regional Security.”.

1 **SEC. 1202. MODIFICATIONS TO REPORTS ON SECURITY CO-**
2 **OPERATION.**

3 (a) SUPPORT TO FRIENDLY FOREIGN COUNTRIES
4 FOR CONDUCT OPERATIONS.—Section 331(d)(2) of title
5 10, United States Code, is amended—

6 (1) by redesignating subparagraph (E) as sub-
7 paragraph (F); and

8 (2) by inserting after subparagraph (D) the fol-
9 lowing new subparagraph:

10 “(E) A description of each entity with
11 which the applicable friendly foreign country is
12 engaged in hostilities and whether each such
13 entity is covered by an authorization for the use
14 of military force.”.

15 (b) DEFENSE INSTITUTION CAPACITY BUILDING.—
16 Section 332(b)(2) of title 10, United States Code, is
17 amended—

18 (1) by striking “quarter” each place it appears;
19 and

20 (2) by striking “Each fiscal year” and inserting
21 “Not later than February 1 of each year”.

22 (c) AUTHORITY TO BUILD CAPACITY OF FOREIGN
23 FORCES.—Section 333(f) of title 10, United States Code,
24 is amended—

25 (1) in the heading, by striking “QUARTERLY”
26 and inserting “SEMI-ANNUAL”;

1 (2) in the matter preceding paragraph (1)—

2 (A) by striking “a quarterly” and inserting
3 “a semi-annual”; and

4 (B) by striking “calendar quarter” and in-
5 serting “180 days”.

6 (d) ANNUAL REPORT ON SECURITY COOPERATION
7 ACTIVITIES.—Section 386 of title 10, United States Code,
8 is amended to read as follows:

9 **“§ 386. Annual report**

10 “(a) ANNUAL REPORT REQUIRED.—Not later than
11 March 31 of each year, the Secretary of Defense shall sub-
12 mit to the appropriate congressional committees a report
13 that sets forth, on a country-by-country basis, an overview
14 of security cooperation activities carried out by the De-
15 partment of Defense during the fiscal year in which such
16 report is submitted, using the authorities specified in sub-
17 section (b).

18 “(b) ELEMENTS OF REPORT.—Each report required
19 under subsection (a) shall include, with respect to each
20 country and for the entirety of the period covered by such
21 report, the following:

22 “(1) A narrative summary that provides—

23 “(A) a brief overview of the primary secu-
24 rity cooperation objectives for the activities en-
25 compassed by the report; and

1 “(B) a description of how such activities
2 advance the theater security cooperation strat-
3 egy of the relevant geographic combatant com-
4 mand.

5 “(2) A table that includes an aggregated
6 amount with respect to each of the following:

7 “(A) With respect to amounts made avail-
8 able for section 332(a) of this title, the Depart-
9 ment of Defense cost to provide any Depart-
10 ment personnel as advisors to a ministry of de-
11 fense.

12 “(B) With respect to amounts made avail-
13 able for section 332(b) of this title, the Depart-
14 ment of Defense incremental execution costs to
15 conduct activities under such section.

16 “(C) With respect to section 333 of this
17 title, the value of all programs for which notice
18 is required by such section.

19 “(D) With respect to section 335 of this
20 title, the total Department of Defense costs to
21 fund expenses to attend training provided by
22 the Government of Colombia that began during
23 the period of the report.

24 “(E) With respect to amounts made avail-
25 able for section 341 of this title, the Depart-

1 ment of Defense manpower and travel costs to
2 conduct bi-lateral state partnership program en-
3 gagements with the partner country.

4 “(F) With respect to amounts made avail-
5 able for section 342 of this title, the Depart-
6 ment of Defense-funded, foreign-partner travel
7 costs to attend a regional center activity that
8 began during the period of the report.

9 “(G) With respect to amounts made avail-
10 able for section 345 of this title, the estimated
11 Department of Defense execution cost to com-
12 plete all training that began during the period
13 of the report.

14 “(H) With respect to amounts made avail-
15 able for section 2561 of this title, the planned
16 execution cost of completing humanitarian as-
17 sistance activities for the partner country that
18 were approved for the period of the report.

19 “(3) A table that includes aggregated totals for
20 each of the following:

21 “(A) Pursuant to section 311 of this title,
22 the number of personnel from a partner country
23 assigned to a Department of Defense organiza-
24 tion.

1 “(B) Pursuant to section 332(a) of this
2 title, the number of Department of Defense per-
3 sonnel assigned as advisors to a ministry of de-
4 fense.

5 “(C) Pursuant to section 332(b) of this
6 title, the number of activities conducted by the
7 Department of Defense.

8 “(D) The number of new programs carried
9 out during the period of the report that re-
10 quired notice under section 333 of this title.

11 “(E) With respect to section 335 of this
12 title, the number of partner country officials
13 who participated in training provided by the
14 Government of Colombia that began during the
15 period of the report.

16 “(F) With respect to section 341 of this
17 title, the number of Department of Defense bi-
18 lateral state partnership program engagements
19 with the partner country that began during the
20 period of the report.

21 “(G) With respect to section 342 of this
22 title, the number of partner country officials
23 who participated in regional center activity that
24 began during the period of the report.

1 “(H) Pursuant to the authorities under
2 sections 343, 345, 348, 349, 350 and 352 of
3 this title, the total number of partner country
4 personnel who began training during the period
5 of the report.

6 “(I) Pursuant to section 347 of this title,
7 the number of cadets from the partner country
8 that were enrolled in the Service Academies
9 during the period of the report.

10 “(J) Pursuant to amounts made available
11 to carry out section 2561 of this title, the num-
12 ber of new humanitarian assistance projects
13 funded through the Overseas Humanitarian
14 Disaster and Civic Aid account that were ap-
15 proved during the period of the required report.

16 “(4) A table that includes the following:

17 “(A) For each person from the partner
18 country assigned to a Department of Defense
19 organization pursuant to section 311 of this
20 title—

21 “(i) whether the person is a member
22 of the armed forces or a civilian;

23 “(ii) the rank of the person (if appli-
24 cable); and

1 “(iii) the component of the Depart-
2 ment of Defense and location to which
3 such person is assigned.

4 “(B) With respect to each civilian em-
5 ployee of the Department of Defense or member
6 of the armed forces that was assigned, pursuant
7 to section 332(a) of this title, as an advisor to
8 a ministry of defense during the period of the
9 report, a description of the object of the De-
10 partment of Defense for such support and the
11 name of the ministry or regional organization to
12 which the employee or member was assigned.

13 “(C) With respect to each activity com-
14 menced under section 332(b) of this title during
15 the period of the report—

16 “(i) the name of the supported min-
17 istry or regional organization;

18 “(ii) the component of the Depart-
19 ment of Defense that conducted the activ-
20 ity;

21 “(iii) the duration of the activity; and

22 “(iv) a description of the objective of
23 the activity.

1 “(D) For each program that required no-
2 tice to Congress under section 333 of this title
3 during the period of the report—

4 “(i) the units of the national security
5 forces of the foreign country to which as-
6 sistance was provided;

7 “(ii) the type of operation capability
8 assisted;

9 “(iii) a description of the nature of
10 the assistance being provided; and

11 “(iv) the estimated cost included in
12 the notice provided for such assistance.

13 “(E) With respect to each Government of
14 Colombia training activity which included De-
15 partment of Defense funded participants under
16 section 335 of this title that commenced during
17 the period of the report—

18 “(i) the units of the defense personnel
19 of the friendly foreign country to which the
20 Department of Defense funded assistance
21 was provided;

22 “(ii) the units of the Government of
23 Colombia that conducted the training ac-
24 tivity;

1 “(iii) the duration of the training ac-
2 tivity provided by the Government of Co-
3 lombia;

4 “(iv) a description of the objective of
5 the training activity provided by the Gov-
6 ernment of Colombia.

7 “(F) With respect to each activity com-
8 menced under section 341 of this title during
9 the period of the report—

10 “(i) a description of the activity;

11 “(ii) the duration of the activity;

12 “(iii) the number of participating
13 members of the National Guard; and

14 “(iv) the number of participating per-
15 sonnel of foreign country.

16 “(G) With respect to each activity of a Re-
17 gional Center for Security Studies commenced
18 under section 342 of this title during the period
19 of the report—

20 “(i) a description of the activity;

21 “(ii) the name of the Regional Center
22 that sponsored the activity;

23 “(iii) the location and duration of the
24 training; and

1 “(iv) the number of officials from the
2 foreign country who participated the activ-
3 ity.

4 “(H) With respect to each training event
5 that commenced under sections 343, 345, 348,
6 349, 350, or 352 of this title during the period
7 of the report—

8 “(i) a description of the training;

9 “(ii) the location and duration of the
10 training; and

11 “(iii) the number of personnel of the
12 foreign country trained.

13 “(I) With respect to each new project ap-
14 proved under section 2561 of this title during
15 the period of the report and funded through the
16 Overseas Humanitarian Disaster and Civic Aid
17 account—

18 “(i) the title of the project;

19 “(ii) a description of the assistance to
20 be provided; and

21 “(iii) the anticipated costs to provide
22 such assistance.”.

23 (e) APPLICABILITY OF AMENDMENT TO ANNUAL RE-
24 PORT REQUIREMENTS.—With respect to a report that was
25 required to be submitted under section 386 of title 10,

1 United States Code, prior to the date of the enactment
2 of this Act, that has not been submitted as of such date
3 and relates to a year preceding fiscal year 2023, such a
4 report may be submitted in accordance with—

5 (1) the requirements of such section 386 as
6 amended by subsection (d); or

7 (2) the requirements of such section 386 as in
8 effect on the day before the date of the enactment
9 of this Act.

10 **SEC. 1203. MODIFICATION OF AUTHORITY FOR PARTICIPA-**
11 **TION IN MULTINATIONAL CENTERS OF EX-**
12 **CELLENCE.**

13 Section 344(f) of title 10, United States Code, is
14 amended—

15 (1) in paragraph (1)(D), by striking “and” at
16 the end;

17 (2) in paragraph (2), by striking the period at
18 the end and inserting “; and”; and

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

21 “(3) the International Special Training Centre,
22 established in 1979 and located in Pfullendorf, Ger-
23 many.”.

1 **SEC. 1204. MODIFICATION OF EXISTING AUTHORITIES TO**
2 **PROVIDE FOR AN IRREGULAR WARFARE CEN-**
3 **TER AND A REGIONAL DEFENSE FELLOWSHIP**
4 **PROGRAM.**

5 (a) IN GENERAL.—Section 345 of title 10, United
6 States Code, is amended—

7 (1) by amending the section heading to read as
8 follows: **“Irregular Warfare Center and Re-**
9 **gional Defense Fellowship Program”**;

10 (2) in subsection (a)—

11 (A) in the subsection heading, by striking
12 “PROGRAM AUTHORIZED” and inserting “AU-
13 THORITIES”;

14 (B) by amending paragraph (1) to read as
15 follows:

16 “(1) IN GENERAL.—The Secretary of Defense
17 may—

18 “(A) operate and administer a Center for
19 Strategic Studies in Irregular Warfare, to be
20 known as the ‘Irregular Warfare Center’, in ac-
21 cordance with the requirements described in
22 subsection (c); and

23 “(B) carry out a program, to be known as
24 the ‘Regional Defense Fellowship Program’, to
25 provide for the education and training of for-
26 eign personnel described in paragraph (2) at

1 military or civilian educational institutions, the
2 Irregular Warfare Center, regional centers, con-
3 ferences, seminars, or other training programs
4 conducted for purposes of regional defense in
5 connection with irregular warfare or combating
6 terrorism.”;

7 (C) by striking paragraphs (2) and (3);
8 and

9 (D) by inserting after paragraph (1) (as
10 amended) the following:

11 “(2) COVERED COSTS.—The Secretary may pay
12 the following costs associated with exercising the au-
13 thorities under this section:

14 “(A) Costs of travel, subsistence, and simi-
15 lar personnel expenses of, and special com-
16 pensation for—

17 “(i) defense personnel of friendly for-
18 eign governments to attend activities of the
19 Irregular Warfare Center or attend the Re-
20 gional Defense Fellowship Program;

21 “(ii) with the concurrence of the Sec-
22 retary of State, other personnel of friendly
23 foreign governments and non-governmental
24 personnel to attend activities of the Irreg-

1 ular Warfare Center or attend the Re-
2 gional Defense Fellowship Program; and

3 “(iii) foreign personnel and United
4 States Government personnel necessary for
5 the administration and execution of the au-
6 thorities under this section.

7 “(B) Costs associated with the administra-
8 tion and operation of the Irregular Warfare
9 Center, including costs associated with—

10 “(i) research, communication, the ex-
11 change of ideas, curriculum development
12 and review, and training of military and ci-
13 vilian participants of the United States
14 and other countries, as the Secretary con-
15 sidered necessary; and

16 “(ii) maintaining an international net-
17 work of irregular warfare policymakers and
18 practitioners to achieve the objectives of
19 the Department of Defense and the De-
20 partment of State.

21 “(C) Costs associated with strategic en-
22 gagement with alumni of the Regional Defense
23 Fellowship Program to address Department of
24 Defense objectives and planning on irregular
25 warfare and combating terrorism topics.”;

1 (3) in subsection (b)—

2 (A) in the subsection heading, by striking
3 “REGULATIONS” and inserting “REGULATIONS
4 FOR REGIONAL DEFENSE FELLOWSHIP PRO-
5 GRAM”; and

6 (B) in paragraph (1), by striking “The
7 program authorized by subsection (a)” and in-
8 serting “The authorities granted to the Sec-
9 retary of Defense under subsection (a)(1)(B)”;

10 (4) by redesignating subsections (c) and (d) as
11 subsections (d) and (e), respectively;

12 (5) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) IRREGULAR WARFARE CENTER.—

15 “(1) MISSION.—The mission of the Irregular
16 Warfare Center shall be to serve as a central mecha-
17 nism for developing the irregular warfare knowledge
18 of the Department of Defense and advancing the un-
19 derstanding of irregular warfare concepts and doc-
20 trine, in collaboration with key partners and allies,
21 by—

22 “(A) coordinating and aligning Depart-
23 ment education curricula, standards, and objec-
24 tives related to irregular warfare;

1 “(B) facilitating research on irregular war-
2 fare, strategic competition, and the role of the
3 Department in supporting interagency activities
4 relating to irregular warfare;

5 “(C) engaging and coordinating with Fed-
6 eral departments and agencies and with aca-
7 demia, nongovernmental organizations, civil so-
8 ciety, and international partners to discuss and
9 coordinate efforts on security challenges in ir-
10 regular warfare;

11 “(D) developing curriculum and conducting
12 training and education of military and civilian
13 participants of the United States and other
14 countries, as determined by the Secretary of
15 Defense; and

16 “(E) serving as a coordinating body and
17 central repository for irregular warfare re-
18 sources, including educational activities and
19 programs, and lessons learned across compo-
20 nents of the Department.

21 “(2) EMPLOYMENT AND COMPENSATION OF
22 FACULTY.—With respect to the Irregular Warfare
23 Center—

24 “(A) the Secretary of Defense may, subject
25 to the availability of appropriations, employ a

1 Director, a Deputy Director, and such civilians
2 as professors, instructors, and lecturers, as the
3 Secretary considers necessary; and

4 “(B) compensation of individuals employed
5 under this section shall be as prescribed by the
6 Secretary.

7 “(3) PARTNERSHIP WITH INSTITUTION OF
8 HIGHER EDUCATION.—

9 “(A) IN GENERAL.—In operating the Ir-
10 regular Warfare Center, to promote integration
11 throughout the United States Government and
12 civil society across the full spectrum of irregular
13 warfare competition and conflict challenges, the
14 Secretary of Defense may partner with an insti-
15 tution of higher education (as such term is de-
16 fined in section 101 of the Higher Education
17 Act of 1965 (20 U.S.C. 1001)).

18 “(B) TYPES OF PARTNERSHIPS.—The Sec-
19 retary may establish a partnership under sub-
20 paragraph (A) by—

21 “(i) entering into an intergovern-
22 mental support agreement pursuant to sec-
23 tion 2679 of this title; or

24 “(ii) entering into a contract or coop-
25 erative agreement or awarding a grant

1 through the Defense Security Cooperation
2 University.

3 “(C) DETERMINATION REQUIRED.—The
4 Secretary of Defense shall make a determina-
5 tion with respect to the desirability of
6 partnering with an institution of higher edu-
7 cation in a Government-owned, contractor-oper-
8 ated partnership, such as the partnership struc-
9 ture used by the Department of Defense for
10 University Affiliated Research Centers, for
11 meeting the mission requirements of the Irreg-
12 ular Warfare Center.

13 “(4) ROLES AND RESPONSIBILITIES.—The Sec-
14 retary of Defense shall prescribe guidance for the
15 roles and responsibilities of the relevant components
16 of the Department of Defense in the administration,
17 operation, and oversight of the Irregular Warfare
18 Center, which shall include the roles and responsibil-
19 ities of the following:

20 “(A) The Under Secretary of Defense for
21 Policy and the Assistant Secretary of Defense
22 for Special Operations and Low Intensity Con-
23 flict in policy oversight and governance struc-
24 ture of the Center.

1 “(B) The Director of the Defense Security
2 Cooperation Agency, as the Executive Agent in
3 support of the operation of the Center.

4 “(C) Any other official of the Department
5 of Defense, as determined by the Secretary.”;

6 (6) in subsection (d) (as redesignated), by strik-
7 ing “subsection (a)” each place it appears and in-
8 serting “subsection (a)(1)(B)”;

9 (7) in subsection (e) (as redesignated)—

10 (A) in paragraph (3), by striking “sub-
11 section (a)” and inserting “subsection
12 (a)(1)(B)”;

13 (B) by adding at the end the following:

14 “(6) A discussion of how the training from the
15 previous year incorporated lessons learned from on-
16 going conflicts.”; and

17 (8) by inserting after subsection (e) (as redesi-
18 gnated) the following:

19 “(f) ANNUAL REVIEW OF IRREGULAR WARFARE
20 CENTER.—Not later than December 1, 2024, and annu-
21 ally thereafter, the Secretary of Defense—

22 “(1) shall conduct a review of the structure and
23 activities of the Irregular Warfare Center to deter-
24 mine whether such structure and activities are ap-
25 propriately aligned with the strategic priorities of

1 the Department of Defense and the applicable com-
2 batant commands; and

3 “(2) may, after an annual review under para-
4 graph (1), revise the relevant structure and activities
5 so as to more appropriately align such structure and
6 activities with the strategic priorities and combatant
7 commands.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of subchapter V of chapter 16 of title
10 10, United States Code, is amended by striking the item
11 relating to section 345 and inserting the following:

“345. Irregular Warfare Center and Regional Defense Fellowship Program.”.

12 (c) REPEAL OF TREATMENT AS REGIONAL CENTER
13 FOR SECURITY STUDIES.—Section 1299L(b) of the Wil-
14 liam M. (Mac) Thornberry National Defense Authoriza-
15 tion Act for Fiscal Year 2021 (Public Law 116–283; 134
16 Stat. 4012; 10 U.S.C. 342 note) is amended—

17 (1) by striking paragraph (2); and

18 (2) by redesignating paragraphs (3) and (4) as
19 paragraphs (2) and (3), respectively.

20 (d) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that a Center for Security Studies in Irregular War-
22 fare established under section 345 of title 10, United
23 States Code, as amended by subsection (a), should be
24 known as the “John S. McCain III Center for Security
25 Studies in Irregular Warfare”.

1 (e) PLAN FOR IRREGULAR WARFARE CENTER.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this Act, the Sec-
4 retary of Defense shall submit to the Committee on
5 Armed Services of the Senate and the Committee on
6 Armed Services of the House of Representatives a
7 plan for establishing the structure, operations, and
8 administration of the Irregular Warfare Center de-
9 scribed in section 345(a)(1) of title 10, United
10 States Code, as amended by subsection (a)(2)(B).

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

13 (A) a timeline and milestones for the es-
14 tablishment of the Irregular Warfare Center;
15 and

16 (B) steps to enter into partnerships and
17 resource agreements with academic institutions
18 of the Department of Defense or other aca-
19 demic institutions, including any agreement for
20 hosting or operating the Irregular Warfare Cen-
21 ter.

22 **SEC. 1205. MODIFICATION TO AUTHORITY TO PROVIDE**
23 **SUPPORT FOR CONDUCT OF OPERATIONS.**

24 Notwithstanding subsection (g)(1) of section 331 of
25 title 10, United States Code, the aggregate value of all

1 logistic support, supplies, and services provided under
2 paragraphs (1), (4), and (5) of subsection (c) of such sec-
3 tion 331 in each of fiscal years 2023 and 2024 may not
4 exceed \$950,000,000.

5 **SEC. 1206. EXTENSION AND MODIFICATION OF AUTHORITY**
6 **FOR REIMBURSEMENT OF CERTAIN COALI-**
7 **TION NATIONS FOR SUPPORT PROVIDED TO**
8 **UNITED STATES MILITARY OPERATIONS.**

9 Section 1233 of the National Defense Authorization
10 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
11 393) is amended—

12 (1) in subsection (a), by striking “for the period
13 beginning on October 1, 2021, and ending on De-
14 cember 31, 2022” and inserting “for the period be-
15 ginning on October 1, 2022, and ending on Decem-
16 ber 31, 2023”; and

17 (2) in subsection (d)—

18 (A) by striking “during the period begin-
19 ning on October 1, 2021, and ending on De-
20 cember 31, 2022” and inserting “during the pe-
21 riod beginning on October 1, 2022, and ending
22 on December 31, 2023”; and

23 (B) by striking “\$60,000,000” and insert-
24 ing “\$30,000,000”.

1 **SEC. 1207. MODIFICATION AND EXTENSION OF AUTHORITY**
2 **TO SUPPORT BORDER SECURITY OPER-**
3 **ATIONS OF CERTAIN FOREIGN COUNTRIES.**

4 (a) **MODIFICATION.**—Subsection (e) of section 1226
5 of the National Defense Authorization Act for Fiscal Year
6 2016 (Public Law 114–92; 129 Stat. 1056; 22 U.S.C.
7 2151 note) is amended by striking paragraph (4).

8 (b) **EXTENSION.**—Subsection (h) of such section is
9 amended by striking “December 31, 2023” and inserting
10 “December 31, 2025”.

11 **SEC. 1208. SECURITY COOPERATION PROGRAMS WITH FOR-**
12 **EIGN PARTNERS TO ADVANCE WOMEN,**
13 **PEACE, AND SECURITY.**

14 (a) **IN GENERAL.**—During fiscal years 2023 through
15 2025, the Secretary of Defense, in coordination with the
16 Secretary of State, may conduct or support security co-
17 operation programs and activities involving the national
18 military forces or national-level security forces of a foreign
19 country, or other covered personnel, to advise, train, and
20 educate such forces or personnel with respect to—

21 (1) the recruitment, employment, development,
22 retention, promotion, and meaningful participation
23 in decisionmaking of women;

24 (2) sexual harassment, sexual assault, domestic
25 abuse, and other forms of violence that dispro-
26 portionately impact women;

1 (3) the requirements of women, including pro-
2 viding appropriate equipment and facilities; and

3 (4) the implementation of activities described in
4 this subsection, including the integration of such ac-
5 tivities into security-sector policy, planning, exer-
6 cises, and training, as appropriate.

7 (b) ANNUAL REPORT.—Not later than 90 days after
8 the end of each of fiscal years 2023 through 2025, the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a report detailing the assistance pro-
11 vided under this section and specifying the recipients of
12 such assistance.

13 (c) OTHER COVERED PERSONNEL DEFINED.—In
14 this section, the term “other covered personnel” means
15 personnel of the ministry of defense or other governmental
16 entity carrying out similar functions of a foreign country.

17 **SEC. 1209. REVIEW OF IMPLEMENTATION OF PROHIBITION**
18 **ON USE OF FUNDS FOR ASSISTANCE TO**
19 **UNITS OF FOREIGN SECURITY FORCES THAT**
20 **HAVE COMMITTED A GROSS VIOLATION OF**
21 **HUMAN RIGHTS.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the promotion of human rights is a critical ele-
24 ment of Department of Defense security cooperation pro-

1 grams and activities that advance United States national
2 security interests and values.

3 (b) REVIEW.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 of Defense, in consultation with the commanders of
7 the geographic combatant commands, shall initiate a
8 review of the policies, guidance, and processes for
9 Department of Defense-wide implementation of sec-
10 tion 362 of title 10, United States Code.

11 (2) ELEMENTS.—The review required by para-
12 graph (1) shall include an assessment of the fol-
13 lowing:

14 (A) The standards and procedures by
15 which the Secretary, before making a decision
16 to provide assistance to a unit of a foreign secu-
17 rity force under section 362 of title 10, United
18 States Code, gives full consideration to credible
19 information that the unit has committed a
20 gross violation of human rights, including cred-
21 ible information available to the Department of
22 State relating to human rights violations by
23 such unit.

24 (B) The roles and responsibilities of De-
25 partment of Defense components in imple-

1 menting such section, including the Under Sec-
2 retary of Defense for Policy, the Deputy Assist-
3 ant Secretary of Defense for Global Partner-
4 ships, the geographic combatant commands,
5 and the Office of the General Counsel, and
6 whether such components are adequately fund-
7 ed, resourced, and manned to carry out their
8 respective roles and responsibilities.

9 (C) The standards and procedures by
10 which the Secretary implements the exception
11 under subsection (b) of such section based on a
12 determination that all necessary corrective steps
13 have been taken.

14 (D) The standards and procedures by
15 which the Secretary exercises the waiver au-
16 thority under subsection (c) of such section
17 based on a determination that a waiver is re-
18 quired by extraordinary circumstances.

19 (E) The policies, standards, and processes
20 for the remediation of units of foreign security
21 forces described in such section and resumption
22 of assistance consistent with such section, and
23 the effectiveness of such remediation process.

24 (F) The process by which the Secretary de-
25 termines whether a unit of a foreign security

1 force designated to receive training, equipment,
2 or other assistance under such section is new or
3 fundamentally different from its predecessor for
4 which there was determined to be credible infor-
5 mation that the unit had committed a gross vio-
6 lation of human rights.

7 (c) REPORTS.—

8 (1) FINDINGS OF REVIEW.—Not later than 180
9 days after the date of the enactment of this Act, the
10 Secretary shall submit to the congressional defense
11 committees a report on the findings of the review
12 conducted under subsection (b) that includes any
13 recommendations or corrective actions necessary
14 with respect to the policies, guidance, and processes
15 for Department of Defense-wide implementation of
16 section 362 of title 10, United States Code.

17 (2) REMEDIATION PROCESS.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date of the enactment of this
20 Act, and every 180 days thereafter through fis-
21 cal year 2025, the Secretary shall submit to the
22 appropriate committees of Congress a report on
23 the remediation process under section 362 of
24 title 10, United States Code, and resumption of
25 assistance consistent with such section.

1 (B) ELEMENTS.—Each report required by
2 subparagraph (A) shall include the following:

3 (i) An identification of the units of
4 foreign security forces that currently have
5 been determined under section 362 of title
6 10, United States Code, to be ineligible to
7 receive Department of Defense training,
8 equipment, or other assistance.

9 (ii) With respect to each unit identi-
10 fied under clause (i), the date on which
11 such determination was made.

12 (iii) The number of requests sub-
13 mitted by geographic combatant commands
14 for review by a remediation review panel
15 with respect to resumption of assistance to
16 a unit of a foreign security force that has
17 been denied assistance under such section,
18 disaggregated by geographic combatant
19 command.

20 (iv) For the preceding reporting pe-
21 riod, the number of—

22 (I) remediation review panels
23 convened; and

24 (II) cases resolved.

1 (C) APPROPRIATE COMMITTEES OF CON-
2 GRESS DEFINED.—In this paragraph, the term
3 “appropriate committees of Congress” means—

4 (i) the Committee on Armed Services,
5 the Committee on Foreign Relations, and
6 the Committee on Appropriations of the
7 Senate; and

8 (ii) the Committee on Armed Services,
9 the Committee on Foreign Affairs, and the
10 Committee on Appropriations of the House
11 of Representatives.

12 **SEC. 1210. INDEPENDENT ASSESSMENT OF UNITED STATES**
13 **EFFORTS TO TRAIN, ADVISE, ASSIST, AND**
14 **EQUIP THE MILITARY FORCES OF SOMALIA.**

15 (a) IN GENERAL.—The Secretary of Defense shall
16 provide for an independent assessment of Department of
17 Defense efforts to train, advise, assist, and equip the mili-
18 tary forces of Somalia.

19 (b) CONDUCT OF ASSESSMENT.—To conduct the as-
20 sessment required by subsection (a), the Secretary shall
21 select—

22 (1) a federally funded research and development
23 center; or

24 (2) an independent, nongovernmental institute
25 described in section 501(c)(3) of the Internal Rev-

1 enue Code of 1986 and exempt from tax under sec-
2 tion 501(a) of such Code that has recognized creden-
3 tials and expertise in national security and military
4 affairs appropriate for the assessment.

5 (c) ELEMENTS.—The assessment required by sub-
6 section (a) shall include an assessment of the following:

7 (1) The evolution of United States approaches
8 to training, advising, assisting, and equipping the
9 military forces of Somalia.

10 (2) The extent to which—

11 (A) the Department has an established
12 plan, with objectives and milestones, for the ef-
13 fort to train, advise, assist, and equip such
14 forces;

15 (B) advisory efforts are meeting objectives,
16 including whether and the manner in which—

17 (i) advisors track the operational ef-
18 fectiveness of such forces; and

19 (ii) any such data informs future
20 training and advisory efforts;

21 (C) the Department sufficiently engages,
22 collaborates, and deconflicts with—

23 (i) other Federal departments and
24 agencies that conduct assistance and advi-
25 sory engagements with such forces; and

1 (ii) international and multilateral enti-
2 ties that conduct assistance and advisory
3 engagements with such forces; and

4 (D) the Department has established and
5 enforced a policy, processes, and procedures for
6 accountability relating to equipment provided
7 by the United States to such forces.

8 (3) Factors that have hindered, or may in the
9 future hinder, the development of professional, sus-
10 tainable, and capable such forces.

11 (4) With respect to the effort to train, advise,
12 assist, and equip such forces, the extent to which the
13 December 2020 decision to reduce and reposition
14 outside Somalia the majority of the members of the
15 United States Armed Forces assigned to carry out
16 the effort has impacted the effectiveness of the ef-
17 fort.

18 (d) REPORT.—Not later than December 31, 2023,
19 the entity selected to conduct the assessment required by
20 subsection (a) shall submit to the Secretary and the con-
21 gressional defense committees a report containing the
22 findings of the assessment.

23 (e) FUNDING.—Of the amounts authorized to be ap-
24 propriated for fiscal year 2023 and available for operation
25 and maintenance for Defense-wide activities, up to

1 \$1,000,000 shall be made available for the assessment re-
2 quired by subsection (a).

3 **SEC. 1211. SECURITY COOPERATION ACTIVITIES AT**
4 **COUNTER-UAS UNIVERSITY.**

5 Not later than 90 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall brief the
7 Committee on Armed Services of the Senate and the Com-
8 mittee on Armed Services of the House of Representatives
9 on how the Department of Defense intends to bolster secu-
10 rity cooperation activities with allies and partners at the
11 C-UAS University, including an identification of any
12 shortfalls in resourcing or gaps in authorities that could
13 inhibit these security cooperation efforts.

14 **SEC. 1212. DEFENSE OPERATIONAL RESILIENCE INTER-**
15 **NATIONAL COOPERATION PILOT PROGRAM.**

16 (a) ESTABLISHMENT.—The Secretary of Defense, in
17 consultation with the Secretary of State and in coordina-
18 tion with the commanders of the geographic combatant
19 commands, may establish a pilot program, to be known
20 as the “Defense Operational Resilience International Co-
21 operation Pilot Program” (in this section referred to as
22 the “pilot program”) to support engagement with military
23 forces of partner countries on defense-related environ-
24 mental and operational energy issues in support of the

1 theater campaign plans of the geographic combatant com-
2 mands.

3 (b) DURATION.—The Secretary of Defense may carry
4 out the pilot program during the period beginning on the
5 date of the enactment of this Act and ending on December
6 31, 2025.

7 (c) LIMITATIONS.—

8 (1) PURPOSES.—The pilot program shall be
9 limited to the following purposes:

10 (A) To build military-to-military relation-
11 ships in support of the efforts of the Depart-
12 ment of Defense to engage in long-term stra-
13 tegic competition.

14 (B) To sustain the mission capability and
15 forward posture of the Armed Forces of the
16 United States.

17 (C) To enhance the capability, capacity,
18 and resilience of the military forces of partner
19 countries.

20 (2) PROHIBITED ASSISTANCE.—The Secretary
21 may not use the pilot program to provide assistance
22 that is in violation of section 362 of title 10, United
23 States Code, or otherwise prohibited by law.

24 (3) SECURITY COOPERATION.—The Secretary
25 shall plan and prioritize assistance, training, and ex-

1 ercises with partner countries pursuant to the pilot
2 program in a manner that is consistent with applica-
3 ble guidance relating to security cooperation pro-
4 gram and activities of the Department of Defense.

5 (d) FUNDING.—Of amounts authorized to be appro-
6 priated by this Act for each of fiscal years 2023 through
7 2025 and available for operation and maintenance, the
8 Secretary may make available \$10,000,000 to support the
9 pilot program, which shall be allocated in accordance with
10 the priorities of the commanders of the geographic com-
11 batant commands.

12 (e) ANNUAL REPORT.—

13 (1) IN GENERAL.—With respect to each year
14 the Secretary carries out the pilot program, the Sec-
15 retary shall submit to the congressional defense com-
16 mittees a report on obligations and expenditures
17 made to carry out the pilot program during the fis-
18 cal year that precedes the year during which each
19 such report is submitted.

20 (2) DEADLINE.—The Secretary shall submit
21 each such report not later than March 1 of each
22 year during which the Secretary has authority to
23 carry out the pilot program.

24 (3) ELEMENTS.—Each such report shall include
25 the following:

1 (A) An accounting of each obligation and
2 expenditure made to carry out the pilot pro-
3 gram, disaggregated, where applicable, by part-
4 ner country and military force of a partner
5 country.

6 (B) An explanation of the manner in which
7 each such obligation or expenditure—

8 (i) supports the national defense of
9 the United States; and

10 (ii) is in accordance with limitations
11 described in subsection (c).

12 (C) Any other matter the Secretary deter-
13 mines to be relevant.

14 (f) TEMPORARY CESSATION OF AUTHORIZATION.—

15 No funds authorized to be appropriated or otherwise made
16 available for any of fiscal years 2023 through 2025 for
17 the Department of Defense may be made available for the
18 “Defense Environmental International Cooperation Pro-
19 gram”. During the period specified in subsection (b), all
20 activities and functions of the “Defense Environmental
21 International Cooperation Program” may only be carried
22 out under the pilot program.

1 **Subtitle B—Matters Relating to**
2 **Afghanistan and Pakistan**

3 **SEC. 1221. EXTENSION OF AUTHORITY FOR CERTAIN PAY-**
4 **MENTS TO REDRESS INJURY AND LOSS.**

5 Section 1213(a) of the National Defense Authoriza-
6 tion Act for Fiscal Year 2020 (10 U.S.C. 2731 note) is
7 amended by striking “December 31, 2023” and inserting
8 “December 31, 2033”.

9 **SEC. 1222. ADDITIONAL MATTERS FOR INCLUSION IN RE-**
10 **PORTS ON OVERSIGHT IN AFGHANISTAN.**

11 Section 1069(a) of the National Defense Authoriza-
12 tion Act for Fiscal Year 2022 (Public Law 117–81; 135
13 Stat. 1912) is amended—

14 (1) by redesignating paragraphs (9) through
15 (16) as paragraphs (14) through (21), respectively;

16 (2) by inserting after paragraph (8) the fol-
17 lowing new paragraphs:

18 “(9) An assessment of the status of—

19 “(A) defense intelligence assets dedicated
20 to Afghanistan and used by the Department of
21 Defense, including the types and amounts of in-
22 telligence, surveillance, and reconnaissance cov-
23 erage over Afghanistan during the period cov-
24 ered by the report; and

1 “(B) the ability of the United States to de-
2 tect emerging threats emanating from Afghani-
3 stan against the United States, its allies, and
4 its partners.

5 “(10) An assessment of local or indigenous
6 counterterrorism partners of the Department of De-
7 fense.

8 “(11) An assessment of risks to the mission
9 and risks to United States military personnel in-
10 volved in over-the-horizon counterterrorism oper-
11 ations.

12 “(12) An update on Department of Defense ef-
13 forts to secure new basing or access agreements with
14 countries in Central Asia.

15 “(13) An update on the policy guidance for
16 counterterrorism operations of the Department of
17 Defense in Afghanistan.”; and

18 (3) in paragraph (18), as so redesignated, by
19 striking “Afganistan” and inserting “Afghanistan”.

20 **SEC. 1223. PROHIBITION ON TRANSPORTING CURRENCY TO**
21 **THE TALIBAN AND THE ISLAMIC EMIRATE OF**
22 **AFGHANISTAN.**

23 None of the amounts authorized to be appropriated
24 by this Act or otherwise made available to the Department
25 of Defense may be made available for the operation of any

1 aircraft of the Department of Defense to transport cur-
2 rency or other items of value to the Taliban, the Islamic
3 Emirate of Afghanistan, or any subsidiary, agent, or in-
4 strumentality of either the Taliban or the Islamic Emirate
5 of Afghanistan.

6 **Subtitle C—Matters Relating to**
7 **Syria, Iraq, and Iran**

8 **SEC. 1231. MODIFICATION OF ANNUAL REPORT ON THE**
9 **MILITARY CAPABILITIES OF IRAN AND RE-**
10 **LATED ACTIVITIES.**

11 Section 1245(b)(3) of the National Defense Author-
12 ization Act for Fiscal Year 2010 (Public Law 111–84) is
13 amended—

14 (1) in subparagraph (B), by striking “and re-
15 gional militant groups” and all that follows and in-
16 serting “, regional militant groups, and Iranian-
17 linked proxy groups, in particular those forces as
18 having been assessed as to be willing to carry out
19 terrorist operations on behalf of Iran or in response
20 to a military attack by another country on Iran;”;

21 (2) by redesignating subparagraphs (C) through
22 (G) as subparagraphs (E) through (I), respectively;

23 (3) by inserting after subparagraph (B) the fol-
24 lowing:

1 “(C) the types and amount of support to
2 be assessed under subparagraph (B) shall in-
3 clude support provided to Lebanese Hezbollah,
4 Hamas, Palestinian Islamic Jihad, the Popular
5 Front for the Liberation of Palestine, Asa’ib
6 ahl al-Haq, Harakat Hezbollah al-Nujaba,
7 Kata’ib Sayyid al-Shuhada, Kata’ib al-Imam
8 Ali, Kata’ib Hezbollah, the Badr Organization,
9 the Fatemiyoun, the Zainabiyoun, and Ansar
10 Allah (also known as the ‘Houthis’);

11 “(D) the threat from Special Groups in
12 Iraq, including Kata’ib Hezbollah and Asa’ib
13 Ahl al-Haq, to United States and coalition
14 forces located in Iraq and Syria;” and

15 (4) in subparagraph (I), as redesignated, by
16 striking the period at the end and inserting “; and”;
17 and

18 (5) by adding at the end the following:

19 “(J) all formal or informal agreements in-
20 volving a strategic military or security partner-
21 ship with the Russian Federation, the People’s
22 Republic of China, or any proxies of either such
23 country.”.

1 **SEC. 1232. EXTENSION OF AUTHORITY TO SUPPORT OPER-**
2 **ATIONS AND ACTIVITIES OF THE OFFICE OF**
3 **SECURITY COOPERATION IN IRAQ.**

4 (a) SOURCE OF FUNDS.—Subsection (d) of section
5 1215 of the National Defense Authorization Act for Fiscal
6 Year 2012 (Public Law 114–92; 129 Stat. 1045; 10
7 U.S.C. 113 note) is amended by striking “fiscal year
8 2022” and inserting “fiscal year 2023”.

9 (b) LIMITATION ON AVAILABILITY OF FUNDS.—Of
10 the amounts authorized to be appropriated by this Act or
11 otherwise made available for fiscal year 2023 for the Of-
12 fice of the Secretary of the Air Force for travel expenses,
13 not more than 90 percent may be obligated or expended
14 until the date on which a staffing plan for the Office of
15 Security Cooperation in Iraq is implemented.

16 (c) WAIVER.—The Secretary of Defense may waive
17 the restriction on the obligation or expenditure of funds
18 imposed by subsection (b) if the Secretary of Defense de-
19 termines that implementation of such a staffing plan is
20 not feasible and submits to the congressional defense com-
21 mittees, at the time the waiver is invoked, a notification
22 of the waiver that includes a justification detailing the rea-
23 sons for which such a plan cannot be implemented.

1 **SEC. 1233. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**
2 **ANCE TO VETTED SYRIAN GROUPS AND INDI-**
3 **VIDUALS.**

4 (a) **EXTENSION.**—Subsection (a) of section 1209 of
5 the Carl Levin and Howard P. “Buck” McKeon National
6 Defense Authorization Act for Fiscal Year 2015 (Public
7 Law 113–291; 128 Stat. 3541) is amended, in the matter
8 preceding paragraph (1), by striking “December 31,
9 2022” and inserting “December 31, 2023”.

10 (b) **LIMITATION ON COST OF CONSTRUCTION AND**
11 **REPAIR PROJECTS.**—Subsection (l)(3)(D) of such section
12 is amended by striking “December 31, 2022” and insert-
13 ing “December 31, 2023”.

14 **SEC. 1234. EXTENSION AND MODIFICATION OF AUTHORITY**
15 **TO PROVIDE ASSISTANCE TO COUNTER THE**
16 **ISLAMIC STATE OF IRAQ AND SYRIA.**

17 (a) **IN GENERAL.**—Subsection (a) of section 1236 of
18 the Carl Levin and Howard P. “Buck” McKeon National
19 Defense Authorization Act for Fiscal Year 2015 (Public
20 Law 113–291; 128 Stat. 3558) is amended, in the matter
21 preceding paragraph (1), by striking “December 31,
22 2022” and inserting “December 31, 2023”.

23 (b) **FUNDING.**—Subsection (g) of such section is
24 amended—

25 (1) by striking “fiscal year 2022” and inserting
26 “fiscal year 2023”; and

1 (2) by striking “\$345,000,000” and inserting
2 “\$358,000,000”.

3 (c) LIMITATION ON COST OF CONSTRUCTION AND
4 REPAIR PROJECTS.—Subsection (o)(5) of such section is
5 amended by striking “December 31, 2022” and inserting
6 “December 31, 2023”.

7 **SEC. 1235. PROHIBITION ON TRANSFERS TO IRAN.**

8 None of the amounts authorized to be appropriated
9 by this Act or otherwise made available to the Department
10 of Defense may be made available to transfer or facilitate
11 a transfer of pallets of currency, currency, or other items
12 of value to the Government of Iran, any subsidiary of such
13 Government, or any agent or instrumentality of Iran.

14 **SEC. 1236. REPORT ON ISLAMIC REVOLUTIONARY GUARD**
15 **CORPS-AFFILIATED OPERATIVES ABROAD.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of State,
18 in consultation with the Secretary of Defense, shall submit
19 to the appropriate congressional committees a report that
20 includes a detailed description of—

21 (1) all Islamic Revolutionary Guard Corps-af-
22 filiated operatives serving in diplomatic and consular
23 posts abroad; and

24 (2) the ways in which the Department of State
25 and the Department of Defense are working with

1 partner countries to inform them of the threat posed
2 by Islamic Revolutionary Guard Corps-affiliated offi-
3 cials serving in diplomatic and consular roles in
4 third party countries.

5 (b) FORM.—The report required under subsection (a)
6 shall be submitted in unclassified form but may contain
7 a classified annex.

8 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
9 FINED.—In this section, the term “appropriate congres-
10 sional committees” means—

11 (1) the Committee on Armed Services and the
12 Committee on Foreign Relations of the Senate; and

13 (2) the Committee on Armed Services and the
14 Committee on Foreign Affairs of the House of Rep-
15 resentatives.

16 **SEC. 1237. ASSESSMENT OF SUPPORT TO IRAQI SECURITY**
17 **FORCES AND KURDISH PESHMERGA FORCES**
18 **TO COUNTER AIR AND MISSILE THREATS.**

19 (a) IN GENERAL.—Not later than April 1, 2023, the
20 Secretary of Defense shall submit to the congressional de-
21 fense committees a report on support to Iraqi Security
22 Forces and Kurdish Peshmerga Forces to counter air and
23 missile threats.

24 (b) CONTENTS.—The report submitted under sub-
25 section (a) shall include the following:

1 (1) An assessment of the threat from missiles,
2 rockets, and unmanned aerial systems (UAS) to
3 United States and coalition armed forces located in
4 Iraq, including the Iraqi Kurdistan Region.

5 (2) An assessment of the current state of air
6 defense capabilities of United States and coalition
7 armed forces located in Iraq, including the Iraqi
8 Kurdistan Region.

9 (3) Identification of perceived gaps in air de-
10 fense capabilities of United States and coalition
11 armed forces and the implications for the security of
12 such forces in Iraq, including the Iraqi Kurdistan
13 Region.

14 (4) Recommendations for training or equipment
15 needed to overcome the assessed air defense defi-
16 ciencies of United States and coalition armed forces
17 in Iraq, including the Iraqi Kurdistan Region.

18 (5) An assessment of the current state of the
19 air defense capabilities of partner armed forces in
20 Iraq, including the Iraqi Security Forces and Kurd-
21 ish Peshmerga Forces.

22 (6) An assessment of the perceived gaps in air
23 defense capabilities of partner armed forces in Iraq,
24 including the Iraqi Security Forces and Kurdish
25 Peshmerga Forces.

1 (7) An assessment of recommended training
2 and equipment and available level of equipment to
3 maximize air defense capabilities of partner armed
4 forces in Iraq, including the Iraqi Security Forces
5 and Kurdish Peshmerga Forces.

6 (8) Such other matters as the Secretary con-
7 siders appropriate.

8 **SEC. 1238. INTERAGENCY STRATEGY TO DISRUPT AND DIS-**
9 **MANTLE NARCOTICS PRODUCTION AND**
10 **TRAFFICKING AND AFFILIATED NETWORKS**
11 **LINKED TO THE REGIME OF BASHAR AL-**
12 **ASSAD IN SYRIA.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the Captagon trade linked to the regime of
16 Bashar al-Assad in Syria is a transnational security
17 threat; and

18 (2) the United States should develop and imple-
19 ment an interagency strategy to deny, degrade, and
20 dismantle Assad-linked narcotics production and
21 trafficking networks.

22 (b) DEFINED TERM.—In this section, the term “ap-
23 propriate congressional committees” means—

24 (1) the Committee on Armed Services of the
25 Senate;

1 (2) the Committee on Appropriations of the
2 Senate;

3 (3) the Committee on the Judiciary of the Sen-
4 ate;

5 (4) the Committee on Foreign Relations of the
6 Senate;

7 (5) the Committee on Banking, Housing, and
8 Urban Affairs of the Senate;

9 (6) the Select Committee on Intelligence of the
10 Senate;

11 (7) the Committee on Armed Services of the
12 House of Representatives;

13 (8) the Committee on Appropriations of the
14 House of Representatives;

15 (9) the Committee on the Judiciary of the
16 House of Representatives;

17 (10) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (11) the Committee on Financial Services of
20 the House of Representatives; and

21 (12) the Permanent Select Committee on Intel-
22 ligence of the House of Representatives.

23 (c) STRATEGY REQUIRED.—

24 (1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 retary of State, in consultation with the Secretary of
2 Defense, the Secretary of the Treasury, the Admin-
3 istrator of the Drug Enforcement Administration,
4 the Director of National Intelligence, the Director of
5 the Office of National Drug Control Policy, and the
6 heads of other appropriate Federal agencies, shall
7 provide a written strategy (with a classified annex,
8 if necessary), to the appropriate congressional com-
9 mittees for disrupting and dismantling narcotics pro-
10 duction and trafficking and affiliated networks
11 linked to the regime of Bashar al-Assad in Syria.

12 (2) CONTENTS.—The strategy required under
13 paragraph (1) shall include—

14 (A) a detailed plan for—

15 (i) targeting, disrupting and degrad-
16 ing networks that directly and indirectly
17 support the narcotics infrastructure of the
18 Assad regime, particularly through diplo-
19 matic and intelligence support to law en-
20 forcement investigations; and

21 (ii) building counter-narcotics capacity
22 to partner countries through assistance
23 and training to law enforcement services in
24 countries (other than Syria) that are re-

1 ceiving or transiting large quantities of
2 Captagon;

3 (B)(i) the identification of the countries
4 that are receiving or transiting large shipments
5 of Captagon;

6 (ii) an assessment of the counter-narcotics
7 capacity of such countries to interdict or dis-
8 rupt the smuggling of Captagon; and

9 (iii) an assessment of current United
10 States assistance and training programs to
11 build such capacity in such countries;

12 (C) the use of sanctions, including sanc-
13 tions authorized under section the Caesar Syria
14 Civilian Protection Act of 2019 (22 U.S.C.
15 8791 note; title LXXIV of division F of Public
16 Law 116–92), and associated actions to target
17 individuals and entities directly or indirectly as-
18 sociated with the narcotics infrastructure of the
19 Assad regime;

20 (D) the use of global diplomatic engage-
21 ments associated with the economic pressure
22 campaign against the Assad regime to target its
23 narcotics infrastructure;

24 (E) leveraging multilateral institutions and
25 cooperation with international partners to dis-

1 rupt the narcotics infrastructure of the Assad
2 regime; and

3 (F) mobilizing a public communications
4 campaign to increase awareness of the extent of
5 the connection of the Assad regime to the illicit
6 narcotics trade.

7 **SEC. 1239. PROHIBITION ON TRANSFERS TO BADR ORGANI-**
8 **ZATION.**

9 None of the amounts authorized to be appropriated
10 by this Act or otherwise made available to the Department
11 of Defense may be made available, directly or indirectly,
12 to the Badr Organization.

13 **SEC. 1240. REPORT ON UNITED NATIONS ARMS EMBARGO**
14 **ON IRAN.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of State, in consultation
17 with the Secretary of Defense, shall submit to the Com-
18 mittees on Armed Services of the Senate and the House
19 of Representatives, the Committee on Foreign Relations
20 of the Senate, and the Committee on Foreign Affairs of
21 the House of Representatives an unclassified report, which
22 may include a classified annex, that includes—

23 (1) a detailed assessment of whether and how
24 Iranian arms proliferation, particularly drone pro-
25 liferation, has increased following the expiration of

1 the United Nations arms embargo on Iran in Octo-
2 ber 2020; and

3 (2) a description of the measures that the De-
4 partments of State and Defense are taking to con-
5 strain Iran’s ability to supply, sell, or transfer, di-
6 rectly or indirectly, arms or related materiel, includ-
7 ing spare parts, to include Iranian proliferation of
8 drones.

9 **Subtitle D—Matters Relating to**
10 **Russia**

11 **SEC. 1241. MODIFICATION AND EXTENSION OF UKRAINE SE-**
12 **CURITY ASSISTANCE INITIATIVE.**

13 (a) **AUTHORITY TO PROVIDE ASSISTANCE.**—Sub-
14 section (a) of section 1250 of the National Defense Au-
15 thorization Act for Fiscal Year 2016 (Public Law 114–
16 92; 129 Stat. 1608) is amended to read as follows:

17 “(a) **AUTHORITY TO PROVIDE ASSISTANCE.**—

18 “(1) **IN GENERAL.**—Amounts available for a
19 fiscal year under subsection (f) shall be available to
20 the Secretary of Defense, with the concurrence of
21 the Secretary of State, to provide, for the purposes
22 described in paragraph (2), appropriate security as-
23 sistance and intelligence support, including training,
24 equipment, and logistics support, supplies and serv-
25 ices, salaries and stipends, and sustainment, to—

1 “(A) the military and national security
2 forces of Ukraine; and

3 “(B) other forces or groups recognized by,
4 and under the authority of, the Government of
5 Ukraine, including governmental entities within
6 Ukraine that are engaged in resisting Russian
7 aggression.

8 “(2) PURPOSES DESCRIBED.—The purposes de-
9 scribed in this paragraph are as follows:

10 “(A) To enhance the capabilities of the
11 military and other security forces of the Gov-
12 ernment of Ukraine to defend against further
13 aggression.

14 “(B) To assist Ukraine in developing the
15 combat capability to defend its sovereignty and
16 territorial integrity.

17 “(C) To support the Government of
18 Ukraine in defending itself against actions by
19 Russia and Russian-backed separatists.”.

20 (b) APPROPRIATE SECURITY ASSISTANCE AND IN-
21 TELLIGENCE SUPPORT.—Subsection (b) of such section is
22 amended in paragraph (4) to read as follows:

23 “(4) Manned and unmanned aerial capabilities,
24 including tactical surveillance systems and fixed and

1 rotary-wing aircraft, such as attack, strike, airlift,
2 and surveillance aircraft.”.

3 (c) AVAILABILITY OF FUNDS.—Subsection (c) of
4 such section is amended—

5 (1) in paragraph (1), by striking “funds avail-
6 able for fiscal year 2022 pursuant to subsection
7 (f)(7)” and inserting “funds available for fiscal year
8 2023 pursuant to subsection (f)(8)”;

9 (2) in paragraph (3), by striking “fiscal year
10 2022” and inserting “fiscal year 2023”;

11 (3) by striking paragraph (5); and

12 (4) by adding at the end the following:

13 “(6) WAIVER OF CERTIFICATION REQUIRE-
14 MENT.—The Secretary of Defense, with the concur-
15 rence of the Secretary of the State, may waive the
16 certification requirement in paragraph (2) if the
17 Secretary submits to the congressional defense com-
18 mittees, the Committee on Foreign Relations of the
19 Senate, and the Committee on Foreign Affairs of the
20 House of Representatives a written certification, not
21 later than 5 days after exercising the waiver, that
22 doing so is in the national interest of the United
23 States due to exigent circumstances caused by the
24 Russian invasion of Ukraine.”.

1 (d) UNITED STATES INVENTORY AND OTHER
2 SOURCES.—Subsection (d) of such section is amended—

3 (1) in paragraph (1), by inserting “, and to re-
4 cover or dispose of such weapons or other defense
5 articles, or to make available such weapons or arti-
6 cles to ally and partner governments to replenish
7 comparable stocks which ally or partner govern-
8 ments have provided to the Government of
9 Ukraine,” after “and defense services”; and

10 (2) by adding at the end the following:

11 “(3) CONGRESSIONAL NOTIFICATION.—Not
12 later than 10 days before providing replenishment to
13 an ally or partner government pursuant to para-
14 graph (1), the Secretary of Defense shall transmit to
15 the congressional defense committees, the Committee
16 on Foreign Relations of the Senate, and the Com-
17 mittee on Foreign Affairs of the House of Rep-
18 resentatives a notification containing the following:

19 “(A) An identification of the recipient for-
20 eign country.

21 “(B) A detailed description of the articles
22 to be provided, including the dollar value, ori-
23 gin, and capabilities associated with the articles.

24 “(C) A detailed description of the articles
25 provided to Ukraine to be replenished, including

1 the dollar value, origin, and capabilities associ-
2 ated with the articles.

3 “(D) The impact on United States stocks
4 and readiness of transferring the articles.

5 “(E) An assessment of any security, intel-
6 lectual property, or end use monitoring issues
7 associated with transferring the articles.”.

8 (e) FUNDING.—Subsection (f) of such section is
9 amended by adding at the end the following:

10 “(8) For fiscal year 2023, \$800,000,000.”.

11 (f) TERMINATION OF AUTHORITY.—Subsection (h) of
12 such section is amended by striking “December 31, 2023”
13 and inserting “December 31, 2024”.

14 (g) WAIVER OF CERTIFICATION REQUIREMENT.—
15 Such section is amended—

16 (1) by redesignating the second subsection (g)
17 as subsection (i); and

18 (2) by adding at the end the following:

19 “(j) EXPEDITED NOTIFICATION REQUIREMENT.—
20 Not later than 15 days before providing assistance or sup-
21 port under subsection (a), or as far in advance as is prac-
22 ticable if the Secretary of Defense determines, on a case-
23 by-case basis, that extraordinary circumstances exist that
24 impact the national security of the United States, the Sec-
25 retary shall transmit to the congressional defense commit-

1 tees, the Committee on Foreign Relations of the Senate,
2 and the Committee on Foreign Affairs of the House of
3 Representatives a notification containing a detailed de-
4 scription of the assistance or support to be provided, in-
5 cluding—

6 “(1) the objectives of such assistance or sup-
7 port;

8 “(2) the budget for such assistance or support;
9 and

10 “(3) the expected or estimated timeline for de-
11 livery of such assistance or support.”.

12 **SEC. 1242. EXTENSION OF LIMITATION ON MILITARY CO-**
13 **OPERATION BETWEEN THE UNITED STATES**
14 **AND RUSSIA.**

15 Section 1232(a) of the National Defense Authoriza-
16 tion Act for Fiscal Year 2017 (Public Law 114–328; 130
17 Stat. 2488), is amended by striking “2021, or 2022” and
18 inserting “2021, 2022, 2023, 2024, 2025, 2026, or
19 2027”.

20 **SEC. 1243. MODIFICATION TO ANNUAL REPORT ON MILI-**
21 **TARY AND SECURITY DEVELOPMENTS IN-**
22 **VOLVING THE RUSSIAN FEDERATION.**

23 Section 1234 of the National Defense Authorization
24 Act for Fiscal Year 2021 (Public Law 116–283; 134 Stat.
25 3936) is amended—

1 (1) in subsection (b)—

2 (A) by redesignating paragraph (24) as
3 paragraph (26); and

4 (B) by inserting after paragraph (23) the
5 following:

6 “(24) The impacts of United States sanctions
7 on improvements to the Russian military and its
8 proxies, including an assessment of the impacts of
9 the maintenance or revocation of such sanctions.

10 “(25) A detailed description of—

11 “(A) how Russian private military compa-
12 nies are being utilized to advance the political,
13 economic, and military interests of the Russian
14 Federation;

15 “(B) the direct or indirect threats Russian
16 private military companies present to United
17 States security interests; and

18 “(C) how sanctions that are currently in
19 place to impede or deter Russian private mili-
20 tary companies from continuing their malign
21 activities have impacted the Russian private
22 military companies’ behavior.”; and

23 (2) in subsection (e)—

1 (A) in paragraph (1), by inserting “, the
2 Permanent Select Committee on Intelligence,”
3 after “the Committee on Armed Services”; and

4 (B) in paragraph (2), by inserting “, the
5 Select Committee on Intelligence,” after “the
6 Committee on Armed Services”.

7 **SEC. 1244. TEMPORARY AUTHORIZATIONS RELATED TO**
8 **UKRAINE AND OTHER MATTERS.**

9 (a) TEMPORARY AUTHORIZATIONS FOR COVERED
10 AGREEMENTS RELATED TO UKRAINE.—

11 (1) COVERED AGREEMENT DEFINED.—In this
12 subsection, the term “covered agreement” includes a
13 contract, subcontract, transaction, or modification of
14 a contract, subcontract, or transaction awarded by
15 the Department of Defense—

16 (A) to build the stocks of critical munitions
17 and other defense articles of the Department;

18 (B) to provide materiel and related services
19 to foreign allies and partners that have pro-
20 vided support to the Government of Ukraine;
21 and

22 (C) to provide materiel and related services
23 to the Government of Ukraine.

24 (2) PUBLIC INTEREST.—

1 (A) IN GENERAL.—A covered agreement
2 may be presumed to be in the public interest
3 for purposes of meeting the requirements of
4 subsection (a)(7) of section 3204 of title 10,
5 United States Code.

6 (B) PROCEDURES.—Notwithstanding the
7 provisions of subsection (a)(7) of section 3204
8 of title 10, United States Code, with respect to
9 a covered agreement—

10 (i) the head of an agency may dele-
11 gate the authority under that subsection to
12 an officer or employee who—

13 (I) in the case of an officer or
14 employee who is a member of the
15 Armed Forces, is serving in a grade
16 at or above brigadier general or rear
17 admiral (lower half); or

18 (II) in the case of a civilian offi-
19 cer or employee, is serving in a posi-
20 tion with a grade under the General
21 Schedule (or any other schedule for
22 civilian officers or employees) that is
23 comparable to or higher than the
24 grade of brigadier general or rear ad-
25 miral (lower half); and

1 (ii) not later than 7 days before using
2 the applicable procedures under section
3 3204 of title 10, United States Code, the
4 head of an agency, or a designee of the
5 head of an agency, shall submit to the con-
6 gressional defense committees a written
7 notification of the use of such procedures.

8 (C) DOCUMENTATION.—Consistent with
9 paragraph (4)(C) of subsection (e) of section
10 3204 of title 10, United States Code, the docu-
11 mentation otherwise required by paragraph (1)
12 of such subsection is not required in the case of
13 a covered agreement.

14 (3) PROCUREMENT AUTHORITIES.—The special
15 emergency procurement authorities provided under
16 subsections (b) and (c) of section 1903 of title 41,
17 United States Code, may be used by the Department
18 of Defense for a covered agreement.

19 (4) UNDEFINITIZED CONTRACTUAL ACTIONS.—
20 The head of an agency may waive the provisions of
21 subsections (a) and (c) of section 3372 of title 10,
22 United States Code, for a covered agreement.

23 (5) TECHNICAL DATA PACKAGES FOR LARGE-
24 CALIBER CANNON.—The requirements of section
25 7542 of title 10, United States Code, do not apply

1 to the transfer of technical data to an international
2 partner for the production of large-caliber cannons
3 produced for—

4 (A) the replacement of defense articles
5 from stocks of the Department of Defense pro-
6 vided to the Government of Ukraine or to for-
7 eign countries that have provided support to
8 Ukraine at the request of the United States, or

9 (B) contracts awarded by the Department
10 of Defense to provide materiel directly to the
11 Government of Ukraine.

12 (6) TEMPORARY EXEMPTION FROM CERTIFIED
13 COST AND PRICING DATA REQUIREMENTS.—

14 (A) IN GENERAL.—At the Federal Govern-
15 ment's discretion, the requirements under sec-
16 tion 3702 of title 10, United States Code, shall
17 not apply to a covered agreement awarded on a
18 fixed-price incentive firm target basis, where
19 target price equals ceiling price, and the Gov-
20 ernment underrun share ratio is a minimum of
21 60 percent with a cap for the negotiated profit
22 dollars of 15 percent of target cost.

23 (B) USE OF EXEMPTION.—The following
24 shall apply to an exemption under subpara-
25 graph (A):

1 (i) Awarded profit dollars shall be
2 fixed, but the contractor may ultimately re-
3 alize a profit rate of higher than 15 per-
4 cent by underrunning target costs.

5 (ii) The target prices negotiated by
6 the Federal Government shall not exceed
7 the most recent negotiated prices for the
8 same items while allowing for appropriate
9 adjustments, including those for quantity
10 differences or relevant, applicable economic
11 indices.

12 (C) APPLICATION.—An exemption under
13 subparagraph (A) shall apply to subcontracts
14 under prime contracts that are exempt under
15 this paragraph.

16 (7) TERMINATION OF TEMPORARY AUTHORIZA-
17 TIONS.—The provisions of this subsection shall ter-
18minate on September 30, 2024.

19 (b) MODIFICATION OF COOPERATIVE LOGISTIC SUP-
20 PORT AGREEMENTS: NATO COUNTRIES.—Section 2350d
21 of title 10, United States Code, is amended—

22 (1) in the section heading, by striking “**logis-**
23 **tic support**” and inserting “**acquisition and**
24 **logistics support**”;

25 (2) in subsection (a)—

- 1 (A) in paragraph (1)—
- 2 (i) in the matter preceding subpara-
- 3 graph (A), by striking “logistics support”
- 4 and inserting “acquisition and logistics
- 5 support”; and
- 6 (ii) in subparagraph (B), by striking
- 7 “logistic support” and inserting “acqui-
- 8 sition and logistics support”; and
- 9 (B) in paragraph (2)(B), by striking “lo-
- 10 gistics support” and inserting “armaments and
- 11 logistics support”; and
- 12 (3) in subsection (b)—
- 13 (A) in the matter preceding paragraph (1),
- 14 by striking “Partnership Agreement” and in-
- 15 sserting “Partnership Agreement or Arrange-
- 16 ment”;
- 17 (B) in paragraph (1)—
- 18 (i) by striking “supply and acquisition
- 19 of logistics support in Europe for require-
- 20 ments” and inserting “supply, services,
- 21 support, and acquisition, including arma-
- 22 ments for requirements”; and
- 23 (ii) by striking “supply and acquisi-
- 24 tion are appropriate” and inserting “sup-

1 ply, services, support, and acquisition are
2 appropriate”; and

3 (C) in paragraph (2), by striking “logistics
4 support” each place it appears and inserting
5 “acquisition and logistics support”.

6 (c) MULTIYEAR PROCUREMENT AUTHORITY FOR
7 CERTAIN MUNITIONS.—

8 (1) AUTHORITY FOR MULTIYEAR PROCURE-
9 MENT.—Subject to the provisions of section 3501 of
10 title 10, United States Code, set forth in paragraph
11 (3), the head of an agency may enter into one or
12 more multiyear contracts, beginning in fiscal year
13 2023, for the procurement of up to—

14 (A) 864,000 XM1128, XM1113, M107,
15 and M795 (155mm rounds);

16 (B) 12,000 AGM–179 Joint Air-to-Ground
17 Missiles (JAGM);

18 (C) 700 M142 High Mobility Artillery
19 Rocket Systems (HIMARS);

20 (D) 1,700 MGM–140 Army Tactical Mis-
21 sile Systems (ATACMS);

22 (E) 2,600 Harpoons;

23 (F) 1,250 Naval Strike Missiles;

24 (G) 106,000 Guided Multiple Launch
25 Rocket Systems (GMLRS);

1 (H) 3,850 PATRIOT Advanced Capa-
2 bility-3 (PAC-3) Missile Segment Enhance-
3 ment (MSE);

4 (I) 5,600 FIM-92 Stinger;

5 (J) 28,300 FGM-148 Javelin;

6 (K) 5,100 AIM-120 Advanced Medium-
7 Range Air-to-Air Missile (AMRAAM);

8 (L) 2,250,000 Modular Artillery Charge
9 System (MACS);

10 (M) 12,050 155m Excalibur M982A1;

11 (N) 950 Long Range Anti-Ship Missiles
12 (LRASM);

13 (O) 3,100 Joint Air-to-Surface Standoff
14 Missiles (JASSM);

15 (P) 1,500 Standard Missile-6 Missiles
16 (SM-6); and

17 (Q) 5,100 Sidewinder Missiles (AIM-9X).

18 (2) PROCUREMENT IN CONJUNCTION WITH EX-
19 ISTING CONTRACTS.—The systems authorized to be
20 procured under paragraph (1) may be procured as
21 additions to existing contracts covering such pro-
22 grams.

23 (3) LIMITED APPLICABILITY OF OTHER LAW.—
24 In applying section 3501 of title 10, United States

1 Code, to paragraph (1), only the following provisions
2 of that section shall apply:

3 (A) Subsection (f).

4 (B) Subsection (g), in which the term
5 “contract described in subsection (a)” shall
6 mean a contract awarded pursuant to the au-
7 thority of this subsection.

8 (C) Subsection (i)(1).

9 (D) Subsection (l)(3).

10 (4) AUTHORITY FOR ADVANCE PROCURE-
11 MENT.—To the extent and in such amounts as spe-
12 cifically provided in advance in appropriations Acts
13 for the purposes described in paragraph (1), the
14 head of an agency may enter into one or more con-
15 tracts for advance procurement associated with a
16 program for which authorization to enter into a con-
17 tract is provided under paragraph (1) and for sys-
18 tems and subsystems associated with such program
19 in economic order quantities when cost savings are
20 achievable.

21 (5) CONDITION FOR OUT-YEAR CONTRACT PAY-
22 MENTS.—A contract entered into under paragraph
23 (1) shall provide that any obligation of the United
24 States to make a payment under the contract for a
25 fiscal year after fiscal year 2023 is subject to the

1 availability of appropriations for that purpose for
2 such later fiscal year.

3 (d) DEFINITION.—In this section, the term “head of
4 an agency” means—

- 5 (1) the Secretary of Defense;
- 6 (2) the Secretary of the Army;
- 7 (3) the Secretary of the Navy; or
- 8 (4) the Secretary of the Air Force.

9 **SEC. 1245. PROHIBITION ON AVAILABILITY OF FUNDS RE-**
10 **LATING TO SOVEREIGNTY OF THE RUSSIAN**
11 **FEDERATION OVER INTERNATIONALLY REC-**
12 **OGNIZED TERRITORY OF UKRAINE.**

13 (a) PROHIBITION.—None of the funds authorized to
14 be appropriated by this Act or otherwise made available
15 for fiscal year 2023 for the Department of Defense may
16 be obligated or expended to implement any activity that
17 recognizes the sovereignty of the Russian Federation over
18 territory internationally recognized to be the sovereign ter-
19 ritory of Ukraine, including Crimea and the territory Rus-
20 sia claims to have annexed in Kherson Oblast, Zaporizhzia
21 Oblast, Donetsk Oblast, and Luhansk Oblast.

22 (b) WAIVER.—The Secretary of Defense, with the
23 concurrence of the Secretary of State, may waive the pro-
24 hibition under subsection (a) if the Secretary of Defense—

1 (1) determines that the waiver is in the national
2 security interest of the United States; and

3 (2) on the date on which the waiver is invoked,
4 submits a notification of the waiver and a justifica-
5 tion of the reason for seeking the waiver to—

6 (A) the Committee on Armed Services and
7 the Committee on Foreign Relations of the Sen-
8 ate; and

9 (B) the Committee on Armed Services and
10 the Committee on Foreign Affairs of the House
11 of Representatives.

12 **SEC. 1246. REPORT ON DEPARTMENT OF DEFENSE PLAN**
13 **FOR THE PROVISION OF SHORT AND ME-**
14 **DIUM-TERM SECURITY ASSISTANCE TO**
15 **UKRAINE.**

16 (a) **IN GENERAL.**—Not later than 90 days after the
17 date of the enactment of this Act, the Secretary of De-
18 fense, in consultation with the heads of other relevant
19 Federal agencies, shall submit to the congressional defense
20 committees a report outlining in detail the plan of the De-
21 partment of Defense for the provision of security assist-
22 ance to the armed forces of Ukraine.

23 (b) **MATTERS TO BE INCLUDED.**—The report re-
24 quired by subsection (a) shall include—

1 (1) primary focus areas for the provision of se-
2 curity assistance to the armed forces of Ukraine by
3 the Department of Defense, including priority capa-
4 bilities, the funding streams used, and a plan to ful-
5 fill training, maintenance, and sustainment require-
6 ments associated with such assistance—

7 (A) over the next 3 to 6 months; and

8 (B) over the next 12 to 24 months; and

9 (2) any other matters the Secretary determines
10 appropriate.

11 **SEC. 1247. OVERSIGHT OF UNITED STATES ASSISTANCE TO**
12 **UKRAINE.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) continued assistance to Ukraine as it fights
16 against the unjust and unprovoked attack by Russia
17 is of critical importance to United States national
18 security interests, and oversight and transparency
19 for such assistance is essential to ensure effective
20 and sustained support;

21 (2) the executive branch has established the
22 interagency Ukraine Oversight Working Group,
23 which focuses on conducting comprehensive over-
24 sight, and issued the interagency U.S. Plan to
25 Counter Illicit Diversion of Certain Advanced Con-

1 ventional Weapons in Eastern Europe, a whole-of-
2 government effort to advance accountability and
3 end-use monitoring of weapons provided in response
4 to the Ukraine crisis, and continued attention and
5 regular briefings to relevant congressional oversight
6 committees on such efforts is imperative;

7 (3) each United States department and agency
8 providing or facilitating assistance to Ukraine should
9 continue to implement and institutionalize appro-
10 priate transparency, accountability, and end-use
11 monitoring measures, including exploring creative
12 approaches to overcoming the challenges associated
13 with delivering assistance during an active armed
14 conflict, as is detailed in the interagency Plan to
15 Counter Illicit Diversion;

16 (4) Inspectors General must continue to carry
17 out comprehensive oversight and conduct reviews,
18 audits, investigations, and inspections of United
19 States support and activities carried out in response
20 to Russia's further invasion of Ukraine, and provide
21 regular briefings to the appropriate congressional
22 committees on their findings;

23 (5) the United States and its allies and part-
24 ners should continue to support Ukrainian anti-cor-
25 ruption institutions and e-platforms, including the

1 National Agency for Corruption Prevention, the Na-
2 tional Anti-Corruption Bureau of Ukraine, and the
3 Specialized Anti-Corruption Prosecutor's Office, in
4 their work to ensure effective assistance delivery and
5 prevent incidents of waste, fraud, and abuse; and

6 (6) Ukrainian authorities should also continue
7 to establish new transparency, accountability, and
8 end-use monitoring initiatives both independently
9 and in partnership with relevant United States de-
10 partments and agencies and other international
11 partners, and the United States should continue to
12 work with counterparts in Ukraine and other coun-
13 tries supporting their efforts to further mutual ef-
14 forts to strengthen and institutionalize account-
15 ability measures and mechanisms.

16 (b) REPORT.—

17 (1) IN GENERAL.—Not later than April 1,
18 2023, the Inspector General of the Department of
19 Defense, in conjunction with the Inspector General
20 of the Department of State and the Inspector Gen-
21 eral of the United States Agency for International
22 Development and in consultation with other Inspec-
23 tors General as appropriate, shall submit to the ap-
24 propriate congressional committees a report on the

1 oversight framework established with respect to
2 United States assistance to Ukraine.

3 (2) MATTERS TO BE INCLUDED.—The report
4 required by this subsection shall include the fol-
5 lowing:

6 (A) The framework the relevant Inspectors
7 General are currently using or plan to adopt to
8 oversee assistance to Ukraine in the immediate
9 and longer term, including an identification of
10 the United States departments and agencies
11 providing or facilitating such assistance.

12 (B) Whether there are any gaps in over-
13 sight over the activities and funds for assistance
14 to Ukraine.

15 (C) An assessment of any failures by
16 United States, bilateral, or multilateral organi-
17 zations to work with such Inspectors General in
18 a timely and transparent manner.

19 (D) A description of the footprint in Eu-
20 rope of such Inspectors General for purposes of
21 oversight of assistance to Ukraine, including
22 presence and access in Ukraine.

23 (E) To the extent practicable and appro-
24 priate, a description of any known incidents of
25 the misuse of assistance to Ukraine, including

1 incidents of waste, fraud, abuse, diversion, or
2 corruption.

3 (F) Any lessons learned from the manner
4 in which oversight over assistance to Ukraine
5 has been conducted.

6 (G) Any findings or recommendations with
7 respect to assistance to Ukraine.

8 (c) DEFINITION.—In this section, the term “appro-
9 priate congressional committees” means—

10 (1) the congressional defense committees; and

11 (2) the Committee on Foreign Affairs of the
12 House of Representatives and the Committee on
13 Foreign Relations of the Senate.

14 **Subtitle E—Matters Relating to the** 15 **Indo-Pacific Region**

16 **SEC. 1251. MODIFICATION TO ANNUAL REPORT ON MILI-** 17 **TARY AND SECURITY DEVELOPMENTS IN-** 18 **VOLVING THE PEOPLE’S REPUBLIC OF** 19 **CHINA.**

20 Section 1202(b) of the National Defense Authoriza-
21 tion Act for Fiscal Year 2000 (10 U.S.C. 113 note) is
22 amended as follows:

23 (1) In paragraph (5)—

1 (A) in subparagraph (A), by inserting
2 “special operations,” after “theater-level com-
3 mands,”; and

4 (B) in subparagraph (B), by striking “A
5 summary” and inserting “a summary”.

6 (2) In paragraph (7)(B)—

7 (A) in clause (ii), by striking “and” at the
8 end;

9 (B) in clause (iii), by striking the period at
10 the end and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(iv) the Middle East.”.

13 (3) In paragraph (8), by adding at the end the
14 following:

15 “(F) Special operations capabilities.”.

16 **SEC. 1252. MODIFICATION OF INDO-PACIFIC MARITIME SE-**
17 **CURITY INITIATIVE TO AUTHORIZE USE OF**
18 **FUNDS FOR THE COAST GUARD.**

19 Section 1263 of the National Defense Authorization
20 Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended
21 by striking subsection (f) and inserting the following new
22 subsection (f):

23 “(f) AVAILABILITY OF FUNDS FOR COAST GUARD
24 PERSONNEL AND CAPABILITIES.—The Secretary of De-
25 fense may use funds made available under this section to

1 facilitate the participation of Coast Guard personnel in,
2 and the use of Coast Guard capabilities for, training, exer-
3 cises, and other activities with foreign countries under this
4 section.”.

5 **SEC. 1253. MODIFICATION OF PROHIBITION ON PARTICIPA-**
6 **TION OF THE PEOPLE’S REPUBLIC OF CHINA**
7 **IN RIM OF THE PACIFIC (RIMPAC) NAVAL EX-**
8 **ERCISES TO INCLUDE CESSATION OF GENO-**
9 **CIDE BY CHINA.**

10 Section 1259(a)(1) of the John S. McCain National
11 Defense Authorization Act for Fiscal Year 2019 (10
12 U.S.C. 321 note) is amended—

13 (1) in subparagraph (B), by striking “and” at
14 the end;

15 (2) in subparagraph (C), by striking the period
16 at the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(D) ceased committing genocide in China,
19 as articulated in the Department of State’s
20 Country Report on Human Rights Practices re-
21 leased on April 12, 2022, and engaged in a
22 credible justice and accountability process for
23 all victims of such genocide.”.

1 **SEC. 1254. EXTENSION AND MODIFICATION OF PACIFIC DE-**
2 **TERRENCE INITIATIVE.**

3 (a) EXTENSION.—Subsection (c) of section 1251 of
4 the William M. (Mac) Thornberry National Defense Au-
5 thorization Act for Fiscal Year 2021 (10 U.S.C. 113 note)
6 is amended—

7 (1) by striking “the National Defense Author-
8 ization Act for Fiscal Year 2022” and inserting “the
9 National Defense Authorization Act for Fiscal Year
10 2023”; and

11 (2) by striking “fiscal year 2022” and inserting
12 “fiscal year 2023”.

13 (b) REPORT ON RESOURCING UNITED STATES DE-
14 FENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION
15 AND STUDY ON COMPETITIVE STRATEGIES.—Subsection
16 (d)(1) of such section is amended—

17 (1) in subparagraph (A), by striking “fiscal
18 years 2023 and 2024” and inserting “fiscal years
19 2024 and 2025”; and

20 (2) in subparagraph (B)—

21 (A) in clause (v), by striking “security co-
22 operation activities or resources” and inserting
23 “security cooperation authorities, activities, or
24 resources”;

25 (B) in clause (vi)(I)(aa)—

1 (i) in subitem (AA), by striking “to
2 modernize and strengthen the” and insert-
3 ing “to improve the posture and”; and
4 (ii) in subitem (FF)—
5 (I) by striking “to improve” and
6 inserting “to modernize and improve”;
7 and
8 (II) by striking the semicolon at
9 the end and inserting “; and”; and
10 (C) by adding at the end the following new
11 clause:

12 “(vii) A budget display, prepared with
13 the assistance of the Under Secretary of
14 Defense (Comptroller), that compares the
15 independent assessment of the Commander
16 of the United States Indo-Pacific Com-
17 mand with the amounts contained in the
18 budget display for the applicable fiscal year
19 under subsection (f).”.

20 **SEC. 1255. EXTENSION OF AUTHORITY TO TRANSFER**
21 **FUNDS FOR BIEN HOA DIOXIN CLEANUP.**

22 Section 1253(b) of the William M. (Mac) Thornberry
23 National Defense Authorization Act for Fiscal Year 2021
24 (Public Law 116–283; 134 Stat. 3955) is amended by

1 striking “fiscal year 2022” and inserting “fiscal year
2 2023”.

3 **SEC. 1256. ENHANCED INDICATIONS AND WARNING FOR DE-**
4 **TERRENCE AND DISSUASION.**

5 (a) ESTABLISHMENT OF PROGRAM FOR ENHANCED
6 INDICATIONS AND WARNING.—

7 (1) AUTHORITY.—The Director of the Defense
8 Intelligence Agency may establish a program to in-
9 crease warning time of potential aggression by ad-
10 versary nation states, focusing especially on the
11 United States Indo-Pacific Command and United
12 States European Command areas of operations.

13 (2) DESIGNATION.—If the Director establishes
14 the program under paragraph (1), the program shall
15 be known as the “Program for Enhanced Indications
16 and Warning” (in this section referred to as the
17 “Program”).

18 (3) PURPOSE.—The purpose of the Program
19 that may be established under paragraph (1) is to
20 gain increased warning time to provide time for the
21 Department of Defense to mount deterrence and dis-
22 suasion actions to persuade adversaries to refrain
23 from aggression, including through potential revela-
24 tions or demonstrations of capabilities and actions to

1 create doubt in the minds of adversary leaders re-
2 garding the prospects for military success.

3 (b) HEAD OF PROGRAM.—

4 (1) APPOINTMENT.—If the Director establishes
5 the Program, the Director shall appoint a defense
6 intelligence officer to serve as the mission manager
7 for the Program.

8 (2) DESIGNATION.—The mission manager for
9 the Program shall be known as the “Program Man-
10 ager for Enhanced Indications and Warning” (in
11 this section referred to as the “Program Manager”).

12 (c) SOURCES OF INFORMATION AND ANALYSIS.—If
13 the Director establishes the Program, the Program Man-
14 ager shall ensure that the Program makes use of all avail-
15 able sources of information, from public, commercial, and
16 classified sources across the intelligence community and
17 the Department of Defense, and advanced analytics, in-
18 cluding artificial intelligence, to establish a system capable
19 of discerning deviations from normal patterns of behavior
20 and activity that may indicate preparations for military
21 actions.

22 (d) INTEGRATION WITH OTHER PROGRAMS.—

23 (1) SUPPORT.—If the Director establishes the
24 Program, the Program shall be supported, as appro-
25 priate, by the Chief Digital and Artificial Intel-

1 intelligence Officer, the Maven project, by capabilities
2 sponsored by the Office of the Under Secretary of
3 Defense for Intelligence and Security, and programs
4 already underway within the Defense Intelligence
5 Agency.

6 (2) AGREEMENTS.—If the Director establishes
7 the Program, the Director shall seek to engage in
8 agreements to integrate information and capabilities
9 from other components of the intelligence commu-
10 nity to facilitate the purpose of the Program.

11 (e) BRIEFINGS.—If the Director establishes the Pro-
12 gram, not later than 180 days after the date of the enact-
13 ment of this Act and not less frequently than once each
14 year thereafter through 2027, the Program Manager shall
15 provide the appropriate committees of Congress a briefing
16 on the status of the activities of the Program.

17 (f) DEFINITIONS.—In this section:

18 (1) The term “appropriate committees of Con-
19 gress” means—

20 (A) the congressional defense committees;

21 and

22 (B) the congressional intelligence commit-
23 tees (as defined in section 3 of the National Se-
24 curity Act of 1947 (50 U.S.C. 3003)).

1 (2) The term “intelligence community” has the
2 meaning given such term in section 3 of the Na-
3 tional Security Act of 1947 (50 U.S.C. 3003).

4 **SEC. 1257. PROHIBITION ON USE OF FUNDS TO SUPPORT**
5 **ENTERTAINMENT PROJECTS WITH TIES TO**
6 **THE GOVERNMENT OF THE PEOPLE’S REPUB-**
7 **LIC OF CHINA.**

8 (a) IN GENERAL.—None of the funds authorized to
9 be appropriated by this Act may be used to knowingly pro-
10 vide active and direct support to any film, television, or
11 other entertainment project if the Secretary of Defense
12 has demonstrable evidence that the project has complied
13 or is likely to comply with a demand from the Government
14 of the People’s Republic of China or the Chinese Com-
15 munist Party, or an entity under the direction of the Peo-
16 ple’s Republic of China or the Chinese Communist Party,
17 to censor the content of the project in a material manner
18 to advance the national interest of the People’s Republic
19 of China.

20 (b) WAIVER.—The Secretary of Defense may waive
21 the prohibition under subsection (a) if the Secretary sub-
22 mits to the Committees on Armed Services of the Senate
23 and House of Representatives a written certification that
24 such a waiver is in the national interest of the United
25 States.

1 (c) POLICY REQUIRED.—Not later than 180 days
2 after the date of the enactment of this Act, the Secretary
3 of Defense shall issue a policy that describes how the De-
4 partment of Defense will review requests to provide active
5 or direct support to any film, television, or other entertain-
6 ment project. The policy shall include ways to assess Chi-
7 nese influence or potential influence over the content of
8 a film, television, or other entertainment project, actions
9 the Department can take to prevent Chinese censorship
10 of a project, and criteria the Department shall use when
11 evaluating requests to support a project.

12 (d) LIMITATION.—Of the amounts authorized to be
13 appropriated by this Act for the official travel expenses
14 of the Office of the Secretary of Defense, not more than
15 95 percent may be obligated or expended until the policy
16 required by subsection (c) is released and transmitted to
17 the congressional defense committees.

18 **SEC. 1258. REPORTING ON INSTITUTIONS OF HIGHER EDU-**
19 **CATION DOMICILED IN THE PEOPLE'S RE-**
20 **PUBLIC OF CHINA THAT PROVIDE SUPPORT**
21 **TO THE PEOPLE'S LIBERATION ARMY.**

22 (a) DETERMINATION.—

23 (1) IN GENERAL.—The Secretary of Defense, in
24 consultation with the Director of National Intel-
25 ligence, shall identify each entity that is an institu-

1 tion of higher education domiciled in the People's
2 Republic of China that provides material support to
3 the People's Liberation Army.

4 (2) FACTORS.—In making a determination
5 under paragraph (1) with respect to an entity, the
6 Secretary shall consider the following factors:

7 (A) Material support to the implementa-
8 tion of the military-civil fusion strategy of
9 China.

10 (B) Material relationship with the Chinese
11 State Administration for Science, Technology,
12 and Industry for the National Defense.

13 (D) Funding received from any organiza-
14 tion subordinate to the Central Military Com-
15 mission of the Chinese Communist Party.

16 (E) Supporting or enabling relationship
17 with any security, defense, or police forces with-
18 in the Government of China or the Chinese
19 Communist Party.

20 (F) Any other factor the Secretary deter-
21 mines is appropriate.

22 (b) REPORT.—Not later than September 30, 2023,
23 the Secretary shall submit to the appropriate congres-
24 sional committees a list of each entity identified pursuant

1 to subsection (a) in unclassified form, with a classified
2 annex, if necessary.

3 (c) DEFINITIONS.—In this section:

4 (1) The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Armed Services and
7 the Select Committee on Intelligence of the
8 Senate; and

9 (B) the Committee on Armed Services and
10 the Permanent Select Committee on Intelligence
11 of the House of Representatives.

12 (2) The term “People’s Liberation Army”
13 means the land, naval, and air military services, the
14 People’s Armed Police, the Strategic Support Force,
15 the Rocket Force, and any other related security ele-
16 ment within the Government of China or the Chi-
17 nese Communist Party that the Secretary deter-
18 mines is appropriate.

1 **SEC. 1259. REVIEW OF PORT AND PORT-RELATED INFRA-**
2 **STRUCTURE PURCHASES AND INVESTMENTS**
3 **MADE BY THE GOVERNMENT OF THE PEO-**
4 **PLE'S REPUBLIC OF CHINA AND ENTITIES DI-**
5 **RECTED OR BACKED BY THE GOVERNMENT**
6 **OF THE PEOPLE'S REPUBLIC OF CHINA.**

7 (a) IN GENERAL.—The Secretary of State, in coordi-
8 nation with the Director of National Intelligence, the Sec-
9 retary of Defense, and the head of any other agency the
10 Secretary of State considers necessary, shall conduct a re-
11 view of port and port-related infrastructure purchases and
12 investments critical to the interests and national security
13 of the United States made by—

14 (1) the Government of the People's Republic of
15 China;

16 (2) entities directed or backed by the Govern-
17 ment of the People's Republic of China; and

18 (3) entities with beneficial owners that include
19 the Government of the People's Republic of China or
20 a private company controlled by the Government of
21 the People's Republic of China.

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

24 (1) A list of port and port-related infrastructure
25 purchases and investments described in that sub-
26 section, prioritized in order of the purchases or in-

1 vestments that pose the greatest threat to United
2 States economic, defense, and foreign policy inter-
3 ests.

4 (2) An analysis of the effects the consolidation
5 of such investments, or the assertion of control by
6 the Government of the People's Republic of China
7 over entities described in paragraph (2) or (3) of
8 that subsection, would have on Department of State
9 and Department of Defense contingency plans.

10 (3) A description of the integration into ports
11 of technologies developed and produced by the Gov-
12 ernment of the People's Republic of China or enti-
13 ties described in paragraphs (2) or (3) of that sub-
14 section, and the data and cyber security risks posed
15 by such integration.

16 (4) A description of past and planned efforts by
17 the Secretary of State and the Secretary of Defense,
18 with the support of the Director of National Intel-
19 ligence, to address such purchases, investments, and
20 consolidation of investments or assertion of control.

21 (c) COORDINATION WITH OTHER FEDERAL AGEN-
22 CIES.—In conducting the review required by subsection
23 (a), the Secretary of State may coordinate with the head
24 of any other Federal agency, as the Secretary considers
25 appropriate.

1 (d) REPORT.—

2 (1) IN GENERAL.—Not later than one year
3 after the date of the enactment of this Act, the Sec-
4 retary of State shall submit to the appropriate com-
5 mittees of Congress a report on the results of the re-
6 view under subsection (a).

7 (2) FORM.—The report required by paragraph
8 (1) shall be submitted in unclassified form, but may
9 contain a classified annex.

10 (e) DEFINITIONS.—In this section:

11 (1) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Select
16 Committee on Intelligence of the Senate; and

17 (B) the Committee on Armed Services, the
18 Committee on Foreign Affairs, and the Perma-
19 nent Select Committee on Intelligence of the
20 House of Representatives.

21 (2) PORT.—The term “port” means—

22 (A) any port—

23 (i) on the navigable waters of the
24 United States; or

1 (ii) that is considered by the Secretary
2 of State to be critical to United States in-
3 terests; and

4 (B) any harbor, marine terminal, or other
5 shoreside facility used principally for the move-
6 ment of goods on inland waters that the Sec-
7 retary of State considers critical to United
8 States interests.

9 (3) **PORT-RELATED INFRASTRUCTURE.**—The
10 term “port-related infrastructure” includes—

11 (A) crane equipment;

12 (B) logistics, information, and communica-
13 tions systems; and

14 (C) any other infrastructure the Secretary
15 of State considers appropriate.

16 **SEC. 1260. ENHANCING MAJOR DEFENSE PARTNERSHIP**
17 **WITH INDIA.**

18 (a) **IN GENERAL.**—Not later than 90 days after the
19 date of the enactment of this Act, the Secretary of De-
20 fense, in consultation with the Secretary of State, shall
21 direct appropriate personnel within the Department of De-
22 fense to seek to engage appropriate counterparts within
23 the Ministry of Defence of India for the purpose of ex-
24 panding cooperation on emerging technologies, readiness,
25 and logistics.

1 (b) TOPICS.—At a minimum, the personnel described
2 in subsection (a) shall seek to engage their counterparts
3 in the Ministry of Defense of India on the following topics:

4 (1) Intelligence collection capabilities.

5 (2) Unmanned aerial vehicles.

6 (3) Fourth and fifth generation aircraft.

7 (4) Depot-level maintenance.

8 (5) Joint research and development.

9 (6) Fifth generation wireless communication
10 and Open Radio Access Network technologies.

11 (7) Defensive cyber capabilities.

12 (8) Cold-weather capabilities.

13 (9) Critical and emerging technologies.

14 (10) Any other matters the Secretary considers
15 relevant.

16 (c) BRIEFING.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall provide a briefing to the appropriate committees of
19 Congress that includes—

20 (1) an assessment of the feasibility and advis-
21 ability of expanding cooperation with the Ministry of
22 Defence of India on the topics described in sub-
23 section (b);

24 (2) a description of other opportunities to ex-
25 pand cooperation with the Ministry of Defence of

1 India on topics other than the topics described in
2 such subsection;

3 (3) a description of any challenges, including
4 agreements, authorities, and resourcing, that need to
5 be addressed so as to expand cooperation with the
6 Ministry of Defence of India on the topics described
7 in such subsection;

8 (4) an articulation of security considerations to
9 ensure the protection of research and development,
10 intellectual property, and United States-provided
11 equipment from being stolen or exploited by adver-
12 saries;

13 (5) an identification of opportunities for aca-
14 demia and private industry to participate in ex-
15 panded cooperation with the Ministry of Defence of
16 India;

17 (6) a discussion of opportunities and challenges
18 related to reducing India's reliance on Russian-built
19 weapons and defense systems; and

20 (7) any other matter the Secretary considers
21 relevant.

22 (d) APPROPRIATE COMMITTEES OF CONGRESS DE-
23 FINED.—In this section, the term “appropriate commit-
24 tees of Congress” means—

1 (1) the Committee on Armed Services, the
2 Committee on Appropriations, and the Committee on
3 Foreign Relations of the Senate; and

4 (2) the Committee on Armed Services, the
5 Committee on Appropriations, and the Committee on
6 Foreign Affairs of the House of Representatives.

7 **SEC. 1261. PILOT PROGRAM TO DEVELOP YOUNG CIVILIAN**
8 **DEFENSE LEADERS IN THE INDO-PACIFIC RE-**
9 **GION.**

10 (a) IN GENERAL.—The Secretary of Defense may es-
11 tablish, using existing authorities of the Department of
12 Defense, a pilot program to enhance engagement of the
13 Department with young civilian defense and security lead-
14 ers in the Indo-Pacific region.

15 (b) PURPOSES.—The activities of the pilot program
16 under subsection (a) shall include training of, and engage-
17 ment with, young civilian leaders from foreign partner
18 ministries of defense and other appropriate ministries with
19 a national defense mission in the Indo-Pacific region for
20 purposes of—

21 (1) enhancing bilateral and multilateral co-
22 operation between—

23 (A) civilian leaders in the Department; and

24 (B) civilian leaders in foreign partner min-

25 istries of defense; and

1 (2) building the capacity of young civilian lead-
2 ers in foreign partner ministries of defense to pro-
3 mote civilian control of the military, respect for
4 human rights, and adherence to the law of armed
5 conflict.

6 (c) PRIORITY.—In carrying out the pilot program
7 under subsection (a), the Secretary of Defense shall
8 prioritize engagement with civilian defense leaders from
9 foreign partner ministries of defense who are 40 years of
10 age or younger.

11 (d) BRIEFINGS.—

12 (1) DESIGN OF PILOT PROGRAM.—Not later
13 than June 1, 2023, the Secretary of Defense, in con-
14 sultation with the Secretary of State, shall provide
15 a briefing to the appropriate committees of Congress
16 on the design of the pilot program under subsection
17 (a).

18 (2) PROGRESS BRIEFING.—Not later than De-
19 cember 31, 2023, and annually thereafter until the
20 date on which the pilot program terminates under
21 subsection (e), the Secretary of Defense, in consulta-
22 tion with the Secretary of State, shall provide a
23 briefing to the appropriate committees of Congress
24 on the pilot program that includes—

1 (A) a description of the activities con-
2 ducted and the results of such activities;

3 (B) an identification of existing authorities
4 used to carry out the pilot program;

5 (C) any recommendations related to new
6 authorities or modifications to existing authori-
7 ties necessary to more effectively achieve the
8 objectives of the pilot program; and

9 (D) any other matter the Secretary of De-
10 fense considers relevant.

11 (e) TERMINATION.—The pilot program under sub-
12 section (a) shall terminate on December 31, 2026.

13 (f) APPROPRIATE COMMITTEES OF CONGRESS DE-
14 FINED.—In this section, the term “appropriate commit-
15 tees of Congress” means—

16 (1) the Committee on Armed Services and the
17 Committee on Foreign Relations of the Senate; and

18 (2) the Committee on Armed Services and the
19 Committee on Foreign Affairs of the House of Rep-
20 resentatives.

21 **SEC. 1262. REPORT ON BILATERAL AGREEMENTS SUP-**
22 **PORTING UNITED STATES MILITARY POS-**
23 **TURE IN THE INDO-PACIFIC REGION.**

24 (a) REPORT REQUIRED.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary

1 of Defense, in coordination with the Secretary of State,
2 shall submit to the appropriate congressional committees
3 a report on the adequacy of existing bilateral defense and
4 security agreements between the United States and for-
5 eign governments that support the existing and planned
6 military posture of the United States in the Indo-Pacific
7 region.

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

10 (1) An accounting of existing bilateral defense
11 and security agreements that support the military
12 posture of the United States in the Indo-Pacific re-
13 gion, by country and type.

14 (2) An articulation of the need for new bilateral
15 defense and security agreements, by country and
16 type, to support a more distributed United States
17 military posture in the Indo-Pacific region, as out-
18 lined by the Global Force Posture Review, including
19 agreements necessary—

20 (A) to establish new cooperative security
21 locations, forward operating locations, and
22 other locations in support of distributed oper-
23 ations; and

24 (B) to enable exercises and a more rota-
25 tional force presence.

1 (3) A description of the relative priority of the
2 agreements articulated under paragraph (2).

3 (4) Any specific request, financial or otherwise,
4 made by a foreign government or a Federal agency
5 other than the Department of Defense that com-
6 plicates the completion of such agreements.

7 (5) A description of Department activities
8 planned for the current and subsequent fiscal year
9 that are intended to contribute to the completion of
10 such agreements.

11 (6) A description of the manner in which the
12 necessity for such agreements is communicated to,
13 and coordinated with, the Secretary of State.

14 (7) Any other matter the Secretary of Defense
15 considers relevant.

16 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
17 FINED.—In this section, the term “appropriate congres-
18 sional committees” means—

19 (1) the Committee on Armed Services, the
20 Committee on Foreign Relations, and the Committee
21 on Appropriations of the Senate; and

22 (2) the Committee on Armed Services, the
23 Committee on Foreign Affairs, and the Committee
24 on Appropriations of the House of Representatives.

1 **SEC. 1263. STATEMENT OF POLICY ON TAIWAN.**

2 (a) STATEMENT OF POLICY.—Consistent with the
3 Taiwan Relations Act (22 U.S.C. 3301 et. seq.), it shall
4 be the policy of the United States to maintain the capacity
5 of the United States to resist a fait accompli that would
6 jeopardize the security of the people on Taiwan.

7 (b) FAIT ACCOMPLI DEFINED.—In this section, the
8 term “fait accompli” refers to the resort to force by the
9 People’s Republic of China to invade and seize control of
10 Taiwan before the United States can respond effectively.

11 **SEC. 1264. SENSE OF CONGRESS ON JOINT EXERCISES**
12 **WITH TAIWAN.**

13 It is the sense of Congress that—

14 (1) joint military exercises with Taiwan are an
15 important component of improving military readi-
16 ness;

17 (2) the Commander of United States Indo-Pa-
18 cific Command possesses the authority to carry out
19 such joint military exercises, including those that—

20 (A) involve multiple warfare domains and
21 exercise secure communications between the
22 forces of the United States, Taiwan, and other
23 foreign partners;

24 (B) incorporate the participation of mul-
25 tiple combatant and subordinate unified com-
26 mands; and

1 (C) present complex military challenges,
2 including the multi-domain capabilities of a ca-
3 pable adversary;

4 (3) the United States should seek to use exist-
5 ing authorities more effectively to improve the readi-
6 ness of the military forces of the United States and
7 Taiwan; and

8 (4) the naval forces of Taiwan should be invited
9 to participate in the Rim of the Pacific exercise, as
10 appropriate, conducted in 2024.

11 **SEC. 1265. SENSE OF CONGRESS ON DEFENSE ALLIANCES**
12 **AND PARTNERSHIPS IN THE INDO-PACIFIC**
13 **REGION.**

14 It is the sense of Congress that the Secretary of De-
15 fense should continue efforts that strengthen United
16 States defense alliances and partnerships in the Indo-Pa-
17 cific region so as to further the comparative advantage of
18 the United States in strategic competition with the Peo-
19 ple's Republic of China, including by—

20 (1) enhancing cooperation with Japan, con-
21 sistent with the Treaty of Mutual Cooperation and
22 Security Between the United States of America and
23 Japan, signed at Washington, January 19, 1960, in-
24 cluding by developing advanced military capabilities,

1 fostering interoperability across all domains, and im-
2 proving sharing of information and intelligence;

3 (2) reinforcing the United States alliance with
4 the Republic of Korea, including by maintaining the
5 presence of approximately 28,500 members of the
6 United States Armed Forces deployed to the country
7 and affirming the United States commitment to ex-
8 tended deterrence using the full range of United
9 States defense capabilities, consistent with the Mu-
10 tual Defense Treaty Between the United States and
11 the Republic of Korea, signed at Washington, Octo-
12 ber 1, 1953, in support of the shared objective of a
13 peaceful and stable Korean Peninsula;

14 (3) fostering bilateral and multilateral coopera-
15 tion with Australia, consistent with the Security
16 Treaty Between Australia, New Zealand, and the
17 United States of America, signed at San Francisco,
18 September 1, 1951, and through the partnership
19 among Australia, the United Kingdom, and the
20 United States (commonly known as “AUKUS”)—

21 (A) to advance shared security objectives;

22 (B) to accelerate the fielding of advanced
23 military capabilities; and

24 (C) to build the capacity of emerging part-
25 ners;

1 (4) advancing United States alliances with the
2 Philippines and Thailand and United States partner-
3 ships with other partners in the Association of
4 Southeast Asian Nations to enhance maritime do-
5 main awareness, promote sovereignty and territorial
6 integrity, leverage technology and promote innova-
7 tion, and support an open, inclusive, and rules-based
8 regional architecture;

9 (5) broadening United States engagement with
10 India, including through the Quadrilateral Security
11 Dialogue—

12 (A) to advance the shared objective of a
13 free and open Indo-Pacific region through bilat-
14 eral and multilateral engagements and partici-
15 pation in military exercises, expanded defense
16 trade, and collaboration on humanitarian aid
17 and disaster response; and

18 (B) to enable greater cooperation on mari-
19 time security and the threat of global
20 pandemics, including COVID-19;

21 (6) strengthening the United States partnership
22 with Taiwan, consistent with the Three Commu-
23 niques, the Taiwan Relations Act (Public Law 96-
24 8; 22 U.S.C. 3301 et seq.), and the Six Assurances,
25 with the goal of improving Taiwan's defensive mili-

1 tary capabilities and promoting peaceful cross-strait
2 relations;

3 (7) reinforcing the status of the Republic of
4 Singapore as a Major Security Cooperation Partner
5 of the United States and continuing to strengthen
6 defense and security cooperation between the mili-
7 tary forces of the Republic of Singapore and the
8 Armed Forces of the United States, including
9 through participation in combined exercises and
10 training;

11 (8) engaging with the Federated States of Mi-
12 cronesia, the Republic of the Marshall Islands, the
13 Republic of Palau, and other Pacific Island coun-
14 tries, with the goal of strengthening regional secu-
15 rity and addressing issues of mutual concern, includ-
16 ing protecting fisheries from illegal, unreported, and
17 unregulated fishing;

18 (9) collaborating with Canada, the United
19 Kingdom, France, and other members of the Euro-
20 pean Union and the North Atlantic Treaty Organi-
21 zation to build connectivity and advance a shared vi-
22 sion for the region that is principled, long-term, and
23 anchored in democratic resilience; and

24 (10) investing in enhanced military posture and
25 capabilities in the area of responsibility of the

1 United States Indo-Pacific Command, identified by
2 the Department of Defense as its priority theater,
3 and strengthening cooperation in bilateral relation-
4 ships, multilateral partnerships, and other inter-
5 national fora to uphold global security and shared
6 principles, with the goal of ensuring the maintenance
7 of a free and open Indo-Pacific region.

8 **Subtitle F—Other Matters**

9 **SEC. 1271. NORTH ATLANTIC TREATY ORGANIZATION SPE-** 10 **CIAL OPERATIONS HEADQUARTERS.**

11 (a) IN GENERAL.—Subchapter II of chapter 138 of
12 title 10, United States Code, is amended by adding at the
13 end the following new section 2350r:

14 **“§ 2350r. North Atlantic Treaty Organization Special** 15 **Operations Headquarters**

16 “(a) AUTHORIZATION.—Of the amounts authorized
17 to be appropriated for each fiscal year for operation and
18 maintenance for the Army, the Secretary of Defense is au-
19 thorized to use up to \$50,000,000, to be derived from
20 amounts made available for support of North Atlantic
21 Treaty Organization (referred to in this section as
22 ‘NATO’) operations, for each such fiscal year for the pur-
23 poses set forth in subsection (b).

24 “(b) PURPOSES.—The Secretary shall provide funds
25 for the NATO Special Operations Headquarters—

1 “(1) to improve coordination and cooperation
2 between the special operations forces of NATO coun-
3 tries and countries approved by the North Atlantic
4 Council as NATO partners;

5 “(2) to facilitate joint operations by the special
6 operations forces of NATO countries and such
7 NATO partners;

8 “(3) to support special operations forces pecu-
9 liar command, control, and communications capabili-
10 ties;

11 “(4) to promote special operations forces intel-
12 ligence and informational requirements within the
13 NATO structure; and

14 “(5) to promote interoperability through the de-
15 velopment of common equipment standards, tactics,
16 techniques, and procedures, and through execution
17 of a multinational education and training program.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of subchapter II of chapter 138 of title
20 10, United States Code, is amended by adding at the end
21 the following new item:

 “2350r. North Atlantic Treaty Organization Special Operations Headquarters.”.

22 (c) REPEAL.—Section 1244 of the National Defense
23 Authorization Act for Fiscal Year 2010 (Public Law 111–
24 84; 123 Stat. 2541) is repealed.

1 **SEC. 1272. SENSE OF CONGRESS ON NATO AND UNITED**
2 **STATES DEFENSE POSTURE IN EUROPE.**

3 It is the sense of Congress as follows:

4 (1) The Russian Federation's further invasion
5 of Ukraine poses a grave threat to United States se-
6 curity and interests around the globe and to the
7 rules-based international order, including the North
8 Atlantic Treaty Organization (NATO).

9 (2) The Russian Federation has demonstrated
10 a complete disregard for the safety of civilians dur-
11 ing its unlawful and unprovoked invasion of
12 Ukraine, which has involved indiscriminate bombing
13 of civilian areas and executions of noncombatants.

14 (3) The United States stands with the people of
15 Ukraine and condemns the heinous acts committed
16 by the Russian Federation against them, and Con-
17 gress strongly supports continued assistance to
18 Ukraine to sustain its ability to repel Russian inva-
19 sion forces and continue to retake its sovereign terri-
20 tory.

21 (4) NATO remains the strongest and most suc-
22 cessful military alliance in the world, founded on a
23 commitment by its members to uphold the principles
24 of democracy, individual liberty, and the rule of law.
25 The NATO alliance has grown more robust and
26 more united in response to Russia's 2022 further in-

1 vasion of Ukraine, as allies have enhanced their de-
2 terrence and defense posture, and continued to send
3 military aid to bolster Ukraine's defenses.

4 (5) The United States—

5 (A) strongly supports the path of Sweden
6 and Finland toward NATO membership, as evi-
7 denced by the overwhelming bipartisan Senate
8 vote providing advice and consent to the ratifi-
9 cation of the Protocols of the North Atlantic
10 Treaty of 1949 on the Accession of the Repub-
11 lic of Finland and the Kingdom of Sweden;

12 (B) urges all NATO allies who have not
13 ratified their accession to do so as soon as pos-
14 sible;

15 (C) reaffirms its ironclad commitment to
16 NATO as the foundation of transatlantic secu-
17 rity and to upholding its obligations under the
18 North Atlantic Treaty, including Article 5; and

19 (D) encourages NATO members to move
20 swiftly to meet their commitments made at the
21 June 2022 NATO Summit to expand NATO's
22 multinational battle groups and enhance mili-
23 tary posture on NATO's eastern flank, and to
24 urgently continue progress on meeting their
25 Wales Pledge commitments, capability targets,

1 contributions to NATO missions and oper-
2 ations, and resilience commitments.

3 (6) America's European allies and partners
4 have—

5 (A) made significant contributions to
6 Ukraine's defense against the Russian invasion,
7 including critical military, economic, and hu-
8 manitarian aid, sanctions, and export controls,
9 to erode Russia's ability to sustain its aggres-
10 sion; and

11 (B) welcomed millions of Ukrainian refu-
12 gees forced to flee their homeland.

13 (7) The United States must continue to work
14 with these allies and partners to sustain this sup-
15 port, to collectively reconstitute weapons stocks, and
16 to maintain unified resolve to reduce threats to crit-
17 ical infrastructure ranging from Russia's
18 weaponization of energy to China's predatory invest-
19 ments in transportation and telecommunications in-
20 frastructure.

21 (8) The United States should develop and im-
22 plement a long-term plan to adapt United States
23 posture in Europe to the altered threat environment.
24 The elevated United States posture currently in Eu-
25 rope is crucial in the current threat environment,

1 and the United States posture changes announced
2 during the June 2022 NATO Summit are important
3 steps, including the establishment of the first perma-
4 nently stationed headquarters in Poland, the com-
5 mitment to maintain a rotational brigade combat
6 team and headquarters in Romania, enhanced rota-
7 tions to the Baltic countries, and the forward-sta-
8 tioning of two additional destroyers in Rota, Spain.

9 (9) European Deterrence Initiative (EDI) in-
10 vestments have proven crucial to United States and
11 NATO abilities to rapidly reinforce the European
12 theater leading up to and during Russia's further in-
13 vasion of Ukraine. The United States should con-
14 tinue robust investments through EDI, including
15 further enhancing United States posture in Europe
16 and maintaining a committed schedule of exercises
17 with allies.

18 (10) The Black Sea is critical to United States
19 interests and to the security of NATO in the region,
20 given Russia's unprovoked and unjustified war in
21 Ukraine and Russia's attempts to directly intimi-
22 date, coerce, and otherwise influence countries in
23 this region. These allies' and partners' security will
24 have major consequences for broader European secu-
25 rity and collective efforts to enhance Black Sea

1 countries' defense and resilience capabilities are es-
2 sential. In addition, the United States and NATO
3 should consider adopting robust intergovernmental
4 and interagency strategies for the Black Sea, to fa-
5 cilitate further collaboration among all countries in
6 the region.

7 (11) Estonia, Latvia, and Lithuania play a crit-
8 ical role in strategic efforts to continue to deter Rus-
9 sia.

10 (12) The United States should continue to pur-
11 sue efforts consistent with the comprehensive, multi-
12 lateral Baltic Defense Assessment conducted by the
13 Department of Defense. Robust support to accom-
14 plish United States strategic objectives, including by
15 providing continued assistance to the Baltic coun-
16 tries through security cooperation, including co-
17 operation referred to as the Baltic Security Initiative
18 pursuant to sections 332 and 333 of title 10, United
19 States Code, should continue to be prioritized in the
20 years to come. Specifically, such assistance should
21 include the continuation of—

22 (A) enhancements to critical capabilities
23 that will strengthen Baltic security as well as
24 strengthen NATO's deterrence and defense pos-
25 ture, including integrated air and missile de-

1 fense, maritime domain awareness, long-range
2 precision fires, and command and control;

3 (B) efforts to enhance interoperability
4 among Estonia, Latvia, and Lithuania and with
5 NATO;

6 (C) infrastructure and other host-country
7 support improvements that will enhance United
8 States and allied military mobility across the
9 region;

10 (D) efforts to improve resilience to hybrid
11 and cyber threats in Estonia, Latvia, and Lith-
12 uania; and

13 (E) support for planning and budgeting ef-
14 forts of Estonia, Latvia, and Lithuania that are
15 regionally synchronized.

16 (13) It is in the United States interest to sup-
17 port efforts to enhance security and stability in the
18 Western Balkans. The United States should con-
19 tinue its efforts to work with Western Balkans allies
20 and partners to build interoperability and support
21 institutional reforms. The United States should also
22 support those countries' efforts to resist
23 disinformation campaigns, predatory investments,
24 and other means by which Russia and China may
25 seek to influence this region.

1 (14) The United States should continue to work
2 closely with European allies and partners to counter
3 growing malign activities by the People’s Republic of
4 China across Europe, in the Indo-Pacific, and be-
5 yond.

6 **SEC. 1273. REPORT ON FIFTH FLEET CAPABILITIES UP-**
7 **GRADES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port on—

12 (1) capabilities upgrades necessary to enable
13 the Fifth Fleet to address emerging threats in its
14 area of responsibility; and

15 (2) any costs associated with such upgrades.

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

18 (1) An assessment of seaborne threats posed by
19 Iran, and groups linked to Iran, to the military
20 forces of United States allies and partners operating
21 in the waters in and around the broader Middle
22 East.

23 (2) A description of any capabilities upgrades
24 necessary to enable the Fifth Fleet to address such
25 threats.

1 (3) An estimate of the costs associated with any
2 such upgrades.

3 (4) A description of any United States plan to
4 deepen cooperation with other member countries of
5 the Combined Maritime Forces at the strategic, pol-
6 icy, and functional levels for the purpose of address-
7 ing such threats, including by—

8 (A) enhancing coordination on defense
9 planning;

10 (B) improving intelligence sharing; and

11 (C) deepening maritime interoperability.

12 (c) **BROADER MIDDLE EAST DEFINED.**—In this sec-
13 tion, the term “broader Middle East” means—

14 (1) the land around the southern and eastern
15 shores of the Mediterranean Sea;

16 (2) the Arabian Peninsula;

17 (3) Iran; and

18 (4) North Africa.

19 **SEC. 1274. REPORT ON USE OF SOCIAL MEDIA BY FOREIGN**
20 **TERRORIST ORGANIZATIONS.**

21 (a) **REPORT.**—Not later than one year after the date
22 of the enactment of this Act, the Director of National In-
23 telligence, in coordination with the Secretary of State and
24 the Secretary of Defense, shall submit to the appropriate
25 congressional committees a report on—

1 (1) the use of online social media platforms by
2 entities designated as foreign terrorist organizations
3 by the Secretary of State for recruitment, fund-
4 raising, and the dissemination of information; and

5 (2) the threat posed to the national security of
6 the United States by the online radicalization of ter-
7 rorists and violent extremists with ties to foreign
8 governments or elements thereof, foreign organiza-
9 tions, or foreign persons, or international terrorist
10 activities.

11 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—

12 In this section, the term “appropriate congressional com-
13 mittees” means—

14 (1) the Committee on Armed Services, the
15 Committee on Foreign Affairs, and the Permanent
16 Select Committee on Intelligence of the House of
17 Representatives; and

18 (2) the Committee on Armed Services, the
19 Committee on Foreign Relations, and the Select
20 Committee on Intelligence of the Senate.

21 **SEC. 1275. REPORT AND FEASIBILITY STUDY ON COLLABO-**
22 **RATION TO MEET SHARED NATIONAL SECU-**
23 **RITY INTERESTS IN EAST AFRICA.**

24 (a) REPORT ON FOREIGN ASSISTANCE AND OTHER
25 ACTIVITIES IN SOMALILAND.—

1 (1) DEFINED TERM.—In this subsection, the
2 term “appropriate congressional committees”
3 means—

4 (A) the Committee on Foreign Relations of
5 the Senate; and

6 (B) the Committee on Foreign Affairs of
7 the House of Representatives.

8 (2) REPORT.—

9 (A) IN GENERAL.—Not later than Sep-
10 tember 30, 2023, and annually thereafter until
11 the date that is 5 years after the date of the
12 enactment of this Act, the Secretary of State,
13 in consultation with the Administrator of the
14 United States Agency for International Devel-
15 opment, shall submit to the appropriate con-
16 gressional committees a report that, with re-
17 spect to the most recently concluded 12-month
18 period—

19 (i) describes assistance provided by
20 the Department of State and the United
21 States Agency for International Develop-
22 ment to Somaliland, including—

23 (I) the value of such assistance
24 (in United States dollars);

1 (II) the source from which such
2 assistance was funded;

3 (III) the names of the programs
4 through which such assistance was
5 administered;

6 (IV) the implementing partners
7 through which such assistance was
8 provided;

9 (V) the sponsoring bureau of the
10 Department of State or the United
11 States Agency for International Devel-
12 opment; and

13 (VI) if the assistance broadly tar-
14 geted the Federal Republic of Soma-
15 lia, the portion of such assistance that
16 was—

17 (aa) explicitly intended to
18 support Somaliland; and

19 (bb) ultimately employed in
20 Somaliland;

21 (ii) details the staffing and respon-
22 sibilities of the Department of State and
23 the United States Agency for International
24 Development supporting foreign assistance,
25 diplomatic engagement, and security initia-

1 tives in Somaliland, including the location
2 of such personnel (duty station) and their
3 corresponding bureau;

4 (iii) provides—

5 (I) a detailed account of travel to
6 Somaliland by employees of the De-
7 partment of State and the United
8 States Agency for International Devel-
9 opment, if any, including the position,
10 duty station, and trip purpose for
11 each such trip; or

12 (II) the justification for not trav-
13 eling to Somaliland if no such per-
14 sonnel traveled during the reporting
15 period; and

16 (iv) if the Department of State has
17 provided training to security forces of the
18 Federal Member States (FMS), and
19 Somaliland, including—

20 (I) where such training has oc-
21 curred;

22 (II) the extent to which FMS
23 and Somaliland security forces have
24 demonstrated the ability to absorb
25 previous training; and

1 (III) the ability of FMS and
2 Somaliland security forces to maintain
3 and appropriately utilize such train-
4 ing, as applicable.

5 (B) FORM.—The report required under
6 subparagraph (A) shall be submitted in unclas-
7 sified form, but may contain a classified annex.

8 (b) FEASIBILITY STUDY.—

9 (1) DEFINED TERM.—In this subsection, the
10 term “appropriate congressional committees”
11 means—

12 (A) the Committee on Foreign Relations
13 and the Committee on Armed Services of the
14 Senate; and

15 (B) the Committee on Foreign Affairs and
16 the Committee on Armed Services of the House
17 of Representatives.

18 (2) FEASIBILITY STUDY.—The Secretary of
19 State, in consultation with the Secretary of Defense,
20 shall conduct a feasibility study that—

21 (A) determines whether opportunities exist
22 for greater collaboration in the pursuit of
23 United States national security interests in the
24 Horn of Africa, the Gulf of Aden, and the Indo-

1 Pacific region with the Federal Government of
2 Somalia and Somaliland; and

3 (B) identifies the practicability and advis-
4 ability of improving the professionalization and
5 capacity of security sector actors within the
6 Federal Member States (FMS) and Somaliland.

7 (3) REPORT TO CONGRESS.—Not later than
8 June 15, 2023, the Secretary of State, in consulta-
9 tion with the Secretary of Defense and the heads of
10 other relevant Federal departments and agencies,
11 shall submit a classified report to the appropriate
12 congressional committees that contains the results of
13 the feasibility study required under paragraph (2).

14 (c) RULE OF CONSTRUCTION.—Nothing in this Act,
15 including the reporting requirement under subsection (a)
16 and the conduct of the feasibility study under subsection
17 (b), may be construed to convey United States recognition
18 of Somalia’s FMS or Somaliland as an independent entity.

19 **SEC. 1276. ASSESSMENT OF CHALLENGES TO IMPLEMENTA-**
20 **TION OF THE PARTNERSHIP AMONG AUS-**
21 **TRALIA, THE UNITED KINGDOM, AND THE**
22 **UNITED STATES.**

23 (a) IN GENERAL.—The Secretary of Defense shall
24 seek to enter into an agreement with a federally funded
25 research and development center for the conduct of an

1 independent assessment of resourcing, policy, and process
2 challenges to implementing the partnership among Aus-
3 tralia, the United Kingdom, and United States (commonly
4 known as the “AUKUS partnership”) announced on Sep-
5 tember 21, 2021.

6 (b) MATTERS TO BE CONSIDERED.—In conducting
7 the assessment required by subsection (a), the federally
8 funded research and development center shall consider the
9 following with respect to each of Australia, the United
10 Kingdom, and the United States:

11 (1) Potential resourcing and personnel short-
12 falls.

13 (2) Information sharing, including foreign dis-
14 closure policy and processes.

15 (3) Statutory, regulatory, and other policies and
16 processes.

17 (4) Intellectual property, including patents.

18 (5) Export controls, including technology trans-
19 fer and protection.

20 (6) Security protocols and practices, including
21 personnel, operational, physical, facility, cybersecu-
22 rity, counterintelligence, marking and classifying in-
23 formation, and handling and transmission of classi-
24 fied material.

1 (7) Industrial base implications specifically in-
2 cluding options to expand the United States sub-
3 marine and nuclear power industrial base to meet
4 United States and Australia requirements.

5 (8) Alternatives that would significantly accel-
6 erate Australia's national security, including—

7 (A) interim submarine options to include
8 leasing or conveyance of legacy United States
9 submarines for Australia's use; or

10 (B) the conveyance of B-21 bombers.

11 (9) Any other matter the Secretary considers
12 appropriate.

13 (c) RECOMMENDATIONS.—The federally funded re-
14 search and development center selected to conduct the as-
15 sessment under this section shall include, as part of such
16 assessment, recommendations for improvements to
17 resourcing, policy, and process challenges to implementing
18 the AUKUS partnership.

19 (d) REPORT.—

20 (1) IN GENERAL.—Not later than January 1,
21 2024, the Secretary shall submit to the congres-
22 sional defense committees, the Committee on For-
23 eign Relations of the Senate, and the Committee on
24 Foreign Affairs of the House of Representatives a
25 report that includes an unaltered copy of such as-

1 assessment, together with the views of the Secretary
2 on the assessment and on the recommendations in-
3 cluded in the assessment pursuant to subsection (c).

4 (2) FORM OF REPORT.—The report required by
5 paragraph (1) shall be submitted in unclassified
6 form but may contain a classified annex.

7 **SEC. 1277. MODIFICATION AND EXTENSION OF UNITED**
8 **STATES-ISRAEL COOPERATION TO COUNTER**
9 **UNMANNED AERIAL SYSTEMS.**

10 (a) AUTHORITY TO ESTABLISH CAPABILITIES TO
11 COUNTER UNMANNED AERIAL SYSTEMS.—Subsection
12 (a)(1) of section 1278 of the National Defense Authoriza-
13 tion Act for Fiscal Year 2020 (Public Law 116–92; 133
14 Stat. 1702; 22 U.S.C. 8606 note) is amended in the first
15 sentence by inserting after “to establish capabilities for
16 countering unmanned aerial systems” the following “, in-
17 cluding directed energy capabilities,”.

18 (b) SUPPORT IN CONNECTION WITH THE PRO-
19 GRAM.—Subsection (b) of such section is amended—

20 (1) in paragraph (3)(B), by inserting at the end
21 before the period the following: “, including directed
22 energy capabilities”; and

23 (2) in paragraph (4), by striking
24 “\$25,000,000” and inserting “\$40,000,000”.

1 (c) SUNSET.—Subsection (f) of such section is
2 amended by striking “December 31, 2024” and inserting
3 “December 31, 2026”.

4 **SEC. 1278. SENSE OF CONGRESS AND BRIEFING ON MULTI-**
5 **NATIONAL FORCE AND OBSERVERS.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the Multinational Force and Observers has
9 helped strengthen stability and kept the peace in
10 Sinai Peninsula; and

11 (2) the United States should continue to main-
12 tain its strong support for the Multinational Force
13 and Observers.

14 (b) BRIEFING.—Not later than 60 days before the
15 implementation of any plan to move a Multinational Force
16 and Observer site, the Secretary of Defense shall brief the
17 Committee on Armed Services and the Committee on For-
18 eign Affairs of the House of Representatives and the Com-
19 mittee on Armed Services and the Committee on Foreign
20 Relations of the Senate on the resulting impacts of such
21 plan on existing security arrangements between Israel and
22 Egypt.

1 **SEC. 1279. BRIEFING ON DEPARTMENT OF DEFENSE PRO-**
2 **GRAM TO PROTECT UNITED STATES STU-**
3 **DENTS AGAINST FOREIGN AGENTS.**

4 Not later than 240 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall provide
6 a briefing to the Committee on Armed Services of the Sen-
7 ate and the Committee on Armed Services of the House
8 of Representatives on the program described in section
9 1277 of the National Defense Authorization Act for Fiscal
10 Year 2018 (Public Law 115–91), including an assessment
11 on whether the program is beneficial to students interning,
12 working part time, or in a program that will result in em-
13 ployment post-graduation with Department of Defense
14 components and contractors.

15 **TITLE XIV—OTHER**
16 **AUTHORIZATIONS**

Subtitle A—Military Programs

- Sec. 1401. Working capital funds.
- Sec. 1402. Chemical agents and munitions destruction, defense.
- Sec. 1403. Drug interdiction and counter-drug activities, defense-wide.
- Sec. 1404. Defense Inspector General.
- Sec. 1405. Defense health program.

Subtitle B—National Defense Stockpile

- Sec. 1411. Reform of the Strategic and Critical Materials Stock Piling Act.
- Sec. 1412. Modification of acquisition authority under Strategic and Critical Materials Stock Piling Act.
- Sec. 1413. Briefings on shortfalls in National Defense Stockpile.
- Sec. 1414. Authority to acquire materials for the National Defense Stockpile.
- Sec. 1415. Department of Defense readiness to support prolonged conflict.

Subtitle C—Other Matters

Sec. 1421. Authority for transfer of funds to joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.

Sec. 1422. Authorization of appropriations for Armed Forces Retirement Home.

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2023 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds,
7 as specified in the funding table in section 4501.

8 **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**
9

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for the Depart-
12 ment of Defense for fiscal year 2023 for expenses, not oth-
13 erwise provided for, for Chemical Agents and Munitions
14 Destruction, Defense, as specified in the funding table in
15 section 4501.

16 (b) USE.—Amounts authorized to be appropriated
17 under subsection (a) are authorized for—

18 (1) the destruction of lethal chemical agents
19 and munitions in accordance with section 1412 of
20 the Department of Defense Authorization Act, 1986
21 (50 U.S.C. 1521); and

1 (2) the destruction of chemical warfare materiel
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG AC-**
5 **TIVITIES, DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2023 for ex-
8 penses, not otherwise provided for, for Drug Interdiction
9 and Counter-Drug Activities, Defense-wide, as specified in
10 the funding table in section 4501.

11 **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2023 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, as speci-
16 fied in the funding table in section 4501.

17 **SEC. 1405. DEFENSE HEALTH PROGRAM.**

18 Funds are hereby authorized to be appropriated for
19 fiscal year 2023 for the Defense Health Program for use
20 of the Armed Forces and other activities and agencies of
21 the Department of Defense for providing for the health
22 of eligible beneficiaries, as specified in the funding table
23 in section 4501.

1 **Subtitle B—National Defense**
2 **Stockpile**

3 **SEC. 1411. REFORM OF THE STRATEGIC AND CRITICAL MA-**
4 **TERIALS STOCK PILING ACT.**

5 (a) REPEAL OF STRATEGIC MATERIALS PROTECTION
6 BOARD.—Section 187 of title 10, United States Code, is
7 repealed.

8 (b) STRATEGIC AND CRITICAL MATERIALS BOARD OF
9 DIRECTORS.—Section 10 of the Strategic and Critical Ma-
10 terials Stock Piling Act (50 U.S.C. 98h-1) is amended to
11 read as follows:

12 **“SEC. 10. STRATEGIC AND CRITICAL MATERIALS BOARD OF**
13 **DIRECTORS.**

14 “(a) ESTABLISHMENT.—There is established a Stra-
15 tegic and Critical Materials Board of Directors (in this
16 Act referred to as the ‘Board’).

17 “(b) MEMBERS.—The Board shall be composed, at
18 a minimum, of the following:

19 “(1) The Assistant Secretary of Defense for In-
20 dustrial Base Policy, who shall serve as chairman of
21 the Board.

22 “(2) One designee of each of the Secretary of
23 Commerce, the Secretary of State, the Secretary of
24 Energy, and the Secretary of the Interior.

1 “(3) One designee of each of the Chairman and
2 Ranking Member of the Readiness Subcommittee of
3 the House Committee on Armed Services.

4 “(4) One designee of each of the Chairman and
5 Ranking Member of the Readiness Subcommittee of
6 the Senate Committee on Armed Services.

7 “(5) Four designees of the chairman of the
8 Board, who shall have expertise relating to military
9 affairs, defense procurement, production of strategic
10 and critical materials, finance, or any other dis-
11 ciplines deemed necessary by the chairman to con-
12 duct the business of the Board.

13 “(c) DUTIES OF THE BOARD.—In addition to other
14 matters assigned to it by the chairman, the Board shall
15 conduct the following, without power of delegation:

16 “(1) Adopt by-laws that ensure sufficient over-
17 sight, governance, and effectiveness of the National
18 Defense Stockpile program.

19 “(2) Elect or remove Board members.

20 “(3) Advise the National Defense Stockpile
21 Manager.

22 “(4) Establish performance metrics and con-
23 duct an annual performance review of the National
24 Defense Stockpile Manager.

1 “(5) Set compensation for the National Defense
2 Stockpile Manager.

3 “(6) Review and approve the annual budget of
4 the National Defense Stockpile program and conduct
5 appropriate reviews of annual financial statements.

6 “(7) Re-allocate budget resources within the an-
7 nual budget of the National Defense Stockpile pro-
8 gram.

9 “(8) Review and approve the Annual Materials
10 and Operations Plan required by section 11(a)(2) of
11 this Act, including a review of the projected domes-
12 tic and foreign economic effects of proposed actions
13 to be taken under the Annual Materials and Oper-
14 ations Plan.

15 “(9) Complete and submit the annual Board
16 Report, in accordance with section 11(b)(2) of this
17 Act.

18 “(10) Recommend to the Secretary of De-
19 fense—

20 “(A) a strategy to ensure a secure supply
21 of materials designated as critical to national
22 security; and

23 “(B) such other strategies as the Board
24 considers appropriate to strengthen the indus-

1 trial base with respect to materials critical to
2 national security.

3 “(d) BOARD MEETINGS.—The Board shall meet as
4 determined necessary by the chairman but not less fre-
5 quently than once every year to fulfill the duties described
6 in subsection (c).

7 “(e) APPLICATION OF FEDERAL ADVISORY COM-
8 MITTEE ACT.—Section 14 of the Federal Advisory Com-
9 mittee Act (5 U.S.C. App.) shall not apply to the Board.

10 “(f) DEFINITIONS.—In this section:

11 “(1) MATERIALS CRITICAL TO NATIONAL SECUR-
12 ITY.—The term ‘materials critical to national secu-
13 rity’ means materials—

14 “(A) upon which the production or
15 sustainment of military equipment is depend-
16 ent; and

17 “(B) the supply of which could be re-
18 stricted by actions or events outside the control
19 of the Government of the United States.

20 “(2) MILITARY EQUIPMENT.—The term ‘mili-
21 tary equipment’ means equipment used directly by
22 the Armed Forces to carry out military operations.

23 “(3) SECURE SUPPLY.—The term ‘secure sup-
24 ply’, with respect to a material, means the avail-
25 ability of a source or sources for the material, in-

1 including the full supply chain for the material and
2 components containing the material.”.

3 (c) REPORTS.—Section 11 of such Act (50 U.S.C.
4 98h-2) is amended to read as follows:

5 **“SEC. 11. REPORTS.**

6 “(a) REPORTS TO THE BOARD.—The National De-
7 fense Stockpile Manager shall submit to the Board the fol-
8 lowing:

9 “(1) Not later than 40 calendar days after the
10 last day of each of the first three fiscal quarters in
11 each fiscal year, unaudited financial statements and
12 a Manager’s Discussion and Analysis for the imme-
13 diately preceding fiscal quarter.

14 “(2) Not later than 60 calendar days after the
15 conclusion of the fourth quarter of each fiscal year—

16 “(A) audited financial statements and a
17 Manager’s Discussion and Analysis for the im-
18 mediately preceding fiscal year; and

19 “(B) an Annual Materials and Operations
20 Plan for the forthcoming year.

21 “(b) REPORTS TO CONGRESS.—

22 “(1) REPORTS BY NATIONAL DEFENSE STOCK-
23 PILE MANAGE.—Not later than 90 days after the
24 conclusion of the fourth quarter of each fiscal year,
25 the National Defense Stockpile Manager shall sub-

1 mit to the congressional defense committees (as de-
2 fined in section 101(a) of title 10, United States
3 Code) a report that shall include—

4 “(A) information with respect to foreign
5 and domestic purchases of materials for the
6 stockpile during the preceding fiscal year;

7 “(B) information with respect to the acqui-
8 sition and disposal of materials under this Act
9 by barter, during such fiscal year;

10 “(C) information with respect to the activi-
11 ties by the National Defense Stockpile Manager
12 to encourage the conservation, substitution, and
13 development of strategic and critical materials;

14 “(D) information with respect to the re-
15 search and development activities conducted
16 under section 8 of this Act;

17 “(E) audited annual financial statements
18 for the Strategic and Critical Materials Fund;

19 “(F) other pertinent information on the
20 administration of this Act as will enable the
21 Congress to evaluate the effectiveness of the
22 program;

23 “(G) details of all planned expenditures
24 from the Strategic and Critical Materials Fund
25 over the Future Years’ Defense Program and

1 anticipated receipts from proposed disposals of
2 stockpile materials; and

3 “(H) the report required by paragraph (2).

4 “(2) REPORT BY THE BOARD.—The Board
5 shall prepare a written report to accompany the re-
6 port required by paragraph (1) which shall include—

7 “(A) the activities of the Board to carry
8 out the duties listed in section 10(c) of this Act;
9 and

10 “(B) the most recent Annual Materials
11 and Operations Plan submitted under sub-
12 section (a)(2)(B).”.

13 (d) CONFORMING AMENDMENTS.—

14 (1) STRATEGIC AND CRITICAL MATERIALS
15 STOCK PILING ACT.—The Strategic and Critical Ma-
16 terials Stock Piling Act (50 U.S.C. 98 et seq.) is
17 amended—

18 (A) in section 5(a)(2)—

19 (i) by striking “certain stockpile
20 transactions” and all that follows through
21 “submitted the President proposes”; and

22 (ii) by striking “any such transaction”
23 and inserting the following: “any stockpile
24 transactions proposed in the Annual Mate-
25 rials and Operations Plan for such fiscal

1 year after the Board submits the report
2 under section 11(b)(2) containing such
3 plan”; and

4 (B) in section 15—

5 (i) in subsection (c)(1), by striking
6 “annual materials plan” and inserting
7 “Annual Materials and Operations Plan”;
8 and

9 (ii) in subsection (e)—

10 (I) by inserting “, acting through
11 the National Defense Stockpile Man-
12 ager,” after “The President”; and

13 (II) by striking “section 11(a)”
14 and inserting “section 11(b)(1)”.

15 (2) TITLE 10.—Title 10 of the United States
16 Code is amended—

17 (A) in section 4863(g), by striking “Stra-
18 tegic Materials Protection Board pursuant to
19 section 187 of this title” and inserting “Stra-
20 tegic and Critical Materials Board of Directors
21 pursuant to section 10 of the Strategic and
22 Critical Materials Stock Piling Act (50 U.S.C.
23 98h-1)”;

24 (B) in section 4872(c)(3)(B), by striking “
25 Strategic Materials Protection Board pursuant

1 to section 187 of this title” and inserting
2 “Strategic and Critical Materials Board of Di-
3 rectors pursuant to section 10 of the Strategic
4 and Critical Materials Stock Piling Act (50
5 U.S.C. 98h-1)”.

6 **SEC. 1412. MODIFICATION OF ACQUISITION AUTHORITY**
7 **UNDER STRATEGIC AND CRITICAL MATE-**
8 **RIALS STOCK PILING ACT.**

9 (a) IN GENERAL.—Section 5 of the Strategic and
10 Critical Materials Stock Piling Act (50 U.S.C. 98d) is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in the first sentence, by inserting
15 “under the authority of paragraph (3) of
16 this section or” after “Except for acquisi-
17 tions made”; and

18 (ii) in the second sentence, by striking
19 “for such acquisition” and inserting “for
20 any acquisition of materials under this
21 Act”; and

22 (B) by adding at the end the following:

23 “(3) Using funds appropriated for acquisition of ma-
24 terials under this Act, the National Defense Stockpile
25 Manager may acquire materials determined to be strategic

1 and critical under section 3(a) without regard to the re-
2 quirement of the first sentence of paragraph (1) if the
3 Stockpile Manager determines there is a shortfall of such
4 materials in the stockpile.”; and

5 (2) in subsection (c), by striking “to carry out
6 the purposes for which appropriated for a period of
7 two fiscal years, if so provided in appropriation
8 Acts” and inserting “until expended, unless other-
9 wise provided in appropriations Acts”.

10 (b) INCREASE IN QUANTITIES OF MATERIALS TO BE
11 STOCKPILED.—Section 3(c)(2) of the Strategic and Crit-
12 ical Materials Stock Piling Act (50 U.S.C. 98b(c)(2)) is
13 amended—

14 (1) by amending the first sentence to read as
15 follows: “The President shall notify Congress in
16 writing of any increase proposed to be made in the
17 quantity of any material to be stockpiled that in-
18 volves the acquisition of additional materials for the
19 stockpile.”;

20 (2) in the second sentence, by striking “the
21 change after the end of the 45-day period” and in-
22 sserting “the increase after the end of the 30-day pe-
23 riod”; and

24 (3) in the third sentence, by striking “change”
25 and inserting “increase”.

1 **SEC. 1413. BRIEFINGS ON SHORTFALLS IN NATIONAL DE-**
2 **FENSE STOCKPILE.**

3 Section 14 of the Strategic and Critical Materials
4 Stock Piling Act (50 U.S.C. 98h–5) is amended by adding
5 at the end the following new subsection:

6 “(f)(1) Not later than March 1 each year, the Na-
7 tional Defense Stockpile Manager shall provide to the con-
8 gressional defense committees a briefing on strategic and
9 critical materials that—

10 “(A) are determined to be in shortfall in the
11 most recent report on stockpile requirements sub-
12 mitted under subsection (a); and

13 “(B) the acquisition or disposal of which is in-
14 cluded in the Annual Materials and Operations Plan
15 for the operation of the stockpile during the next fis-
16 cal year submitted under section 11(b).

17 “(2) Each briefing required by paragraph (1) shall
18 include—

19 “(A) a description of each material described in
20 that paragraph, including the objective to be
21 achieved if funding is provided, in whole or in part,
22 for the acquisition of the material to remedy the
23 shortfall;

24 “(B) an estimate of additional amounts re-
25 quired to provide such funding, if any; and

1 “(C) an assessment of the supply chain for each
2 such material, including any assessment of any rel-
3 evant risk in any such supply chain.”.

4 **SEC. 1414. AUTHORITY TO ACQUIRE MATERIALS FOR THE**
5 **NATIONAL DEFENSE STOCKPILE.**

6 (a) **ACQUISITION AUTHORITY.**—Of the funds appro-
7 priated into the National Defense Stockpile Transaction
8 Fund pursuant to the authorization of appropriations
9 under subsection (c), the National Defense Stockpile Man-
10 ager may use up to \$1,003,500,000 for acquisition of the
11 following materials determined to be strategic and critical
12 materials required to meet the defense, industrial, and es-
13 sential civilian needs of the United States:

14 (1) Neodymium oxide, praseodymium oxide, and
15 neodymium iron boron (NdFeB) magnet block.

16 (2) Titanium.

17 (3) Energetic materials.

18 (4) Iso-molded graphite.

19 (5) Grain-oriented electric steel.

20 (6) Tire cord steel.

21 (7) Cadmium zinc telluride.

22 (8) Any additional materials identified as stock-
23 pile requirements in the most recent report sub-
24 mitted to Congress under section 14 of the Strategic

1 and Critical Materials Stock Piling Act (50 U.S.C.
2 98h-5).

3 (b) FISCAL YEAR LIMITATION.—The authority under
4 subsection (a) is available for purchases during fiscal
5 years 2023 through 2032.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the National Defense
8 Stockpile Transaction Fund \$1,003,500,000 for the acqui-
9 sition of strategic and critical materials under section 6(a)
10 of the Strategic and Critical Materials Stock Piling Act
11 (50 U.S.C. 98e(a)).

12 (d) COMPLIANCE WITH STRATEGIC AND CRITICAL
13 MATERIALS STOCK PILING ACT.—Any acquisition using
14 funds appropriated pursuant to the authorization of ap-
15 propriations under subsection (c) shall be carried out in
16 accordance with the provisions of the Strategic and Crit-
17 ical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

18 **SEC. 1415. DEPARTMENT OF DEFENSE READINESS TO SUP-**
19 **PORT PROLONGED CONFLICT.**

20 (a) STUDIES REQUIRED.—

21 (1) IN GENERAL.—For each report required by
22 section 14(a) of the Strategic and Critical Materials
23 Stock Piling Act (50 U.S.C. 98h-5(a)), the National
24 Defense Stockpile Manager shall—

1 (A) conduct a study on the strategic mate-
2 rials required by the Department of Defense to
3 sustain combat operations for not less than one
4 year against the pacing threat identified in the
5 National Defense Strategy; and

6 (B) not later than January 15, 2024, sub-
7 mit to the congressional defense committees a
8 report on such study in a classified form with
9 an unclassified summary.

10 (2) ENERGY STORAGE AND ELECTRONIC COM-
11 PONENTS.—

12 (A) IN GENERAL.—The Under Secretary of
13 Defense for Acquisition and Sustainment shall
14 conduct a study of the energy storage and elec-
15 tronic components necessary to sustain combat
16 operations for not less than one year against
17 the pacing threat identified in the National De-
18 fense Strategy.

19 (B) REPORT.—

20 (i) IN GENERAL.—Not later than Jan-
21 uary 15, 2024, the Under Secretary of De-
22 fense for Acquisition and Sustainment
23 shall submit to the congressional defense
24 committees a report on the study required
25 under subparagraph (A).

1 (ii) FORM.—The report required by
2 clause (i) shall be submitted in an unclassi-
3 fied form but may contain a classified
4 annex.

5 (iii) ELEMENTS.—The report required
6 by clause (i) shall include the following:

7 (I) A description of the specific
8 number and type of energy storage
9 and electronic components that the
10 Department of Defense requires for
11 the manufacture of munitions, combat
12 support items, and weapon systems to
13 sustain combat operations.

14 (II) A description of the specific
15 number and type of energy storage
16 and electronic components that the
17 Department of Defense requires to re-
18 plenish or replace munitions, combat
19 support items, and weapon systems
20 that are lost or expended during the
21 execution and sustainment of the rel-
22 evant operational plan.

23 (III) A description of supply
24 chain vulnerabilities during the
25 sustainment and execution period,

1 such as sole sources of supply, war
2 damage, and shipping interdiction.

3 (IV) A description of supply
4 chain vulnerabilities prior to the
5 sustainment and execution period and
6 the replenishment and replacement
7 period, such as reliance on sole
8 sources of supply, geographic prox-
9 imity to strategic competitors, and di-
10 minishing manufacturing sources.

11 (V) An identification of alter-
12 native sources of supply for energy
13 and electronics components that are
14 domestic or are from allies or partners
15 of the United States.

16 (VI) An assessment of the tech-
17 nical and economic feasibility of the
18 preparedness and response programs
19 of the Department of Defense, such
20 as the National Defense Stockpile, the
21 Warstopper program, war reserves
22 and pre-positioned stocks, contract op-
23 tions, or other methods to mitigate
24 postulated shortfalls to Department of
25 Defense requirements.

1 (VII) Any other such elements
2 deemed appropriate by the Under Sec-
3 retary of Defense for Acquisition and
4 Sustainment.

5 (C) ENERGY STORAGE AND ELECTRONIC
6 COMPONENT DEFINED.—In this paragraph, the
7 term “energy storage and electronic compo-
8 nent” includes—

9 (i) an item that operates by control-
10 ling the flow of electrons or other elec-
11 trically charged particles in circuits, using
12 interconnections of electrical devices such
13 as resistors, inductors, capacitors, diodes,
14 switches, transistors, or integrated circuits;
15 and

16 (ii) battery cells, battery modules, bat-
17 tery packs, and other related components
18 related to batteries.

19 (b) ACQUISITION PRIORITY.—Consistent with the au-
20 thority in section 5 of the Strategic and Critical Materials
21 Stock Piling Act (50 U.S.C. 98d) and subject to the avail-
22 ability of appropriations, the National Defense Stockpile
23 Manager shall acquire the highest priority strategic and
24 critical materials identified in the report submitted under
25 subsection (a)(1).

1 (c) STRATEGIC AND CRITICAL MATERIALS DE-
2 FINED.—In this section, the term “strategic and critical
3 materials” has the meaning given such term in section 12
4 of the Strategic and Critical Materials Stock Piling Act
5 (50 U.S.C. 98h-3).

6 **Subtitle C—Other Matters**

7 **SEC. 1421. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT** 8 **DEPARTMENT OF DEFENSE-DEPARTMENT OF** 9 **VETERANS AFFAIRS MEDICAL FACILITY DEM-** 10 **ONSTRATION FUND FOR CAPTAIN JAMES A.** 11 **LOVELL HEALTH CARE CENTER, ILLINOIS.**

12 (a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the
13 funds authorized to be appropriated for section 1405 and
14 available for the Defense Health Program for operation
15 and maintenance, \$168,000,000 may be transferred by the
16 Secretary of Defense to the Joint Department of Defense–
17 Department of Veterans Affairs Medical Facility Dem-
18 onstration Fund established by subsection (a)(1) of sec-
19 tion 1704 of the National Defense Authorization Act for
20 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571).
21 For purposes of subsection (a)(2) of such section 1704,
22 any funds so transferred shall be treated as amounts au-
23 thorized and appropriated specifically for the purpose of
24 such a transfer.

1 (b) USE OF TRANSFERRED FUNDS.—For the pur-
2 poses of subsection (b) of such section 1704, facility oper-
3 ations for which funds transferred under subsection (a)
4 may be used are operations of the Captain James A.
5 Lovell Federal Health Care Center, consisting of the
6 North Chicago Veterans Affairs Medical Center, the Navy
7 Ambulatory Care Center, and supporting facilities des-
8 ignated as a combined Federal medical facility under an
9 operational agreement covered by section 706 of the Dun-
10 can Hunter National Defense Authorization Act for Fiscal
11 Year 2009 (Public Law 110–417; 122 Stat. 4500).

12 **SEC. 1422. AUTHORIZATION OF APPROPRIATIONS FOR**
13 **ARMED FORCES RETIREMENT HOME.**

14 There is hereby authorized to be appropriated for fis-
15 cal year 2023 from the Armed Forces Retirement Home
16 Trust Fund the sum of \$152,360,000 of which—

17 (1) \$75,360,000 is for operation, maintenance,
18 construction and renovation; and

19 (2) \$77,000,000 is for major construction.

20 **TITLE XV—CYBER AND INFOR-**
21 **MATION OPERATIONS MAT-**
22 **TERS**

Subtitle A—Cyber Matters

Sec. 1501. Improvements to Principal Cyber Advisors.

Sec. 1502. Annual reports on support by military departments for United States Cyber Command.

Sec. 1503. Modification of office of primary responsibility for strategic cybersecurity program.

- Sec. 1504. Tailored cyberspace operations organizations.
- Sec. 1505. Establishment of support center for consortium of universities that advise Secretary of Defense on cybersecurity matters.
- Sec. 1506. Alignment of Department of Defense cyber international strategy with National Defense Strategy and Department of Defense Cyber Strategy.
- Sec. 1507. Enhancement of cyberspace training and security cooperation.
- Sec. 1508. Military Cybersecurity Cooperation with Hashemite Kingdom of Jordan.
- Sec. 1509. Management and oversight of Joint Cyber Warfighting Architecture.
- Sec. 1510. Integrated non-kinetic force development.
- Sec. 1511. Protection of critical infrastructure.
- Sec. 1512. Budget display for cryptographic modernization activities for certain systems of the Department of Defense.
- Sec. 1513. Establishing projects for data management, artificial intelligence, and digital solutions.
- Sec. 1514. Operational testing for commercial cybersecurity capabilities.

Subtitle B—Information Operations

- Sec. 1521. Requirement to notify Chief of Mission of military operation in the information environment.
- Sec. 1522. Assessment and optimization of Department of Defense information and influence operations conducted through cyberspace.
- Sec. 1523. Joint information operations course.
- Sec. 1524. Limitation on availability of certain funds until submission of joint lexicon for terms related to information operations.
- Sec. 1525. Limitation on availability of funds pending submittal of information operations strategy and posture review.
- Sec. 1526. Limitation on availability of certain funds until submission of assessments relating to cybersecurity of the defense industrial base.

Subtitle C—Personnel

- Sec. 1531. Cyber operations-peculiar awards.
- Sec. 1532. Establishment of Cyber Operations Designator and rating for the Navy.
- Sec. 1533. Total force generation for the Cyberspace Operations Forces.
- Sec. 1534. Correcting cyber mission force readiness shortfalls.
- Sec. 1535. Department of Defense Cyber and Digital Service Academy.
- Sec. 1536. Report on recommendations from Navy Civilian Career Path study.
- Sec. 1537. Study to determine optimal strategy for structuring and manning elements of Joint Force Headquarters—Cyber Organizations, Joint Mission Operations Centers, and Cyber Operations-Integrated Planning Elements.
- Sec. 1538. Manning review of Space Force cyber squadrons.
- Sec. 1539. Independent review of posture and staffing levels of Office of the Chief Information Officer.
- Sec. 1540. Independent assessment of Civilian Cybersecurity Reserve for Department of Defense.
- Sec. 1541. Comprehensive review of Cyber Excepted Service.

Subtitle D—Reports and Other Matters

- Sec. 1551. Pilot program for sharing cyber capabilities and related information with foreign operational partners.
- Sec. 1552. Demonstration program for cyber and information technology budget data analytics.
- Sec. 1553. Plan for commercial cloud test and evaluation.
- Sec. 1554. Roadmap and implementation plan for cyber adoption of artificial intelligence.
- Sec. 1555. Review of Department of Defense implementation of recommendations from Defense Science Board cyber report.
- Sec. 1556. Annual briefing on relationship between National Security Agency and United States Cyber Command.
- Sec. 1557. Review of definitions associated with Cyberspace Operations Forces.
- Sec. 1558. Annual assessments and reports on assignment of certain budget control responsibility to Commander of United States Cyber Command.
- Sec. 1559. Assessments of weapons systems vulnerabilities to radio-frequency enabled cyber attacks.
- Sec. 1560. Briefing on Department of Defense plan to deter and counter adversaries in the information environment.

1 **Subtitle A—Cyber Matters**

2 **SEC. 1501. IMPROVEMENTS TO PRINCIPAL CYBER ADVI-** 3 **SORS.**

4 (a) CERTIFICATION AUTHORITY FOR CYBERSPACE
5 OPERATIONS.—Subsection (c) of section 932 of the Na-
6 tional Defense Authorization Act for Fiscal Year 2014
7 (Public Law 113–66; 10 U.S.C. 2224 note) is amended
8 by adding at the end the following:

9 “(4) BUDGET REVIEW.—(A) The Secretary of
10 Defense, acting through the Under Secretary of De-
11 fense (Comptroller), shall require the Secretaries of
12 the military departments and the heads of the De-
13 fense agencies with responsibilities associated with
14 any activity specified in paragraph (2) to transmit
15 the proposed budget for such activities for a fiscal
16 year and for the period covered by the future-years

1 defense program submitted to Congress under sec-
2 tion 221 of this title for that fiscal year to the Prin-
3 cipal Cyber Advisor for review under subparagraph
4 (B) before submitting the proposed budget to the
5 Under Secretary of Defense (Comptroller).

6 “(B) The Principal Cyber Advisor shall review
7 each proposed budget transmitted under subpara-
8 graph (A) and, not later than January 31 of the
9 year preceding the fiscal year for which the budget
10 is proposed, shall submit to the Secretary of Defense
11 a report containing the comments of the Principal
12 Cyber Advisor with respect to all such proposed
13 budgets, together with the certification of the Prin-
14 cipal Cyber Advisor regarding whether each pro-
15 posed budget is adequate.

16 “(C) Not later than March 31 of each year, the
17 Secretary of Defense shall submit to Congress a re-
18 port specifying each proposed budget that the Prin-
19 cipal Cyber Advisor did not certify to be adequate.
20 The report of the Secretary shall include the fol-
21 lowing matters:

22 “(i) A discussion of the actions that the
23 Secretary proposes to take, together with any
24 recommended legislation that the Secretary con-

1 siders appropriate, to address the inadequacy of
2 the proposed budgets specified in the report.

3 “(ii) Any additional comments that the
4 Secretary considers appropriate regarding the
5 inadequacy of the proposed budgets.”.

6 (b) CODIFICATION OF PRINCIPAL CYBER ADVI-
7 SORS.—

8 (1) TITLE 10.—Chapter 19 of title 10, United
9 States Code, is amended by inserting after section
10 392 the following new section (and conforming the
11 table of sections at the beginning of such chapter ac-
12 cordingly):

13 **“§ 392a. Principal Cyber Advisors”.**

14 (2) PRINCIPAL CYBER ADVISOR TO SECRETARY
15 OF DEFENSE.—Subsection (c) of section 932 of the
16 National Defense Authorization Act for Fiscal Year
17 2014 (Public Law 113–66; 10 U.S.C. 2224 note), as
18 amended by subsection (a), is—

19 (A) transferred to section 392a of title 10,
20 United States Code, as added by paragraph (1);

21 (B) redesignated as subsection (a);

22 (C) amended by striking paragraph (1)
23 and inserting the following:

24 “(1) ESTABLISHMENT.—There is a Principal
25 Cyber Advisor in the Department of Defense.”; and

1 (D) amended in the subsection heading by
2 inserting “TO SECRETARY OF DEFENSE” after
3 “ADVISOR”.

4 (3) DEPUTY CYBER ADVISOR.—Section 905 of
5 the National Defense Authorization Act for Fiscal
6 Year 2020 (Public Law 116–92; 10 U.S.C. 391
7 note) is—

8 (A) transferred to chapter 19 of title 10,
9 United States Code, designated as subsection
10 (b) of section 392a, as added by paragraph (1),
11 and amended by redesignating each subordinate
12 provision and the margins thereof accordingly;
13 and

14 (B) amended—

15 (i) by striking “this subsection” each
16 place it appears and inserting “this para-
17 graph”; and

18 (ii) by striking “subsection (a)” each
19 place it appears and inserting “paragraph
20 (1)”.

21 (4) PRINCIPAL CYBER ADVISORS TO SECRE-
22 TARIES OF MILITARY DEPARTMENTS.—Section 1657
23 of the National Defense Authorization Act for Fiscal
24 Year 2020 (Public Law 116–92; 10 U.S.C. 391
25 note) is—

1 (A) transferred to chapter 19 of title 10,
2 United States Code, designated as subsection
3 (c) of section 392a, as added by paragraph (1),
4 and amended by redesignating each subordinate
5 provision and the margins thereof accordingly;
6 and

7 (B) amended—

8 (i) by striking “subparagraph (B)”
9 and inserting “clause (ii)”;

10 (ii) by striking “paragraph (1)” each
11 place it appears and inserting “subpara-
12 graph (A)”;

13 (iii) by striking “paragraph (2)” each
14 place it appears and inserting “subpara-
15 graph (B)”;

16 (iv) by striking “subsection (a)(1)”
17 and inserting “paragraph (1)(A)”;

18 (v) by striking “subsection (a)” each
19 place it appears and inserting “paragraph
20 (1)”;

21 (vi) by striking “subsection (b)” each
22 place it appears and inserting “paragraph
23 (2)”;

24 (vii) by striking paragraph (6) (as re-
25 designated pursuant to subparagraph (A)).

1 (c) CONFORMING AMENDMENTS.—

2 (1) TITLE 10.—Section 167b(d)(2)(A) of title
3 10, United States Code, is amended by inserting “to
4 the Secretary of Defense under section 392a(a) of
5 this title” after “Principal Cyber Advisor”.

6 (2) FY22 NDAA.—Section 1528(e)(2) of the
7 National Defense Authorization Act for Fiscal Year
8 2022 (Public Law 117–81; 10 U.S.C. 2224 note) is
9 amended by striking “section 1657(d) of the Na-
10 tional Defense Authorization Act for Fiscal Year
11 2020 (Public Law 116–92; 10 U.S.C. 391 note)”
12 and inserting “section 392a(e)(4) of title 10, United
13 States Code”.

14 (3) FY17 NDAA.—Section 1643(b) of the Na-
15 tional Defense Authorization Act for Fiscal Year
16 2017 (Public Law 114–328; 10 U.S.C. 2224 note)
17 is amended by striking “The Principal Cyber Advi-
18 sor, acting through the cross-functional team estab-
19 lished by section 932(c)(3) of the National Defense
20 Authorization Act for Fiscal Year 2014 (Public Law
21 113–66; 10 U.S.C. 2224 note)” and inserting “The
22 Principal Cyber Advisor to the Secretary of Defense,
23 acting through the cross-functional team under sec-
24 tion 392a(a)(3) of title 10, United States Code,”.

1 **SEC. 1502. ANNUAL REPORTS ON SUPPORT BY MILITARY**
2 **DEPARTMENTS FOR UNITED STATES CYBER**
3 **COMMAND.**

4 (a) ANNUAL REPORTS.—Chapter 19 of title 10,
5 United States Code, is amended by inserting after section
6 391 the following new section (and conforming the table
7 of sections at the beginning of such chapter accordingly):

8 **“§ 391a. Annual reports on support by military de-**
9 **partments for United States Cyber Com-**
10 **mand**

11 “(a) REPORTS.—Not later than 15 days after the
12 date on which the Secretary of Defense submits to Con-
13 gress the defense budget materials (as defined in section
14 239 of this title) for a fiscal year, the Commander of the
15 United States Cyber Command shall submit to the con-
16 gressional defense committees a report containing the fol-
17 lowing:

18 “(1) An evaluation of whether each military de-
19 partment is meeting the requirements established by
20 the Commander and validated by the Office of the
21 Secretary of Defense, and is effectively implementing
22 the plan required by section 1534 of the National
23 Defense Authorization Act for Fiscal Year 2023,
24 and the requirements established pursuant to section
25 1533 of such Act.

1 “(2) For each military department evaluated
2 under paragraph (1)—

3 “(A) a certification that the military de-
4 partment is meeting such requirements; or

5 “(B) a detailed explanation regarding how
6 the military department is not meeting such re-
7 quirements.

8 “(b) ELEMENTS OF EVALUATION.—Each evaluation
9 under subsection (a)(1) shall include, with respect to the
10 military department being evaluated, the following:

11 “(1) The adequacy of the policies, procedures,
12 and execution of manning, training, and equipping
13 personnel for employment within the Cyber Mission
14 Force.

15 “(2) The sufficiency and robustness of training
16 curricula for personnel to be assigned to either the
17 Cyber Mission Force or units within the cyberspace
18 operations forces, and the compliance by the military
19 department with training standards.

20 “(3) The adequacy of the policies and proce-
21 dures relating to the assignment and assignment
22 length of members of the Army, Navy, Air Force,
23 Marine Corps, or Space Force to the Cyber Mission
24 Force.

1 “(4) The efficacy of the military department in
2 filling key work roles within the Cyber Mission
3 Force, including the proper force mix of civilian,
4 military, and contractor personnel, and the means
5 necessary to meet requirements established by the
6 Commander and validated by the Secretary of De-
7 fense.

8 “(5) The adequacy of the investment to advance
9 cyber-peculiar science and technology, particularly
10 with respect to capability development for the Cyber
11 Mission Force.

12 “(6) The sufficiency of the policies, procedures,
13 and investments relating to the establishment and
14 management of military occupational specialty, des-
15 ignator, rating, or Air Force specialty code for per-
16 sonnel responsible for cyberspace operations, includ-
17 ing an assessment of the effectiveness of the com-
18 bination of policies determining availability and re-
19 tention of sufficient numbers of proficient personnel
20 in key work roles, including length of service com-
21 mitment, the use of bonuses and special pays, alter-
22 native compensation mechanisms, and consecutive
23 tours in preferred assignments.

24 “(7) In coordination with the Principal Cyber
25 Advisor of the Department of Defense, an evaluation

1 of the use by the military department of the shared
2 lexicon of the Department of Defense specific to
3 cyberspace activities.

4 “(8) The readiness of personnel serving in the
5 Cyber Mission Force and the cyberspace operations
6 forces to accomplish assigned missions.

7 “(9) The adequacy of actions taken during the
8 period of evaluation by the military department to
9 respond to findings from any previous years’ evalua-
10 tions.

11 “(10) Any other element determined relevant by
12 the Commander.”.

13 (b) **FIRST REPORT.**—The Commander of the United
14 States Cyber Command shall submit to the congressional
15 defense committees the first report under section 391a of
16 title 10, United States Code, as added by subsection (a),
17 as soon as practicable after the date of the submission
18 of the defense budget materials for fiscal year 2024.

19 **SEC. 1503. MODIFICATION OF OFFICE OF PRIMARY RE-**
20 **SPONSIBILITY FOR STRATEGIC CYBERSECU-**
21 **RITY PROGRAM.**

22 Paragraph (2) of section 1640(c) of the National De-
23 fense Authorization Act for Fiscal Year 2018 (Public Law
24 115–91; 10 U.S.C. 2224 note) is amended to read as fol-
25 lows:

1 “(2) OFFICE OF PRIMARY RESPONSIBILITY.—
2 Not later than 30 days after the date of the enact-
3 ment of the National Defense Authorization Act for
4 Fiscal Year 2023, the Secretary of Defense shall
5 designate a principal staff assistant from within the
6 Office of the Secretary of Defense whose office shall
7 serve as the office of primary responsibility for the
8 Program, providing policy, direction, and oversight
9 regarding the execution of the responsibilities of the
10 program manager described in paragraph (5).”.

11 **SEC. 1504. TAILORED CYBERSPACE OPERATIONS ORGANI-**
12 **ZATIONS.**

13 Section 1723 of the William M. (Mac) Thornberry
14 National Defense Authorization Act for Fiscal Year 2021
15 (Public Law 116–283; 10 U.S.C. 394 note) is amended
16 by adding at the end the following new subsections:

17 “(e) IMPLEMENTATION.—Not later than May 1,
18 2023, the Commanding Officer of Navy Cyber Warfare
19 Development Group shall submit to the congressional de-
20 fense committees an independent review of the study
21 under subsection (a). The review shall include, at a min-
22 imum, evaluations of—

23 “(1) the value of the study to the Navy Cyber
24 Warfare Development Group and to the Navy;

1 “(2) any recommendations not considered or in-
2 cluded as part of the study;

3 “(3) the implementation of subsection (b); and

4 “(4) other matters as determined by the Com-
5 manding Officer.

6 “(f) UPDATE TO CONGRESS.—Not later than July 1,
7 2023, the Secretaries of the military departments and the
8 Assistant Secretary of Defense for Special Operations and
9 Low Intensity Conflict shall provide to the congressional
10 defense committees a briefing on activities taken during
11 the period following the date of the briefing provided
12 under subsection (d), including an examination of estab-
13 lishing Tailored Cyberspace Operations Organizations and
14 use of the authority provided pursuant to subsection (c).

15 “(g) AIR FORCE ACTIONS.—Not later than July 1,
16 2023, the Secretary of the Air Force shall submit to the
17 congressional defense committees a review of the activities
18 of the Navy Cyber Warfare Development Group, including
19 with respect to the authorities of the Group. The review
20 shall include the following:

21 “(1) An assessment of whether such authorities
22 shall be conferred on the 90th Cyberspace Oper-
23 ations Squadron of the Air Force.

24 “(2) A consideration of whether the 90th
25 Cyberspace Operations Squadron should be des-

1 ignated a controlled tour, as defined by the Sec-
2 retary.”.

3 **SEC. 1505. ESTABLISHMENT OF SUPPORT CENTER FOR**
4 **CONSORTIUM OF UNIVERSITIES THAT AD-**
5 **WISE SECRETARY OF DEFENSE ON CYBERSE-**
6 **CURITY MATTERS.**

7 Section 1659 of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C.
9 391 note) is amended by adding at the end the following
10 new subsection:

11 “(f) SUPPORT CENTER.—

12 “(1) ESTABLISHMENT.—The Secretary shall es-
13 tablish a center to provide support to the consortium
14 established under subsection (a).

15 “(2) COMPOSITION.—

16 “(A) REQUIREMENT.—The center estab-
17 lished under paragraph (1) shall be composed
18 of one or two universities, as the Secretary con-
19 siders appropriate, that—

20 “(i) have been designated as centers
21 of academic excellence by the Director of
22 the National Security Agency or the Sec-
23 retary of Homeland Security; and

24 “(ii) are eligible for access to classi-
25 fied information.

1 “(B) PUBLICATION.—The Secretary shall
2 publish in the Federal Register the process for
3 selection of universities to serve as the center
4 established under paragraph (1).

5 “(3) FUNCTIONS.—The functions of the center
6 established under paragraph (1) are as follows:

7 “(A) To promote the consortium estab-
8 lished under subsection (a).

9 “(B) To distribute on behalf of the De-
10 partment requests for information or assistance
11 to members of the consortium.

12 “(C) To collect and assemble responses
13 from requests distributed under subparagraph
14 (B).

15 “(D) To provide additional administrative
16 support for the consortium.”.

17 **SEC. 1506. ALIGNMENT OF DEPARTMENT OF DEFENSE**
18 **CYBER INTERNATIONAL STRATEGY WITH NA-**
19 **TIONAL DEFENSE STRATEGY AND DEPART-**
20 **MENT OF DEFENSE CYBER STRATEGY.**

21 (a) ALIGNMENT REQUIRED.—Not later than 270
22 days after the date of the enactment of this Act, the Sec-
23 retary of Defense, acting through the Under Secretary of
24 Defense for Policy and in coordination with the com-
25 manders of the combatant commands and the Director of

1 the Joint Staff, shall undertake efforts to align the cyber-
2 security cooperation enterprise of the Department of De-
3 fense and the cyberspace operational partnerships of the
4 Department with—

5 (1) the national defense strategy published in
6 2022 pursuant to section 113(g) of title 10, United
7 States Code;

8 (2) the Cyber Strategy of the Department pub-
9 lished during fiscal year 2023; and

10 (3) the current International Cyberspace Secu-
11 rity Cooperation Guidance of the Department, as of
12 the date of the enactment of this Act.

13 (b) ELEMENTS.—The alignment efforts under sub-
14 section (a) shall include the following efforts within the
15 Department of Defense:

16 (1) Efforts to build the internal capacity of the
17 Department to support international strategy policy
18 engagements with allies and partners of the United
19 States.

20 (2) Efforts to coordinate and align cyberspace
21 operations with foreign partners of the United
22 States, including alignment between hunt-forward
23 missions and other cyber international strategy ac-
24 tivities conducted by the Department, including
25 identification of processes, working groups, and

1 methods to facilitate coordination between geo-
2 graphic combatant commands and the United States
3 Cyber Command.

4 (3) Efforts to deliberately cultivate operational
5 and intelligence-sharing partnerships with key allies
6 and partners of the United States to advance the
7 cyberspace operations objectives of the Department.

8 (4) Efforts to identify key allied and partner
9 networks, infrastructure, and systems that the Joint
10 Force will rely upon for warfighting and to—

11 (A) support the cybersecurity and cyber
12 defense of those networks, infrastructure, and
13 systems;

14 (B) build partner capacity to actively de-
15 fend those networks, infrastructure, and sys-
16 tems;

17 (C) eradicate malicious cyber activity that
18 has compromised those networks, infrastruc-
19 ture, and systems, such as when identified
20 through hunt-forward operations; and

21 (D) leverage the commercial and military
22 cybersecurity technology and services of the
23 United States to harden and defend those net-
24 works, infrastructure, and systems.

1 (5) Efforts to secure the environments and net-
2 works of mission partners of the United States used
3 to hold intelligence and information originated by
4 the United States.

5 (6) Prioritization schemas, funding require-
6 ments, and efficacy metrics to drive cyberspace secu-
7 rity investments in the tools, technologies, and ca-
8 pacity-building efforts that will have the greatest
9 positive impact on the resilience and ability of the
10 Department to execute its operational plans and
11 achieve integrated deterrence.

12 (c) ORGANIZATION.—The Under Secretary of De-
13 fense for Policy shall lead efforts to implement this sec-
14 tion. In doing so, the Under Secretary shall consult with
15 the Secretary of State, the National Cyber Director, the
16 Director of the Cybersecurity and Infrastructure Security
17 Agency, and the Director of the Federal Bureau of Inves-
18 tigation, to align plans and programs as appropriate.

19 (d) ANNUAL BRIEFINGS.—

20 (1) REQUIREMENT.—Not later than 180 days
21 after the date of the enactment of this Act, and not
22 less frequently than once each fiscal year until Sep-
23 tember 30, 2025, the Under Secretary of Defense
24 for Policy shall provide to the Committees on Armed
25 Services of the Senate and the House of Representa-

1 tives a briefing on the implementation of this sec-
2 tion.

3 (2) CONTENTS.—Each briefing under para-
4 graph (1) shall include the following:

5 (A) An overview of efforts undertaken pur-
6 suant to this section.

7 (B) An accounting of all the security co-
8 operation activities of the Department germane
9 to cyberspace and changes made pursuant to
10 implementation of this section.

11 (C) A detailed schedule with target mile-
12 stones and required expenditures for all planned
13 activities related to the efforts described in sub-
14 section (b).

15 (D) Interim and final metrics for building
16 the cyberspace security cooperation enterprise
17 of the Department.

18 (E) Identification of such additional fund-
19 ing, authorities, and policies, as the Under Sec-
20 retary determines may be required.

21 (F) Such recommendations as the Under
22 Secretary may have for legislative action to im-
23 prove the effectiveness of cyberspace security
24 cooperation of the Department with foreign
25 partners and allies.

1 (e) ANNUAL REPORT.—Not later than 90 days after
2 the date of the enactment of this Act and not less fre-
3 quently than once each year thereafter until January 1,
4 2025, the Under Secretary of Defense for Policy shall sub-
5 mit to the Committee on Armed Services of the Senate
6 and the Committee on Armed Services of the House of
7 Representatives a report summarizing the cyber inter-
8 national strategy activities of the Department, including
9 within the cybersecurity cooperation enterprise of the De-
10 partment and the cyber operational partnerships of the
11 Department.

12 **SEC. 1507. ENHANCEMENT OF CYBERSPACE TRAINING AND**
13 **SECURITY COOPERATION.**

14 (a) ENHANCED TRAINING.—

15 (1) REQUIREMENT.—The Under Secretary of
16 Defense for Intelligence and Security and the Under
17 Secretary of Defense for Policy, in coordination with
18 the Commander of United States Cyber Command,
19 the Director of the Defense Security Cooperation
20 Agency, and the Director of the Defense Intelligence
21 Agency, shall develop enhanced guidance for and im-
22 plement training on cyberspace security cooperation
23 at the Defense Security Cooperation University and
24 the Joint Military Attaché School.

1 (2) TIMING.—The Under Secretaries shall de-
2 velop the enhanced guidance and implement the
3 training under paragraph (1)—

4 (A) by not later than one year after the
5 date of the enactment of this Act with respect
6 to the Joint Military Attaché School; and

7 (B) by not later than September 30, 2025,
8 with respect to the Defense Security Coopera-
9 tion University.

10 (3) ELEMENTS.—The Under Secretaries shall
11 ensure that the training on cyberspace security co-
12 operation under paragraph (1)—

13 (A) is tailored to the trainees’ anticipated
14 embassy role and functions; and

15 (B) provides familiarity with—

16 (i) the different purposes of cyber-
17 space engagements with partners and allies
18 of the United States, including threat
19 awareness, cybersecurity, mission assur-
20 ance, and operations;

21 (ii) the types of cyberspace security
22 cooperation programs and activities avail-
23 able for partners and allies of the United
24 States, including bilateral and multilateral
25 cyberspace engagements, information and

1 intelligence sharing, training, and exer-
2 cises;

3 (iii) the United States Cyber Com-
4 mand cyberspace operations with partners,
5 including an overview of the Hunt Forward
6 mission and process;

7 (iv) the roles and responsibilities of
8 the United States Cyber Command, the ge-
9 ographic combatant commands, and the
10 Defense Security Cooperation Agency for
11 cybersecurity cooperation within the De-
12 partment of Defense; and

13 (v) such other matters as the Under
14 Secretaries, in coordination with the Com-
15 mander of United States Cyber Command,
16 consider appropriate.

17 (4) REQUIREMENTS.—The baseline familiariza-
18 tion training developed under subsection (a) shall be
19 a required element for all participants in the De-
20 fense Security Cooperation University, the Attaché
21 Training Program, and the Attaché Staff Training
22 Program of the Joint Military Attaché School.

23 (b) REPORT.—Not later than 180 days after the date
24 of the enactment of this Act, the Under Secretary of De-
25 fense for Intelligence and Security and the Under Sec-

1 retary of Defense for Policy, in coordination with the Com-
2 mander of the United States Cyber Command, the Direc-
3 tor of the Defense Security Cooperation Agency, and the
4 Director of the Defense Intelligence Agency, shall submit
5 to the Committees on Armed Services of the Senate and
6 the House of Representatives a report on the requirements
7 and considerations to implement enhanced training and
8 coordination to advance cyberspace security cooperation
9 with foreign partners. The study may consider such areas
10 as the following:

11 (1) Sufficiency of the training provided in the
12 Defense Security Cooperation University and the
13 Joint Military Attaché School.

14 (2) Additional training requirements, famil-
15 iarization requirements, or both such requirements
16 necessary for officers assigned to particular locations
17 or positions.

18 (3) Areas for increased cooperation.

19 (4) A plan for completing the activities required
20 by subsection (a).

21 (5) Additional resources required to complete
22 such activities.

23 (c) BRIEFING.—Not later than 30 days after the date
24 on which the Under Secretary of Defense for Intelligence
25 and Security and the Under Secretary of Defense for Pol-

1 icy submit the report under subsection (b), the Under Sec-
2 retaries, in coordination with the Commander of the
3 United States Cyber Command, the Director of the De-
4 fense Security Cooperation Agency, and the Director of
5 the Defense Intelligence Agency, shall provide to the Com-
6 mittees on Armed Services of the Senate and the House
7 of Representatives a briefing on the findings from the re-
8 port on enhancing training and coordination to advance
9 cyberspace security cooperation described in such sub-
10 section. Such briefing shall include a discussion on the en-
11 hanced training meeting the elements under subsection
12 (a)(3) and a plan for future updates and sustainment of
13 such training.

14 **SEC. 1508. MILITARY CYBERSECURITY COOPERATION WITH**
15 **HASHEMITE KINGDOM OF JORDAN.**

16 (a) REQUIREMENT.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary of
18 Defense, acting through the Under Secretary of Defense
19 for Policy, in concurrence with the Secretary of State and
20 in coordination with the Commander of the United States
21 Cyber Command and the Commander of the United States
22 Central Command, shall seek to engage the Ministry of
23 Defense of the Hashemite Kingdom of Jordan for the pur-
24 pose of expanding cooperation of military cybersecurity ac-
25 tivities.

1 (b) COOPERATION EFFORTS.—In expanding the co-
2 operation of military cybersecurity activities between the
3 Department of Defense and the Ministry of Defense of
4 the Hashemite Kingdom of Jordan under subsection (a),
5 the Secretary of Defense may carry out the following ef-
6 forts:

7 (1) Bilateral cybersecurity training activities
8 and exercises.

9 (2) Efforts to—

10 (A) actively defend military networks, in-
11 frastructure, and systems;

12 (B) eradicate malicious cyber activity that
13 has compromised those networks, infrastruc-
14 ture, and systems; and

15 (C) leverage United States commercial and
16 military cybersecurity technology and services
17 to harden and defend those networks, infra-
18 structure, and systems.

19 (3) Establishment of a regional cybersecurity
20 center.

21 (c) BRIEFINGS.—

22 (1) REQUIREMENT.—Not later than 180 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense, in coordination with the Secretary
25 of State, shall provide to the appropriate congres-

1 sional committees a briefing on the implementation
2 of this section.

3 (2) CONTENTS.—The briefing under paragraph
4 (1) shall include the following:

5 (A) An overview of efforts undertaken pur-
6 suant to this section.

7 (B) A description of the feasibility and ad-
8 visability of expanding the cooperation of mili-
9 tary cybersecurity activities between the De-
10 partment of Defense and the Ministry of De-
11 fense of the Hashemite Kingdom of Jordan.

12 (C) Identification of any challenges and re-
13 sources that need to be addressed so as to ex-
14 pand such cooperation.

15 (D) Any other matter the Secretary deter-
16 mines relevant.

17 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
18 DEFINED.—In this section, the term “appropriate con-
19 gressional committees” means—

20 (1) the Committee on Armed Services and the
21 Committee on Foreign Relations of the Senate; and

22 (2) the Committee on Armed Services and the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives.

1 **SEC. 1509. MANAGEMENT AND OVERSIGHT OF JOINT CYBER**
2 **WARFIGHTING ARCHITECTURE.**

3 (a) ESTABLISHMENT OF OFFICES.—

4 (1) REQUIREMENT.—The Secretary of Defense,
5 in consultation with the Commander of the United
6 States Cyber Command, shall establish within the
7 United States Cyber Command—

8 (A) a program executive office; and

9 (B) one or more subordinate program
10 management offices under the program execu-
11 tive office.

12 (2) RESPONSIBILITIES.—The offices established
13 pursuant to paragraph (1) shall—

14 (A) oversee, manage, and execute the Joint
15 Cyber Warfighting Architecture;

16 (B) oversee, manage, and execute the pro-
17 grams designated, or to be designated, as part
18 of the Joint Cyber Warfighting Architecture;

19 (C) conduct mission engineering,
20 architecting, and design of the Joint Cyber
21 Warfighting Architecture system of systems,
22 and any successor effort;

23 (D) maintain a validated Joint Cyber
24 Warfighting Architecture system of systems
25 mission architecture, updated regularly to in-
26 form the current and future constituent pro-

1 grams of the Joint Cyber Warfighting Architec-
2 ture, and the continuous delivery pipelines of
3 such programs;

4 (E) ensure that the Joint Cyber
5 Warfighting Architecture component solution
6 architectures align with and support the Joint
7 Cyber Warfighting Architecture system of sys-
8 tems mission architecture;

9 (F) support integration of mission-specific
10 capabilities, including mission-specific data,
11 analytics, defensive tools, offensive tools, and
12 intelligence systems, acquired through non-
13 Joint Cyber Warfighting Architecture pro-
14 grams; and

15 (G) carry out any other responsibilities de-
16 termined appropriate by the Secretary of De-
17 fense, including the acquisition of cyber oper-
18 ations capabilities beyond the Joint Cyber
19 Warfighting Architecture.

20 (3) APPORTIONMENT OF RESPONSIBILITIES.—
21 The Commander shall apportion the responsibilities
22 under paragraph (2) across the offices established
23 pursuant to paragraph (1).

24 (4) AUTHORITY.—The Secretary shall ensure
25 that the offices established pursuant to paragraph

1 (1) are empowered with the authority necessary to
2 compel and enforce compliance with decisions and
3 directives issued pursuant to the responsibilities
4 under paragraph (2).

5 (b) ARCHITECTURE COMPONENTS.—The Com-
6 mander shall serve as the sole sponsor and requirements
7 manager for the Joint Cyber Warfighting Architecture
8 and the constituent programs of such architecture, as de-
9 termined by the Commander.

10 (c) ORGANIZATION OF PROGRAM EXECUTIVE OF-
11 FICE.—

12 (1) HEAD.—

13 (A) REPORTING.—The head of the pro-
14 gram executive office established under sub-
15 section (a)(1)(A) shall report to the Command
16 Acquisition Executive of the United States
17 Cyber Command.

18 (B) ADDITIONAL OVERSIGHT.—In addition
19 to the oversight of the head of the program ex-
20 ecutive office provided by the Command Acqui-
21 sition Executive under subparagraph (A), the
22 Under Secretary of Defense for Acquisition and
23 Sustainment, the Under Secretary of Defense
24 for Research and Engineering, and the Prin-

1 ciproal Cyber Advisor of the Department of De-
2 fense shall provide oversight of the head.

3 (2) RESPONSIBILITIES.—The head of the pro-
4 gram executive office shall—

5 (A) exercise central technical authority for
6 the Joint Cyber Warfighting Architecture;

7 (B) manage and provide oversight of the
8 implementation and integration of the Architec-
9 ture; and

10 (C) provide direction to subordinate pro-
11 gram offices, as determined appropriate by the
12 Commander.

13 (d) PERSONNEL.—

14 (1) NECESSARY POSITIONS.—The Commander
15 of the United States Cyber Command shall ensure
16 that the program executive office or any subordinate
17 program management office established pursuant to
18 subsection (a)(1) includes in the staff of the respec-
19 tive office a chief architect, a systems engineer, and
20 a chief talent officer to—

21 (A) develop a mission-driven Joint Cyber
22 Warfighting Architecture optimized for execu-
23 tion of missions of the United States Cyber
24 Command;

1 (B) ensure the office is properly and effec-
2 tively staffed; and

3 (C) advise the head of the office with re-
4 spect to the execution of—

5 (i) the central technical authority for
6 the Joint Cyber Warfighting Architecture;

7 (ii) the management of the implemen-
8 tation and integration of the Joint Cyber
9 Warfighting Architecture; and

10 (iii) technical direction provided to
11 subordinates responsible for individual
12 Joint Cyber Warfighting Architecture pro-
13 grams.

14 (2) STAFFING.—

15 (A) IN GENERAL.—The Secretary of De-
16 fense, in coordination with the Commander of
17 the United States Cyber Command, shall en-
18 sure that the offices established pursuant to
19 subsection (a)(1) are appropriately staffed with
20 expert talent, including from the following orga-
21 nizations, as appropriate:

22 (i) The headquarters staff of the
23 United States Cyber Command, the Cyber
24 National Mission Force, the Joint Force

1 Headquarters-Cyber, and the Cyber Mis-
2 sion Force.

3 (ii) The Capabilities Directorate of
4 the National Security Agency.

5 (iii) The military departments.

6 (iv) The Cyber Capabilities Support
7 Office of the Air Force.

8 (v) The Defense Advanced Research
9 Projects Agency.

10 (vi) The Strategic Capabilities Office.

11 (vii) Research laboratories of the mili-
12 tary departments.

13 (viii) The Defense Information Sys-
14 tems Agency.

15 (B) TECHNICAL TALENT.—In addition to
16 the requirement under subparagraph (A), to
17 support the permanent staffing of the offices
18 established pursuant to subsection (a)(1), the
19 Commander of the United States Cyber Com-
20 mand shall ensure that the offices deliberately
21 hire and use technical talent resident in the de-
22 fense industrial base, commercial technology in-
23 dustry, federally funded research and develop-
24 ment centers, university affiliated research cen-
25 ters, and the rest of the Federal Government.

1 (e) BUDGET EXECUTION CONTROL.—The Secretary
2 shall provide to the United States Cyber Command the
3 resources necessary to support the program executive of-
4 fice established under subsection (a)(1)(A) and the Com-
5 mander of the United States Cyber Command shall exer-
6 cise budget execution control over component programs of
7 the Joint Cyber Warfighting Architecture that are subject
8 to the responsibilities assigned to the Commander by sec-
9 tion 1507 of the National Defense Authorization Act for
10 Fiscal Year 2022 (Public Law 117–81; 10 U.S.C. 167b
11 note).

12 (f) CONSTELLATION PROGRAM.—The Director of the
13 Defense Advanced Research Projects Agency and the head
14 of the program executive office established under sub-
15 section (a)(1)(A) shall plan and carry out the Constella-
16 tion program by entering into transactions under section
17 4021 of title 10, United States Code. In carrying out the
18 preceding sentence, the Secretary shall establish an effec-
19 tive framework and pipeline system for maturing cyber op-
20 erations-relevant technologies developed by the Agency, in-
21 tegrating the technologies into Joint Cyber Warfighting
22 Architecture capabilities, and transitioning the tech-
23 nologies into operational use by the United States Cyber
24 Command.

1 (g) TRANSITION.—The Secretary of Defense, in co-
2 ordination with the Commander of the United States
3 Cyber Command, shall transition responsibilities for the
4 management and execution of Joint Cyber Warfighting
5 Architecture programs from the military departments to
6 the offices established pursuant to subsection (a)(1) by the
7 earlier of the following:

8 (1) The date on which—

9 (A) the offices are appropriately staffed
10 and resourced; and

11 (B) the Commander determines that the
12 transition is appropriate.

13 (2) The date that is five years after the date of
14 the enactment of this Act.

15 (h) REVIEW.—Not later than one year after the date
16 of the enactment of this Act, the Under Secretary of De-
17 fense for Acquisition and Sustainment and the Com-
18 mander of the United States Cyber Command, in coordi-
19 nation with the Under Secretary of Defense for Research
20 and Engineering, the Principal Cyber Advisor of the De-
21 partment of Defense, the Secretaries of the military de-
22 partments, the Director of the Defense Advanced Re-
23 search Projects Agency, and the Director of the National
24 Security Agency, shall submit to the congressional defense
25 committees an integrated review of the Joint Cyber

1 Warfighting Architecture and all other capabilities re-
2 quired for the execution of the missions of the United
3 States Cyber Command to determine the following:

4 (1) The extent to which capabilities of the
5 United States Cyber Command and the National Se-
6 curity Agency should be joint, mutually available, in-
7 tegrated, or interoperable.

8 (2) Whether each of the Joint Cyber
9 Warfighting Architecture capabilities has been effec-
10 tively designed and architected to enable each of the
11 missions of the United States Cyber Command.

12 (3) How the Joint Cyber Warfighting Architec-
13 ture will support defense of the Department of De-
14 fense Information Network and its relation to exist-
15 ing datasets, sensors, tools, firewalls, and capabili-
16 ties deployed at each echelon of the Department of
17 Defense Information Network.

18 (4) What data, capabilities, and technologies ex-
19 ternal to the current Joint Cyber Warfighting Archi-
20 tecture programs, as of the date of the review,
21 should be acquired as part of the Joint Cyber
22 Warfighting Architecture and under the control of
23 the offices established pursuant to subsection (a)(1).

24 (5) What mission-specific data, capabilities, and
25 technologies external to the current Joint Cyber

1 Warfighting Architecture programs should integrate
2 with or be interoperable with the Joint Cyber
3 Warfighting Architecture system of systems.

4 (6) The organization and staffing of such of-
5 fices, including—

6 (A) whether the program executive office
7 should be responsible for overseeing the acquisi-
8 tion of the cyber operations capabilities of the
9 United States Cyber Command generally or the
10 Joint Cyber Warfighting Architecture specifi-
11 cally;

12 (B) what subordinate program manage-
13 ment offices should be established under the
14 program executive office;

15 (C) whether the Joint Cyber Warfighting
16 Architecture programs should be consolidated
17 within a single program management office;
18 and

19 (D) which personnel should be appointed
20 to such offices pursuant to subsection (d)(1).

21 (7) The timeline for the execution of the transi-
22 tion under subsection (g).

23 (8) The acquisition strategy of the Department
24 for procuring the Joint Cyber Warfighting Architec-
25 ture and related capabilities, including relevant en-

1 terprise strategic initiatives and contracting strate-
2 gies.

3 (9) The responsibilities of the United States
4 Cyber Command J2, J3, J5, J6, J8, and J9 in ac-
5 quiring, authorizing, and managing cyber capabili-
6 ties.

7 (10) The physical locations of the offices estab-
8 lished pursuant to subsection (a)(1).

9 (i) BRIEFING REQUIRED.—Not later than 540 days
10 after the date of the enactment of this Act, the Under
11 Secretary of Defense for Acquisition and Sustainment and
12 the Commander of the United States Cyber Command
13 shall jointly provide to the congressional defense commit-
14 tees a briefing on the status of the implementation of this
15 section.

16 (j) REPEAL.—Section 1645 of the National Defense
17 Authorization Act for Fiscal Year 2016 (Public Law 114–
18 92; 10 U.S.C. 4571 note prec.) is repealed.

19 (k) JOINT CYBER WARFIGHTING ARCHITECTURE
20 DEFINED.—In this section, the term “Joint Cyber
21 Warfighting Architecture” means the range of joint cyber
22 warfighting systems and capabilities that support the full
23 spectrum of military cyber operations, as designated by
24 the Commander of the United States Cyber Command,
25 and includes any such successor effort.

1 **SEC. 1510. INTEGRATED NON-KINETIC FORCE DEVELOP-**
2 **MENT.**

3 (a) FORCE DEVELOPMENT.—

4 (1) IN GENERAL.—The Secretary of Defense
5 shall establish forces, capabilities, and information
6 support to enable the delivery of non-kinetic effects
7 that provide increased survivability and effectiveness
8 of military forces within a defense planning scenario.

9 (2) FORCE PLANNING.—To support the devel-
10 opment of the forces, capabilities, and information
11 support under paragraph (1), the Secretary shall es-
12 tablish a force planning activity to identify and de-
13 fine the relevant forces, capabilities, and information
14 support required to develop and deliver non-kinetic
15 effects within a defense planning scenario. The Sec-
16 retary shall ensure that the force planning activity
17 identifies—

18 (A) desired operational effects within such
19 scenario;

20 (B) the gaps that limit the ability to access
21 important targets, the development of capabili-
22 ties, the conduct of mission planning, and the
23 execution of operations to deliver such effects;

24 (C) the collection systems, analytic exper-
25 tise and capacity, analytic tools and processes,
26 foreign materiel, and product lines required to

1 support development and delivery of such ef-
2 fects;

3 (D) the forces required to deliver such ef-
4 fects, including associated doctrine, training,
5 expertise, organization, authorities, and com-
6 mand and control arrangements; and

7 (E) the cyber, electronic warfare, sensing,
8 and communications capabilities, and delivery
9 platforms and mechanisms, required to achieve
10 such effects and the extent to which such capa-
11 bilities, platforms, and mechanisms should be
12 integrated with each other.

13 (3) INITIAL ORGANIZATION STRUCTURE.—Dur-
14 ing an initial period of not less than 24 months, the
15 Under Secretary of Defense for Research and Engi-
16 neering shall organize the force planning activity es-
17 tablished under paragraph (2). The Under Secretary
18 shall designate a planning official from the Office of
19 the Under Secretary for Research and Engineering
20 to lead development and execution of the force plan-
21 ning activity, in coordination with staff designated
22 by the Director of the Joint Staff of the Joint Chiefs
23 of Staff. The designated planning official shall select
24 a lead technical director. After such initial period,
25 the Secretary may re-assign the force planning activ-

1 ity to another organization under different leader-
2 ship.

3 (4) PLAN FOR FOLLOW-ON ACTIVITIES.—Not
4 later than 270 days after the date of the enactment
5 of this Act, the Secretary shall submit to the con-
6 gressional defense committees a plan for follow-on
7 activities regarding the delivery of non-kinetic effects
8 described in paragraph (1). The Secretary shall en-
9 sure the plan—

10 (A) includes the identification of dedicated
11 resources to be controlled by the designated
12 planning official described in paragraph (3) and
13 an approach under which the planning official
14 apportions such resources across the Depart-
15 ment of Defense to establish, augment, and ac-
16 celerate new and ongoing activities described in
17 paragraph (1) and subsections (b), (c), and (d);
18 and

19 (B) identifies—

20 (i) a dedicated program element for
21 non-kinetic force development;

22 (ii) the suitability of the mission man-
23 agement authorities established through
24 the pilot program under section 871 of the
25 National Defense Authorization Act for

1 Fiscal Year 2022 (Public Law 117–81; 10
2 U.S.C. 191 note);

3 (iii) the utility of using joint capa-
4 bility technology demonstrations to drive
5 prototyping, experimentation, and technical
6 integration of non-kinetic capabilities;

7 (iv) how the Rapid Defense Experi-
8 mentation Reserve might drive proto-
9 typing, experimentation, and technical in-
10 tegration of non-kinetic capabilities; and

11 (v) alignment with other experimen-
12 tation activities with the appropriate com-
13 batant commands.

14 (5) IMPLEMENTATION.—During the initial pe-
15 riod specified in paragraph (3), the designated plan-
16 ning official described in such paragraph shall report
17 directly to the Deputy Secretary of Defense, to
18 whom the official shall provide updates and rec-
19 ommendations not less frequently than quarterly.
20 The Secretary shall ensure that the force planning
21 activity established under paragraph (2) is sup-
22 ported by representatives from the military services,
23 relevant combatant commands, the Strategic Capa-
24 bilities Office, the Defense Advanced Research

1 Projects Agency, and other elements within the De-
2 partment of Defense, as appropriate.

3 (b) FORCES.—In order to generate the forces identi-
4 fied in subsection (a)(2)(D), the Secretary of Defense
5 shall—

6 (1) through the Secretaries of the military de-
7 partments and the heads of other Department of
8 Defense components, as appropriate, establish ap-
9 propriate forces and accompanying doctrine, train-
10 ing, and tradecraft;

11 (2) acting through the Vice Chairman of the
12 Joint Chiefs of Staff, serving as the Chairman of the
13 Joint Requirements Oversight Council, ensure that
14 appropriate requirements exist to guide the develop-
15 ment and fielding of forces and means to deliver
16 non-kinetic effects within a defense planning sce-
17 nario;

18 (3) through the Under Secretary of Defense for
19 Policy, in coordination with the Chairman of the
20 Joint Chiefs of Staff and the combatant commands,
21 establish appropriate command and control struc-
22 tures and relationships governing such forces; and

23 (4) determine the appropriate responsibilities
24 of—

1 (A) Cyber Mission Force of the United
2 States Cyber Command;

3 (B) cyber, electronic warfare, and space
4 forces provided to other combatant commands;
5 and

6 (C) other operational entities within the
7 Department of Defense in delivering non-kinetic
8 effects.

9 (c) CAPABILITIES.—In order to develop the capabili-
10 ties identified in subsection (a)(2)(E), the Secretary of
11 Defense, acting through the Director of the Defense Ad-
12 vanced Research Projects Agency, the Director of the
13 Strategic Capabilities Office, the Secretaries of the mili-
14 tary departments, and the heads of other elements of the
15 Department of Defense, shall develop the capabilities re-
16 quired for the delivery of non-kinetic effects within a de-
17 fense planning scenario.

18 (d) POLICY.—The Secretary of Defense, acting
19 through the Under Secretary of Defense for Policy and
20 in coordination with the Chairman of the Joint Chiefs of
21 Staff, shall develop policy governing the delivery of non-
22 kinetic effects within a defense planning scenario.

23 (e) BRIEFING.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Defense
25 shall provide to the congressional defense committees a

1 briefing on the status of the implementation of this sec-
2 tion.

3 (f) **NON-KINETIC EFFECTS DEFINED.**—In this sec-
4 tion, the term “non-kinetic effects” means effects achieved
5 through radio-frequency transmission of integrated cyber
6 and electronic warfare techniques and other related and
7 supporting technical measures.

8 **SEC. 1511. PROTECTION OF CRITICAL INFRASTRUCTURE.**

9 (a) **IN GENERAL.**—In the event that the President
10 determines that there is an active, systematic, and ongoing
11 campaign of attacks in cyberspace by a foreign power
12 against the Government or the critical infrastructure of
13 the United States, the President may authorize the Sec-
14 retary of Defense, acting through the Commander of the
15 United States Cyber Command, to conduct military cyber
16 activities or operations pursuant to section 394 of title 10,
17 United States Code, in foreign cyberspace to deter, safe-
18 guard, or defend against such attacks.

19 (b) **AFFIRMATION OF SCOPE OF CYBER ACTIVITIES**
20 **OR OPERATIONS.**—Congress affirms that the cyber activi-
21 ties or operations referred to in subsection (a), when ap-
22 propriately authorized, shall be conducted consistent with
23 section 394 of title 10, United States Code.

24 (c) **DEFINITION OF CRITICAL INFRASTRUCTURE.**—In
25 this section, the term “critical infrastructure” has the

1 meaning given that term in subsection (e) of the Critical
2 Infrastructure Protection Act of 2001 (42 U.S.C.
3 5195c(e)).

4 **SEC. 1512. BUDGET DISPLAY FOR CRYPTOGRAPHIC MOD-**
5 **ERNIZATION ACTIVITIES FOR CERTAIN SYS-**
6 **TEMS OF THE DEPARTMENT OF DEFENSE.**

7 (a) DISPLAY REQUIRED.—Beginning with fiscal year
8 2024, and for each fiscal year thereafter, the Secretary
9 of Defense shall include with the budget justification ma-
10 terials submitted to Congress in support of the budget of
11 the Department of Defense for that fiscal year (as sub-
12 mitted with the budget of the President under section
13 1105(a) of title 31, United States Code) a consolidated
14 cryptographic modernization budget justification display
15 for each Department of Defense system or asset that is
16 protected by cryptography and subject to certification by
17 the National Security Agency (in this section, referred to
18 as “covered items”).

19 (b) ELEMENTS.—Each display included under sub-
20 section (a) for a fiscal year shall include the following:

21 (1) CRYPTOGRAPHIC MODERNIZATION ACTIVI-
22 TIES.—(A) Whether, in accordance with the schedule
23 established under section 153(a) of the William M.
24 (Mae) Thornberry National Defense Authorization
25 Act for Fiscal Year 2021 (Public Law 116–283; 10

1 U.S.C. 142 note), the cryptographic modernization
2 for each covered item is pending, in progress, com-
3 plete, or, pursuant to paragraph (2) of such section,
4 extended.

5 (B) The funding required for the covered fiscal
6 year and for each subsequent fiscal year of the Fu-
7 ture Years Defense Program to complete the pend-
8 ing or in progress cryptographic modernization by
9 the required replacement date of each covered item.

10 (C)(i) A description of deviations between the
11 funding annually required to complete the mod-
12 ernization prior to the required replacement date
13 and the funding requested and planned within the
14 Future Years Defense Program.

15 (ii) An explanation—

16 (I) justifying the deviations; and

17 (II) of whether or how any delays resulting
18 from a deviation shall be overcome to meet the
19 required replacement date.

20 (D) A description of operational or security
21 risks resulting from each deviation from the mod-
22 ernization schedule required to meet replacement
23 dates, including a current intelligence assessment of
24 adversary progress on exploiting the covered item.

1 (E) For any covered item that remains in serv-
2 ice past its required replacement date, a description
3 of the number of times the covered item has been
4 extended and the circumstances attending each such
5 extension.

6 (2) MITIGATION ACTIVITIES FOR COVERED
7 ITEMS.—(A) Whether activities to mitigate the risks
8 associated with projected failure to replace a covered
9 item by the required replacement date are planned,
10 in progress, or complete.

11 (B) The funding required for the covered fiscal
12 year and for each subsequent fiscal year for required
13 mitigation activities to complete any planned, pend-
14 ing, or in progress mitigation activities for a covered
15 item.

16 (C) A description of the activities planned in
17 the covered fiscal year and each subsequent fiscal
18 year to complete mitigation activities and an expla-
19 nation of the efficacy of the mitigations.

20 (c) FORM.—The display required by subsection (a)
21 shall be included in unclassified form, but may include a
22 classified annex.

1 **SEC. 1513. ESTABLISHING PROJECTS FOR DATA MANAGE-**
2 **MENT, ARTIFICIAL INTELLIGENCE, AND DIG-**
3 **ITAL SOLUTIONS.**

4 (a) ESTABLISHMENT OF PRIORITY PROJECTS.—The
5 Deputy Secretary of Defense shall—

6 (1) establish priority enterprise projects for
7 data management, artificial intelligence, and digital
8 solutions for both business efficiency and
9 warfighting capabilities intended to accelerate deci-
10 sion advantage; and

11 (2) assign responsibilities for execution and
12 funding of the projects established under paragraph
13 (1).

14 (b) ACTIONS REQUIRED.—To ensure implementation
15 of the priority projects of the Deputy Secretary of Defense
16 under subsection (a), and to instill data science and tech-
17 nology as a core discipline in the Department of Defense,
18 the Deputy Secretary shall—

19 (1) hold the heads of components accountable
20 for—

21 (A) making their component’s data avail-
22 able for use pursuant to the memorandum of
23 the Deputy Secretary of Defense dated May 5,
24 2021, and titled “Creating Data Advantage”, in
25 accordance with plans developed and approved

1 by the head of the component and the Deputy
2 Secretary;

3 (B) developing, implementing, and report-
4 ing measurable actions to acquire, preserve, and
5 grow the population of government and con-
6 tractor personnel with expertise in data man-
7 agement, artificial intelligence, and digital solu-
8 tions;

9 (C) making their components use data
10 management practices, analytics processes, en-
11 terprise cloud computing environments, and
12 operational test environments that are made
13 available and specifically approved by the head
14 of the component and the Deputy Secretary;

15 (D) identifying and reporting on an annual
16 basis for Deputy Secretary approval those ongo-
17 ing programs and activities and new initiatives
18 within their components to which the compo-
19 nent head determines should be applied ad-
20 vanced analytics, digital technology, and artifi-
21 cial intelligence; and

22 (E) developing and implementing cyberse-
23 curity and artificial intelligence security solu-
24 tions, including preventative and mitigative
25 technical solutions, red team assessments, to

1 protect artificial intelligence systems, data, de-
2 velopment processes, and applications from ad-
3 versary actions;

4 (2) require the Chief Digital and Artificial In-
5 telligence Officer, in coordination with the heads of
6 components, to develop and report on an actionable
7 plan for the Deputy Secretary to reform the tech-
8 nologies, policies, and processes used to support ac-
9 creditation and authority to operate decisions to en-
10 able rapid deployment into operational environments
11 of newly developed government, contractor, and com-
12 mercial data management, artificial intelligence, and
13 digital solutions software;

14 (3) require the Under Secretary of Defense for
15 Personnel and Readiness, in coordination with the
16 Chief Digital and Artificial Intelligence Officer and
17 heads of components to define and establish career
18 paths, work roles, and occupational specialties for ci-
19 vilian and military personnel in the fields of data
20 management, artificial intelligence, and digital solu-
21 tions for the Deputy Secretary's approval; and

22 (4) establish a Departmental management re-
23 form goal for adoption and integration artificial in-
24 telligence or machine learning into business and
25 warfighting processes, including the tracking of

1 metrics, milestones, and initiatives to measure the
2 progress of the Department in meeting that goal.

3 (c) BRIEFINGS REQUIRED.—Not later than 180 days
4 after the date of the enactment of this Act, and annually
5 thereafter until December 31, 2025, the Deputy Secretary
6 shall provide to the congressional defense committees a
7 briefing on directives issued by the Deputy Secretary to
8 implement the requirements of this section and the status
9 of implementation actions.

10 (d) COMPONENT DEFINED.—In this section, the term
11 “component” means a military department, a combatant
12 command, or a Defense Agency of the Department of De-
13 fense.

14 **SEC. 1514. OPERATIONAL TESTING FOR COMMERCIAL CY-**
15 **BERSECURITY CAPABILITIES.**

16 (a) DEVELOPMENT AND SUBMISSION OF PLANS.—
17 Not later than February 1, 2024, the Chief Information
18 Officer of the Department of Defense and the Chief Infor-
19 mation Officers of the military departments shall develop
20 and submit plans described in subsection (b) to the Direc-
21 tor of Operational Test and Evaluation who may approve
22 the implementation of the plans pursuant to subsection
23 (c).

24 (b) PLANS DESCRIBED.—The plans described in this
25 subsection are plans that—

1 (1) ensure covered cybersecurity capabilities are
2 appropriately tested, evaluated, and proven oper-
3 ationally effective, suitable, and survivable prior to
4 operation on a Department of Defense network; and

5 (2) specify how test results will be expeditiously
6 provided to the Director of Operational Test and
7 Evaluation.

8 (c) ASSESSMENT.—In reviewing the plans submitted
9 under subsection (a), the Director of Operational Test and
10 Evaluation shall conduct an assessment that includes con-
11 sideration of the following:

12 (1) Threat-realistic operational testing, includ-
13 ing representative environments, variation of oper-
14 ational conditions, and inclusion of a realistic oppos-
15 ing force.

16 (2) The use of Department of Defense cyber
17 red teams, as well as any enabling contract language
18 required to permit threat-representative red team as-
19 sessments.

20 (3) Collaboration with the personnel using the
21 commercial cybersecurity capability regarding the re-
22 sults of the testing to improve operators' ability to
23 recognize and defend against cyberattacks.

24 (4) The extent to which additional resources
25 may be needed to remediate any shortfalls in capa-

1 bility to make the commercial cybersecurity capa-
2 bility effective, suitable, and cyber survivable in an
3 operational environment of the Department.

4 (5) Identification of training requirements, and
5 changes to training, sustainment practices, or con-
6 cepts of operation or employment that may be need-
7 ed to ensure the effectiveness, suitability, and cyber
8 survivability of the commercial cybersecurity capa-
9 bility.

10 (d) POLICIES AND REGULATIONS.—Not later than
11 February 1, 2024, the Secretary of Defense shall issue
12 such policies and guidance and prescribe such regulations
13 as the Secretary determines necessary to carry out this
14 section.

15 (e) REPORTS.—Not later than January 31, 2025,
16 and not less frequently than annually thereafter until Jan-
17 uary 31, 2030, the Director shall include in each annual
18 report required by section 139(h) of title 10, United
19 States Code, the following:

20 (1) The status of the plans developed under
21 subsection (a).

22 (2) The number and type of test and evaluation
23 events completed in the past year for such plans,
24 disaggregated by component of the Department, and
25 including resources devoted to each event.

1 (3) The results from such test and evaluation
2 events, including any resource shortfalls affecting
3 the number of commercial cybersecurity capabilities
4 that could be assessed.

5 (4) A summary of identified categories of com-
6 mon gaps and shortfalls found during testing.

7 (5) The extent to which entities responsible for
8 developing and testing commercial cybersecurity ca-
9 pabilities have responded to recommendations made
10 by the Director in an effort to gain favorable deter-
11 minations.

12 (6) Any identified lessons learned that would
13 impact training, sustainment, or concepts of oper-
14 ation or employment decisions relating to the as-
15 sessed commercial cybersecurity capabilities.

16 (f) DEFINITION.—In this section, the term “covered
17 cybersecurity capabilities” means any of the following:

18 (1) Commercial products (as defined in section
19 103 of title 41, United States Code) acquired and
20 deployed by the Department of Defense to satisfy
21 the cybersecurity requirements of one or more De-
22 partment components.

23 (2) Commercially available off-the-shelf items
24 (as defined in section 104 of title 41, United States
25 Code) acquired and deployed by the Department of

1 Defense to satisfy the cybersecurity requirements of
2 one or more Department components.

3 (3) Noncommercial items acquired through the
4 Adaptive Acquisition Framework and deployed by
5 the Department of Defense to satisfy the cybersecu-
6 rity requirements of one or more Department com-
7 ponents.

8 **Subtitle B—Information** 9 **Operations**

10 **SEC. 1521. REQUIREMENT TO NOTIFY CHIEF OF MISSION** 11 **OF MILITARY OPERATION IN THE INFORMA-** 12 **TION ENVIRONMENT.**

13 Chapter 19 of title 10, United States Code, as
14 amended by section 1551, is further amended by adding
15 at the end the following new section (and conforming the
16 table of sections at the beginning of such chapter accord-
17 ingly):

18 **“§ 399. Notifications relating to military operations in** 19 **the information environment: require-** 20 **ment to notify Chief of Mission**

21 “The Secretary may not authorize a military oper-
22 ation in the information environment under this title in-
23 tended to cause an effect in a country unless the Secretary
24 fully informs the chief of mission for that country under

1 section 207 of the Foreign Service Act of 1980 (22 U.S.C.
2 3927) of the planned operation.”.

3 **SEC. 1522. ASSESSMENT AND OPTIMIZATION OF DEPART-**
4 **MENT OF DEFENSE INFORMATION AND IN-**
5 **FLUENCE OPERATIONS CONDUCTED**
6 **THROUGH CYBERSPACE.**

7 (a) ASSESSMENT AND PLAN.—Not later than 90 days
8 after the date of the enactment of this Act, the Principal
9 Information Operations Advisor and the Principal Cyber
10 Advisor to the Secretary of Defense shall complete both
11 an assessment and an optimization plan for information
12 and influence operations conducted through cyberspace.

13 (b) ELEMENTS.—The assessment under subsection
14 (a) shall include the following:

15 (1) An inventory of the components of the De-
16 partment of Defense conducting information and in-
17 fluence operations conducted through cyberspace.

18 (2) An examination of sufficiency of resources
19 allocated for information and influence operations
20 conducted through cyberspace.

21 (3) An evaluation of the command and control,
22 oversight, and management of matters related to in-
23 formation and influence operations conducted
24 through cyberspace across the Office of the Sec-
25 retary of Defense and the Joint Staff.

1 (4) An evaluation of the existing execution, co-
2 ordination, synchronization, deconfliction, and con-
3 sultative procedures and mechanisms for information
4 and influence operations conducted through cyber-
5 space.

6 (5) Any other matters determined relevant by
7 the Principal Information Operations Advisor and
8 the Principal Cyber Advisor to the Secretary of De-
9 fense.

10 (c) OPTIMIZATION PLAN.—The optimization plan
11 under subsection (a) shall include the following:

12 (1) Actions that the Department will implement
13 to improve the execution, coordination, synchroni-
14 zation, deconfliction, and consultative procedures
15 and mechanisms for information and influence oper-
16 ations conducted through cyberspace.

17 (2) An evaluation of potential organizational
18 changes required to optimize information and influ-
19 ence operations conducted through cyberspace.

20 (3) Any other matters determined relevant by
21 the Principal Information Operations Advisor and
22 the Principal Cyber Advisor to the Secretary of De-
23 fense.

24 (d) BRIEFINGS.—Not later than 30 days after com-
25 pleting the assessment and optimization plan under sub-

1 section (a), the Principal Information Operations Advisor
2 and the Principal Cyber Advisor to the Secretary of De-
3 fense shall provide to the congressional defense commit-
4 tees a briefing on the assessment and plan.

5 (e) IMPLEMENTATION.—Not later than 180 days
6 after the date on which the briefing is provided under sub-
7 section (d), the Secretary of Defense shall implement the
8 optimization plan under subsection (a).

9 **SEC. 1523. JOINT INFORMATION OPERATIONS COURSE.**

10 (a) JOINT INFORMATION OPERATIONS COURSE.—
11 The Secretary of Defense shall develop and provide to
12 members of the Army, Navy, Air Force, Marine Corps,
13 and Space Force a course to prepare the members to plan
14 and conduct information operations in a joint environment
15 pursuant to title 10, United States Code. Such course
16 shall include—

17 (1) standardized qualifications and procedures
18 to enable the joint and synchronized employment of
19 information-related capabilities in the information
20 environment;

21 (2) joint methods to implement information op-
22 erations in a battlefield environment under any
23 ground force chain of command; and

24 (3) a curriculum covering applicable assets, core
25 information operations concepts, integration of ef-

1 fects with a specific focus on information-related ef-
2 fects, operational methodology, multi-dimensional
3 targeting space, other information-related capabili-
4 ties defined by governing policy, instruction, publica-
5 tions, and doctrine, and any other topics or areas
6 determined necessary by the Secretary.

7 (b) CONSIDERATION OF ONGOING EFFORTS.—The
8 Secretary shall ensure that the course under subsection
9 (a) is developed in light of the information operations pos-
10 ture review, gap analysis, strategy update, and designation
11 of a Joint Force Trainer, occurring as of the date of the
12 enactment of this Act.

13 (c) SEMIANNUAL REPORTS.—Subsequent to the de-
14 velopment of the course under subsection (a), on a semi-
15 annual basis through January 1, 2028, the Secretary shall
16 submit to the congressional defense committees a report
17 on the course. Each report shall include, with respect to
18 the period covered by the report—

19 (1) the number of members described in sub-
20 section (a) who attended the course; and

21 (2) an assessment of the value of the course
22 in—

23 (A) conducting joint operations in the in-
24 formation environment; and

1 (B) the synchronized employment of infor-
2 mation-related capabilities in the information
3 environment.

4 **SEC. 1524. LIMITATION ON AVAILABILITY OF CERTAIN**
5 **FUNDS UNTIL SUBMISSION OF JOINT LEXI-**
6 **CON FOR TERMS RELATED TO INFORMATION**
7 **OPERATIONS.**

8 Of the funds authorized to be appropriated by this
9 Act or otherwise made available for fiscal year 2023 for
10 operation and maintenance, Defense-wide, and available
11 for the Office of the Secretary of Defense for the travel
12 of persons, not more than 75 percent may be obligated
13 or expended until the date on which the Secretary submits
14 to the Committees on Armed Services of the House of
15 Representatives and the Senate the joint lexicon for terms
16 related to information operations required by section
17 1631(g)(1)(D) of the National Defense Authorization Act
18 for Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
19 note).

20 **SEC. 1525. LIMITATION ON AVAILABILITY OF FUNDS PEND-**
21 **ING SUBMITTAL OF INFORMATION OPER-**
22 **ATIONS STRATEGY AND POSTURE REVIEW.**

23 Of the funds authorized to be appropriated by this
24 Act or otherwise made available for fiscal year 2023 for
25 operation and maintenance, Defense-wide, for the Office

1 of the Secretary of Defense for the travel of persons, not
2 more than 75 percent may be obligated or expended until
3 the date that is 15 days after the date on which the Sec-
4 retary of Defense submits to the Committees on Armed
5 Services of the Senate and the House of Representatives
6 the information operations strategy and posture review,
7 including the designation of Information Operations Force
8 Providers and Information Operations Joint Force Train-
9 ers for the Department of Defense, as required by section
10 1631(g) of the National Defense Authorization Act for
11 Fiscal Year 2020 (Public Law 116–92; 10 U.S.C. 397
12 note).

13 **SEC. 1526. LIMITATION ON AVAILABILITY OF CERTAIN**
14 **FUNDS UNTIL SUBMISSION OF ASSESSMENTS**
15 **RELATING TO CYBERSECURITY OF THE DE-**
16 **FENSE INDUSTRIAL BASE.**

17 (a) LIMITATION.—Of the funds authorized to be ap-
18 propriated by this Act or otherwise made available for fis-
19 cal year 2023 for operation and maintenance, Defense-
20 wide, and available for the Office of the Secretary of De-
21 fense, not more than 75 percent may be obligated or ex-
22 pended until the Deputy Secretary of Defense—

23 (1) conducts the assessments under subsection
24 (b); and

1 (2) provides to the congressional defense com-
2 mittees the briefing under subsection (c).

3 (b) ASSESSMENTS.—The Deputy Secretary shall con-
4 duct the following assessments:

5 (1) An assessment of the framework for cyber-
6 security of the defense industrial base required by
7 section 1648 of the National Defense Authorization
8 Act for Fiscal Year 2020 (Public Law 116-92; 10
9 U.S.C. 2224 note) to determine whether—

10 (A) the current framework and plans for
11 defense industrial base cybersecurity are suffi-
12 cient; and

13 (B) alternative or additional courses of ac-
14 tion should be considered or adopted, includ-
15 ing—

16 (i) establishing a secure software de-
17 velopment environment in a cloud environ-
18 ment inside the cybersecurity perimeter of
19 the Department for contractors to perform
20 their development work;

21 (ii) establishing a secure cloud envi-
22 ronment through which contractors may
23 access the data of the Department needed
24 for their contract work;

1 (iii) enabling contractors to access cy-
2 bersecurity-as-a-service offerings, including
3 cybersecurity services provided by the De-
4 partment;

5 (iv) limiting the amount of program
6 information held at tiers of subcontractors
7 to that which is necessary for contract per-
8 formance; and

9 (v) mechanisms and processes to ra-
10 tionalize and integrate the many separately
11 managed defense industrial base cybersecu-
12 rity programs and activities conducted
13 across the Department of Defense.

14 (2) An assessment of past and future planned
15 activities of the Department of Defense in further-
16 ance of section 1724 of the William M. (Mac)
17 Thornberry National Defense Authorization Act for
18 Fiscal Year 2021 (Public Law 116–283; 10 U.S.C.
19 2224), including a detailed review of roles and re-
20 sponsibilities, and supporting instructions and policy
21 documents, for the Principal Cyber Advisor of the
22 Department of Defense, the Chief Information Offi-
23 cer of the Department of Defense, the Under Sec-
24 retary of Defense for Acquisition and Sustainment,
25 the Under Secretary of Defense for Policy, and the

1 Under Secretary of Defense for Intelligence and Se-
2 curity, and the Under Secretary of Defense (Comp-
3 troller).

4 (c) BRIEFING.—The Deputy Secretary shall provide
5 to the congressional defense committees a briefing on the
6 assessments conducted under subsection (b) and any deci-
7 sions of and directions by the Deputy Secretary for im-
8 proving the cybersecurity of the defense industrial base.

9 **Subtitle C—Personnel**

10 **SEC. 1531. CYBER OPERATIONS-PECULIAR AWARDS.**

11 Chapter 57 of title 10, United States Code, is amend-
12 ed by inserting after section 1124 the following new sec-
13 tion:

14 **“§ 1124a. Cyber operations-peculiar awards**

15 “(a) AUTHORITY.—The Secretary of Defense and the
16 Secretaries of the military departments may authorize the
17 payment of a cash award to, and incur necessary expense
18 for the honorary recognition of, a member of the covered
19 armed forces whose novel actions, invention, or technical
20 achievement enables or ensures operational outcomes in
21 or through cyberspace against threats to national security.

22 “(b) ACTIONS DURING SERVICE.—An award under
23 this section may be paid notwithstanding the member’s
24 death, separation, or retirement from the covered armed
25 forces. However, the novel action, invention, or technical

1 achievement forming the basis for the award must have
2 been made while the member was on active duty or in an
3 active reserve status and not otherwise eligible for an
4 award under chapter 45 of title 5.

5 “(c) PAYMENT.—Awards to, and expenses for the
6 honorary recognition of, members of the covered armed
7 forces under this section may be paid from—

8 “(1) the funds or appropriations available to
9 the activity primarily benefiting from the novel ac-
10 tion, invention, or technical achievement; or

11 “(2) the several funds or appropriations of the
12 various activities benefiting from the novel action,
13 invention, or technical achievement.

14 “(d) AMOUNTS.—The total amount of the award, or
15 awards, made under this section for a novel action, inven-
16 tion, or technical achievement may not exceed \$2,500, re-
17 gardless of the number of persons who may be entitled
18 to share therein.

19 “(e) REGULATIONS.—Awards under this section shall
20 be made under regulations to be prescribed by the Sec-
21 retary of Defense or by the Secretaries of the military de-
22 partments.

23 “(f) COVERED ARMED FORCES DEFINED.—In this
24 section, the term ‘covered armed forces’ means the Army,
25 Navy, Air Force, Marine Corps, and Space Force.”

1 **SEC. 1532. ESTABLISHMENT OF CYBER OPERATIONS DESIG-**
2 **NATOR AND RATING FOR THE NAVY.**

3 (a) **MILITARY CAREER FIELD.**—

4 (1) **OFFICERS.**—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary
6 of the Navy, in coordination with the Chief of Naval
7 Operations, shall establish a cyber warfare oper-
8 ations designator for officers (including an intended
9 billet base, functions, and training pipeline), which
10 shall be a separate designator from the cryptologic
11 warfare officer designator.

12 (2) **ENLISTED.**—Not later than 90 days after
13 the date of the enactment of this Act, the Secretary,
14 in coordination with the Chief, shall establish a
15 cyber warfare rating for enlisted personnel (includ-
16 ing an intended billet base, functions, and training
17 pipeline), which shall be a separate rating from the
18 cryptologic technician enlisted rating.

19 (3) **PLAN.**—Not later than 90 days after the
20 date of the enactment of this Act, the Secretary, in
21 coordination with the Chief, shall submit to the
22 Committees on Armed Services of the House of Rep-
23 resentatives and the Senate an implementation plan
24 to carry out paragraphs (1) and (2).

25 (b) **REQUIREMENT.**—

1 (1) DEADLINE.—Except as provided by para-
2 graphs (2) and (3), the Secretary shall ensure that,
3 beginning October 1, 2025, members of the Navy as-
4 signed to the cyber mission force shall be qualified
5 with either the designator or rating established
6 under subsection (a), as the case may be.

7 (2) EXCEPTION.—The requirement under para-
8 graph (1) shall not apply to—

9 (A) a member of the Navy who is assigned
10 to the cyber mission force under orders issued
11 before October 1, 2025; or

12 (B) a position whose primary function is
13 the provision of intelligence, foreign language,
14 or administrative support to the cyber mission
15 force.

16 (3) WAIVER.—The Secretary may waive, on a
17 case-by-case basis, the requirement under paragraph
18 (1), except that the total number of such waivers
19 made during a fiscal year may not exceed 10 percent
20 of the total number of members of the Navy as-
21 signed to the cyber mission force (not counting
22 members assigned to a position described in para-
23 graph (2)(B)).

24 (c) RESERVE MATTERS.—Not later than 180 days
25 after the date of the enactment of this Act, the Secretary,

1 in coordination with the Chief, shall direct the Chief of
2 Navy Reserve to establish, and retain, a cadre of members
3 of the Navy Reserve with the designator and rating estab-
4 lished under subsection (a).

5 (d) OFFICER QUALIFICATIONS AND TRAINING.—The
6 Secretary, in coordination with the Chief of Naval Oper-
7 ations and in consultation with the Commander of the
8 United States Cyber Command, shall ensure that the des-
9 ignator established under subsection (a)(1) includes the
10 development and execution of a training curriculum and
11 qualification standards commensurate with those of the
12 cyber officers of the Army and the Air Force.

13 (e) COMMUNITY MANAGEMENT.—Not later than 270
14 days after the date of the enactment of this Act, the Sec-
15 retary, acting through the Principal Cyber Advisor of the
16 Navy, shall submit to the congressional defense commit-
17 tees, and provide to such committees a briefing on, the
18 findings of a study on whether the designator and rating
19 established under subsection (a), along with the Maritime
20 Space Officer and the Cyberspace Warfare Engineer,
21 should continue to be considered part of the information
22 warfare community.

23 (f) REPORT.—Not later than one year after the date
24 of the enactment of this Act, the Secretary shall submit
25 to the Committees on Armed Services of the House of

1 Representatives and Senate a report certifying that the
2 following actions have been carried out or are in the pro-
3 cess of being completed (including detailed explanations):

4 (1) An identification by the Chief of Naval Op-
5 erations of the resource manager within the Office
6 of the Chief of Naval Operations for the designator
7 and rating established under subsection (a).

8 (2) An identification by the Chief of the type
9 command at United States Fleet Forces Command
10 responsible for manning and training the designator
11 and rating established under subsection (a).

12 (3) An inventory of those billets within the
13 Cyber Mission Force, or any other service or joint
14 assignment that requires personnel (both officer and
15 enlisted) to conduct operations through cyberspace.

16 (4) An inventory and position description of the
17 those positions within the Cyber Mission Force that
18 have been identified under subsection (b)(2)(B).

19 (5) A funding profile detailing the complete
20 costs associated with the designator and rating es-
21 tablished under subsection (a), including costs asso-
22 ciated with meeting the training requirements of the
23 United States Cyber Command for the period cov-
24 ered by the most recent future-years defense pro-

1 gram submitted to Congress under section 221 of
2 title 10, United States Code.

3 (6) An inventory of all flag officer positions at
4 joint and naval components and commands con-
5 ducting or managing cyberspace operations and ac-
6 tivities, including with respect to—

7 (A) the United States Cyber Command;

8 (B) the Fleet Cyber Command;

9 (C) Joint Forces Headquarters-Cyber,
10 Navy;

11 (D) 10th Fleet;

12 (E) the Deputy Chief of Naval Operations
13 for Information Warfare and the Director of
14 Naval Intelligence; and

15 (F) Naval Information Forces.

16 (7) An update to the plan required under sub-
17 section (a)(3), including timelines and procedures,
18 for filling the positions within the cyber mission
19 force for which the Secretary is responsible.

20 (8) Any anticipated changes to the end-strength
21 of the Navy by reason of establishing the designator
22 and rating under subsection (a).

23 (9) The implementation of the designator and
24 rating established under subsection (a) within the
25 Navy Reserve.

1 (10) The development and execution of the
2 training curriculum and qualification standards
3 under subsection (d).

4 (g) LEADERSHIP QUALIFICATIONS.—The Secretary
5 shall ensure that flag officers with the cyber warfare oper-
6 ations designator established under subsection (a) are pri-
7 marily employed in billets identified under subsection
8 (f)(6).

9 (h) DETERMINATION BY CYBER COMMAND.—Not
10 later than 60 days after the date on which the Secretary
11 submits the report under subsection (f), the Commander
12 of the United States Cyber Command shall submit to the
13 Committees on Armed Services of the House of Represent-
14 atives and Senate a determination with respect to whether
15 the matters contained in the report satisfy the require-
16 ments of the United States Cyber Command.

17 **SEC. 1533. TOTAL FORCE GENERATION FOR THE CYBER-**
18 **SPACE OPERATIONS FORCES.**

19 (a) STUDY.—

20 (1) REQUIREMENT.—Not later than June 1,
21 2024, the Secretary of Defense shall complete a
22 study on the responsibilities of the military services
23 for organizing, training, and presenting the total
24 force to United States Cyber Command.

1 (2) ELEMENTS.—The study under paragraph
2 (1) shall assess the following:

3 (A) Which military services should man,
4 train, equip, and organize the forces necessary
5 to execute the functions and missions of the
6 Cyber Mission Force and the Cyberspace Oper-
7 ations Forces for assignment, allocation, and
8 apportionment to, or under the directive author-
9 ity of, the United States Cyber Command.

10 (B) The sufficiency of the military service
11 accession and training model to provide forces
12 to the Cyberspace Operations Forces and the
13 sufficiency of the accessions and personnel
14 resourcing of the supporting command and con-
15 trol staffs necessary as a component to the
16 United States Cyber Command.

17 (C) The organization of the Cyber Mission
18 Forces and whether the total forces or elements
19 of the forces function best as a collection of
20 independent teams or through a different
21 model.

22 (D) How to correct chronic shortages of
23 proficient personnel in key work roles.

1 (E) The need for additional work roles or
2 skills to enable effective infrastructure manage-
3 ment and generate access to targets.

4 (F) What unique or training-intensive ex-
5 pertise is required for each of the work roles
6 identified in subparagraph (E) and whether na-
7 tive talents to master unique and training-in-
8 tensive work roles can be identified and how
9 personnel with those talents can be developed,
10 retained, and employed across the active and
11 reserve components.

12 (G) The appropriate pay scales, rotation or
13 force management policies, career paths and
14 progression, expertise-based grading, talent
15 management practices, and training for each of
16 those work roles, given expected operational re-
17 quirements.

18 (H) Whether a single military service
19 should be responsible for basic, intermediate,
20 and advanced training for the Cyber Mission
21 Force.

22 (I) The level of training required before an
23 individual should be assigned, allocated, or ap-
24 portioned to the United States Cyber Com-
25 mand.

1 (J) Whether or how the duties of the Di-
2 rector of the National Security Agency and the
3 duties of the Commander of United States
4 Cyber Command, resting with a single indi-
5 vidual, enable each respective organization, and
6 whether technical directors and intelligence ex-
7 perts of the National Security Agency should
8 serve rotations in the Cyber Mission Force.

9 (K) How nonmilitary personnel, such as ci-
10 vilian government employees, contracted ex-
11 perts, commercial partners, and domain or tech-
12 nology-specific experts in industry or the intel-
13 ligence community can serve in, augment, or
14 support Cyber Mission Force teams.

15 (L) What work roles in the Cyberspace
16 Operations Forces can only be filled by military
17 personnel, which work roles can be filled by ci-
18 vilian employees or contractors, and which work
19 roles should be filled partially or fully by civil-
20 ians due to the need for longevity of service to
21 achieve required skill levels or retention rates.

22 (M) How specialized cyber experience, de-
23 veloped and maintained in the reserve compo-
24 nent, can be more effectively leveraged to sup-

1 port the Cyberspace Operations Forces through
2 innovative force generation models.

3 (N) Whether the Department of Defense
4 should create a separate service to perform the
5 functions and missions currently performed by
6 Cyber Mission Force units generated by mul-
7 tiple military services.

8 (O) Whether the Department of Defense is
9 maximizing partnerships with industry and
10 other nontraditional sources of expertise and
11 capacity in the areas of critical infrastructure
12 protection and information sharing.

13 (P) Whether the Defense Readiness Re-
14 porting System of the Department of Defense is
15 sufficient to capture Cyber Mission Force readi-
16 ness metrics.

17 (3) CONSIDERATIONS.—The study required by
18 paragraph (1) shall consider existing models for
19 total force generation practices and programs, as
20 well as nontraditional and creative alternatives.

21 (b) RECOMMENDATIONS.—

22 (1) IN GENERAL.—Not later than June 1,
23 2024, the Principal Cyber Advisor of the Depart-
24 ment of Defense and the Commander of the United
25 States Cyber Command shall submit to the Sec-

1 retary of Defense one or more recommendations, re-
2 spectively, as to the future total force generation
3 model for both the Cyber Mission Force and the
4 Cyberspace Operations Forces.

5 (2) MATTERS ADDRESSED.—The recommenda-
6 tions under paragraph (1) shall address, at a min-
7 imum, each of the elements identified in subsection
8 (a)(2).

9 (c) ESTABLISHMENT OF A REVISED MODEL RE-
10 QUIRED.—

11 (1) IN GENERAL.—Not later than December 31,
12 2024, the Secretary of Defense shall establish a re-
13 vised total force generation model for the Cyberspace
14 Operations Forces.

15 (2) ELEMENTS.—In establishing a revised total
16 force generation model under paragraph (1), the
17 Secretary shall explicitly determine the following:

18 (A) Whether the Navy should no longer be
19 responsible for developing and presenting forces
20 to the United States Cyber Command as part
21 of the Cyber Mission Force or Cyberspace Op-
22 erations Forces, including recommendations for
23 corresponding transfer of responsibilities and
24 associated resources and personnel for the exist-
25 ing and future year programmed Cyberspace

1 Operations Forces or Cyber Mission Force re-
2 sources.

3 (B) Whether a single military service
4 should be responsible for organizing, training,
5 and equipping the Cyberspace Operations
6 Forces, or if different services should be respon-
7 sible for different components of the Cyberspace
8 Operations Forces.

9 (C) Whether modification of United States
10 Cyber Command enhanced budget control au-
11 thorities are necessary to further improve total
12 force generation for Cyberspace Operations
13 Forces.

14 (D) Implications of low service retention
15 rates for critical roles within the Cyber Mission
16 Force, and the mix of actions necessary to cor-
17 rect them, including multiple rotations in crit-
18 ical work roles, length of service commitments,
19 repeat tours within the Cyber Mission Force,
20 retention incentives across the entire Cyber-
21 space Operations Forces, and best practices for
22 generating the future force.

23 (d) IMPLEMENTATION PLAN.—Not later than June
24 1, 2025, the Secretary shall submit to the congressional
25 defense committees an implementation plan for effecting

1 the revised total force generation model required under
2 subsection (c).

3 (e) PROGRESS BRIEFING.—Not later than 90 days
4 after the date of the enactment of this Act, and not less
5 frequently than once every 180 days thereafter until re-
6 ceipt of the plan required by subsection (d), the Secretary
7 shall provide the congressional defense committees with a
8 briefing on the progress made in carrying out this section.

9 (f) ADDITIONAL CONSIDERATIONS.—The Secretary
10 shall ensure that subsections (a) through (c) are carried
11 out with consideration to matters relating to the following:

12 (1) The cybersecurity service providers, local
13 defenders, and information technology personnel who
14 own, operate, and defend the information networks
15 of the Department of Defense.

16 (2) Equipping the Cyberspace Operations
17 Forces to include infrastructure management.

18 (3) Providing intelligence support to the Cyber-
19 space Operations Forces.

20 (4) The resources, including billets, needed to
21 account for any recommended changes.

22 **SEC. 1534. CORRECTING CYBER MISSION FORCE READI-**
23 **NESS SHORTFALLS.**

24 (a) PLAN AND BRIEFING REQUIRED.—Not later than
25 180 days after the date of the enactment of this Act, the

1 Secretary of Defense, the Chairman of the Joint Chiefs
2 of Staff, and the Secretaries of the military departments
3 shall jointly—

4 (1) develop a near-term plan to correct readi-
5 ness shortfalls in the Cyber Mission Forces over the
6 period covered by the most recent future-years de-
7 fense program submitted to Congress under section
8 221 of title 10, United States Code;

9 (2) develop recommendations for such legisla-
10 tive action as the Secretary of Defense, the Chair-
11 man, and the Secretaries of the military depart-
12 ments jointly consider appropriate to correct the
13 readiness shortfalls described in paragraph (1); and

14 (3) provide to the congressional defense com-
15 mittees a briefing on the plan under paragraph (1)
16 and the recommendations under paragraph (2).

17 (b) IMPLEMENTATION.—Not later than 30 days after
18 the date of the briefing provided under paragraph (3) of
19 subsection (a), the Secretary of Defense and the Chairman
20 shall commence implementation of the aspects of the plan
21 developed under paragraph (1) of such subsection that are
22 not dependent upon legislative action.

23 (c) MATTERS TO BE ADDRESSED.—In developing the
24 plan under paragraph (1) of subsection (a), the Secretary
25 of Defense, the Chairman, and the Secretaries of the mili-

1 tary departments shall consider and explicitly address
2 through analysis the following potential courses of action,
3 singly and in combination, to increase the availability of
4 personnel in key work roles:

5 (1) Determining the correct number of per-
6 sonnel necessary to fill key work roles, including the
7 proper force mix of civilian, military, and contractor
8 personnel, and the means necessary to meet those
9 requirements.

10 (2) Employing civilians rather than military
11 personnel in key work roles.

12 (3) Expanding training capacity.

13 (4) Modifying or creating new training models.

14 (5) Maximizing use of compensation and incen-
15 tive authorities, including increasing bonuses and
16 special pays, and alternative compensation mecha-
17 nisms.

18 (6) Modifying career paths and service policies
19 to permit consecutive assignments in key work roles
20 without jeopardizing promotion opportunities.

21 (7) Increasing service commitments following
22 training commensurate with the value of the key
23 work role training.

24 (8) Standardizing compensation models across
25 the services.

1 (9) Requiring multiple rotations within the
2 Cyber Mission Forces for key work roles.

3 (10) Adopting and implementing what are
4 known as “rank in person” policies that enable civil-
5 ian personnel to be promoted on the basis of skills
6 and abilities demonstrated in a given position.

7 (11) A review of departmental guidance and
8 processes consistent with section 167b(d)(2)(A)(x) of
9 title 10, United States Code, with respect to the au-
10 thority of the Commander of United States Cyber
11 Command to monitor the promotions of certain
12 cyber operations forces and coordinate with the Sec-
13 retaries regarding the assignment, retention, train-
14 ing, professional military education, and special and
15 incentive pays of certain cyber operations forces, in-
16 cluding—

17 (A) the recruiting, retention, professional
18 military education, and promotion of certain
19 cyber operations personnel;

20 (B) the sharing of personnel data between
21 the military departments and the United States
22 Cyber Command; and

23 (C) structures, departmental guidance, and
24 processes developed between the military de-
25 partments and the United States Special Oper-

1 ations Command with respect to the authority
2 of the Commander of the United States Special
3 Operations Command described in section
4 167(e)(2)(J) of title 10, United States Code,
5 that could be used as a model for the United
6 States Cyber Command.

7 (d) **KEY WORK ROLES DEFINED.**—In this section,
8 the term “key work roles” means work roles that consist
9 of access development, tool development, and exploitation
10 analysis.

11 **SEC. 1535. DEPARTMENT OF DEFENSE CYBER AND DIGITAL**
12 **SERVICE ACADEMY.**

13 (a) **ESTABLISHMENT.**—

14 (1) **IN GENERAL.**—The Secretary of Defense, in
15 consultation with the Secretary of Homeland Secu-
16 rity and the Director of the Office of Personnel and
17 Management, shall establish a program to provide fi-
18 nancial support for pursuit of programs of education
19 at institutions of high education in covered dis-
20 ciplines.

21 (2) **COVERED DISCIPLINES.**—For purposes of
22 the Program, a covered discipline is a discipline that
23 the Secretary of Defense determines is critically
24 needed and is cyber- or digital technology-related,
25 including the following:

1 (A) Computer-related arts and sciences.

2 (B) Cyber-related engineering.

3 (C) Cyber-related law and policy.

4 (D) Applied analytics related sciences, data
5 management, and digital engineering, including
6 artificial intelligence and machine learning.

7 (E) Such other disciplines relating to
8 cyber, cybersecurity, digital technology, or sup-
9 porting functions as the Secretary of Defense
10 considers appropriate.

11 (3) DESIGNATION.—The program established
12 under paragraph (1) shall be known as the “Depart-
13 ment of Defense Cyber and Digital Service Acad-
14 emy” (in this section referred to as the “Program”).

15 (b) PROGRAM DESCRIPTION AND COMPONENTS.—

16 The Program shall—

17 (1) provide scholarships through institutions of
18 higher education to students who are enrolled in pro-
19 grams of education at such institutions leading to
20 degrees or specialized program certifications in cov-
21 ered disciplines; and

22 (2) prioritize the placement of scholarship re-
23 cipients fulfilling the post-award employment obliga-
24 tion under this section.

25 (c) SCHOLARSHIP AMOUNTS.—

1 (1) AMOUNT OF ASSISTANCE.—(A) Each schol-
2 arship under the Program shall be in such amount
3 as the Secretary determines necessary—

4 (i) to pay all educational expenses incurred
5 by that person, including tuition, fees, cost of
6 books, and laboratory expenses, for the pursuit
7 of the program of education for which the as-
8 sistance is provided under the Program; and

9 (ii) to provide a stipend for room and
10 board.

11 (B) The Secretary shall ensure that expenses
12 paid are limited to those educational expenses nor-
13 mally incurred by students at the institution of high-
14 er education involved.

15 (2) SUPPORT FOR INTERNSHIP ACTIVITIES.—

16 The financial assistance for a person under this sec-
17 tion may also be provided to support internship ac-
18 tivities of the person in the Department of Defense
19 and combat support agencies in periods between the
20 academic years leading to the degree or specialized
21 program certification for which assistance is pro-
22 vided the person under the Program.

23 (3) PERIOD OF SUPPORT.—Each scholarship
24 under the Program shall be for not more than 5
25 years.

1 (4) ADDITIONAL STIPEND.—Students dem-
2 onstrating financial need, as determined by the Sec-
3 retary, may be provided with an additional stipend
4 under the Program.

5 (d) POST-AWARD EMPLOYMENT OBLIGATIONS.—
6 Each scholarship recipient, as a condition of receiving a
7 scholarship under the Program, shall enter into an agree-
8 ment under which the recipient agrees to work for a period
9 equal to the length of the scholarship, following receipt
10 of the student’s degree or specialized program certifi-
11 cation, in the cyber- and digital technology-related mis-
12 sions of the Department, in accordance with the terms and
13 conditions specified by the Secretary in regulations the
14 Secretary shall promulgate to carry out this subsection.

15 (e) HIRING AUTHORITY.—In carrying out this sec-
16 tion, specifically with respect to enforcing the obligations
17 and conditions of employment under subsection (d), the
18 Secretary may use any authority otherwise available to the
19 Secretary for the recruitment, employment, and retention
20 of civilian personnel within the Department, including au-
21 thority under section 1599f of title 10, United States
22 Code.

23 (f) ELIGIBILITY.—To be eligible to receive a scholar-
24 ship under the Program, an individual shall—

1 (1) be a citizen or lawful permanent resident of
2 the United States;

3 (2) demonstrate a commitment to a career in
4 improving the security of information technology or
5 advancing the development and application of digital
6 technology;

7 (3) have demonstrated a high level of com-
8 petency in relevant knowledge, skills, and abilities,
9 as defined by the national cybersecurity awareness
10 and education program under section 303 of the Cy-
11 bersecurity Enhancement Act of 2014 (15 U.S.C.
12 7443);

13 (4) be a full-time student, or have been accept-
14 ed as a full-time student, in a program leading to a
15 degree or specialized program certification in a cov-
16 ered discipline at an institution of higher education;

17 (5) enter into an agreement accepting and ac-
18 knowledging the post award employment obligations,
19 pursuant to section (d);

20 (6) accept and acknowledge the conditions of
21 support under section (g); and

22 (7) meet such other requirements for a scholar-
23 ship as determined appropriate by the Secretary.

24 (g) CONDITIONS OF SUPPORT.—

1 (1) IN GENERAL.—As a condition of receiving a
2 scholarship under this section, a recipient shall agree
3 to provide the Office of Personnel Management (in
4 coordination with the Department of Defense) and
5 the institutions of higher education described in sub-
6 section (a)(1) with annual verifiable documentation
7 of post-award employment and up-to-date contact in-
8 formation.

9 (2) TERMS.—A scholarship recipient under the
10 Program shall be liable to the United States as pro-
11 vided in subsection (i) if the individual—

12 (A) fails to maintain an acceptable level of
13 academic standing at the applicable institution
14 of higher education, as determined by the Sec-
15 retary;

16 (B) is dismissed from the applicable insti-
17 tution of higher education for disciplinary rea-
18 sons;

19 (C) withdraws from the eligible degree pro-
20 gram before completing the Program;

21 (D) declares that the individual does not
22 intend to fulfill the post-award employment ob-
23 ligation under this section;

1 (E) fails to maintain or fulfill any of the
2 post-graduation or post-award obligations or re-
3 quirements of the individual; or

4 (F) fails to fulfill the requirements of para-
5 graph (1).

6 (h) MONITORING COMPLIANCE.—As a condition of
7 participating in the Program, an institution of higher edu-
8 cation shall—

9 (1) enter into an agreement with the Secretary
10 to monitor the compliance of scholarship recipients
11 with respect to their post-award employment obliga-
12 tions; and

13 (2) provide to the Secretary and the Director of
14 the Office of Personnel Management, on an annual
15 basis, the post-award employment documentation re-
16 quired under subsection (g)(1) for scholarship recipi-
17 ents through the completion of their post-award em-
18 ployment obligations.

19 (i) AMOUNT OF REPAYMENT.—

20 (1) LESS THAN 1 YEAR OF SERVICE.—If a cir-
21 cumstance described in subsection (g)(2) occurs be-
22 fore the completion of 1 year of a post-award em-
23 ployment obligation under the Program, the total
24 amount of scholarship awards received by the indi-

1 vidual under the Program shall be considered a debt
2 to the Government and repaid in its entirety.

3 (2) 1 OR MORE YEARS OF SERVICE.—If a cir-
4 cumstance described in subparagraph (D) or (E) of
5 subsection (g)(2) occurs after the completion of 1 or
6 more years of a post-award employment obligation
7 under the Program, the total amount of scholarship
8 awards received by the individual under the Pro-
9 gram, reduced by the ratio of the number of years
10 of service completed divided by the number of years
11 of service required, shall be considered a debt to the
12 Government and repaid in accordance with sub-
13 section (j).

14 (j) REPAYMENTS.—A debt described subsection (i)
15 shall be subject to repayment, together with interest there-
16 on accruing from the date of the scholarship award, in
17 accordance with terms and conditions specified by the Sec-
18 retary in regulations promulgated to carry out this sub-
19 section.

20 (k) COLLECTION OF REPAYMENT.—

21 (1) IN GENERAL.—In the event that a scholar-
22 ship recipient is required to repay the scholarship
23 award under the Program, the institution of higher
24 education providing the scholarship shall—

1 (A) determine the repayment amounts and
2 notify the recipient, the Secretary, and the Di-
3 rector of the Office of Personnel Management
4 of the amounts owed; and

5 (B) collect the repayment amounts within
6 a period of time as determined by the Sec-
7 retary.

8 (2) RETURNED TO TREASURY.—Except as pro-
9 vided in paragraph (3), any repayment under this
10 subsection shall be returned to the Treasury of the
11 United States.

12 (3) RETAIN PERCENTAGE.—An institution of
13 higher education may retain a percentage of any re-
14 payment the institution collects under this sub-
15 section to defray administrative costs associated with
16 the collection. The Secretary shall establish a single,
17 fixed percentage that will apply to all eligible enti-
18 ties.

19 (1) PUBLIC INFORMATION.—

20 (1) EVALUATION.—The Secretary, in coordina-
21 tion with the Director of the Office of Personnel
22 Management, shall periodically evaluate and make
23 public, in a manner that protects the personally
24 identifiable information of scholarship recipients, in-
25 formation on the success of recruiting individuals for

1 scholarships under the Program and on hiring and
2 retaining those individuals in the Department of De-
3 fense workforce, including information on—

4 (A) placement rates;

5 (B) where students are placed, including
6 job titles and descriptions;

7 (C) salary ranges for students not released
8 from obligations under this section;

9 (D) how long after graduation students are
10 placed;

11 (E) how long students stay in the positions
12 they enter upon graduation;

13 (F) how many students are released from
14 obligations; and

15 (G) what, if any, remedial training is re-
16 quired.

17 (2) REPORTS.—The Secretary, in consultation
18 with the Office of Personnel Management, shall sub-
19 mit, not less frequently than once every two years,
20 to Congress a report, including—

21 (A) the results of the evaluation under
22 paragraph (1);

23 (B) the disparity in any reporting between
24 scholarship recipients and their respective insti-
25 tutions of higher education; and

1 (C) any recent statistics regarding the size,
2 composition, and educational requirements of
3 the relevant Department of Defense workforce.

4 (3) RESOURCES.—The Secretary, in coordina-
5 tion with the Director of the Office of Personnel
6 Management, shall provide consolidated and user-
7 friendly online resources for prospective scholarship
8 recipients, including, to the extent practicable—

9 (A) searchable, up-to-date, and accurate
10 information about participating institutions of
11 higher education and job opportunities relating
12 to covered disciplines; and

13 (B) a modernized description of careers in
14 covered disciplines.

15 (m) ALLOCATION OF FUNDING.—

16 (1) IN GENERAL.—Not less than 50 percent of
17 the amount available for financial assistance under
18 this section for a fiscal year shall be available only
19 for providing financial assistance for the pursuit of
20 programs of education referred to in subsection
21 (b)(1) at institutions of higher education that have
22 established, improved, or are administering pro-
23 grams of education in disciplines under the grant
24 program established in section 2200b of title 10,
25 United States Code, as determined by the Secretary.

1 (2) ASSOCIATE DEGREES.—Not less than five
2 percent of the amount available for financial assist-
3 ance under this section for a fiscal year shall be
4 available for providing financial assistance for the
5 pursuit of an associate degree at an institution de-
6 scribed in paragraph (1).

7 (n) BOARD OF DIRECTORS.—In order to help identify
8 workforce needs and trends relevant to the Program, the
9 Secretary may establish a board of directors for the Pro-
10 gram that consists of representatives of Federal depart-
11 ments and agencies.

12 (o) COMMENCEMENT OF PROGRAM.—The Secretary
13 shall commence the Program as early as practicable, with
14 the first scholarships awarded under the Program for the
15 academic year beginning no later than the fall semester
16 of 2024.

17 **SEC. 1536. REPORT ON RECOMMENDATIONS FROM NAVY CI-**
18 **VILIAN CAREER PATH STUDY.**

19 (a) REPORT.—

20 (1) REQUIREMENT.—Not later than 90 days
21 after the date of the enactment of this Act, the Sec-
22 retary of the Navy shall submit to the congressional
23 defense committees a report on the recommendations
24 made in the report submitted to the congressional
25 defense committees under section 1653(a)(2) of the

1 National Defense Authorization Act for Fiscal Year
2 2020 (Public Law 116–92; 133 Stat. 1763) relating
3 to improving cyber career paths in the Navy.

4 (2) CONTENTS.—The report under paragraph
5 (1) shall include the following:

6 (A) A description of each recommendation
7 described in such paragraph that has already
8 been implemented.

9 (B) A description of each recommendation
10 described in such paragraph that the Secretary
11 has commenced implementing, including a jus-
12 tification for determining to commence imple-
13 menting the recommendation.

14 (C) A description of each recommendation
15 described in such paragraph that the Secretary
16 has not implemented or commenced imple-
17 menting and a determination as to whether or
18 not to implement the recommendation.

19 (D) For each recommendation under sub-
20 paragraph (C) that the Secretary determines to
21 implement—

22 (i) a timeline for implementation;

23 (ii) a description of any additional re-
24 sources or authorities required for imple-
25 mentation; and

1 (iii) the plan for implementation.

2 (E) For each recommendation under sub-
3 paragraph (C) that the Secretary determines
4 not to implement, a justification for the deter-
5 mination not to implement.

6 (3) FORMAT.—The report under paragraph (1)
7 shall be submitted in unclassified form, but may in-
8 clude a classified annex.

9 (b) REVIEW BY COMPTROLLER GENERAL OF THE
10 UNITED STATES.—

11 (1) REVIEW.—Not later than 180 days after
12 the date on which the Secretary submits the report
13 under subsection (a), the Comptroller General of the
14 United States shall conduct a review of such report.

15 (2) ELEMENTS.—The review under paragraph
16 (1) shall include an assessment of the following:

17 (A) The extent to which the Secretary has
18 implemented the recommendations described in
19 subsection (a)(1).

20 (B) Additional recommended actions for
21 the Secretary to take to improve the readiness
22 and retention of the cyber workforce of the
23 Navy.

24 (3) INTERIM BRIEFING.—Not later than 90
25 days after the date on which the Secretary submits

1 the report under subsection (a), the Comptroller
2 General shall provide to the congressional defense
3 committees a briefing on the preliminary findings of
4 the Comptroller General with respect to the review
5 conducted under paragraph (1).

6 (4) FINAL REPORT.—The Comptroller General
7 shall submit to the congressional defense committees
8 a report on the findings of the Comptroller General
9 with respect to the review under paragraph (1) at
10 such time and in such format as is mutually agreed
11 upon by the committees and the Comptroller Gen-
12 eral at the time of the briefing under paragraph (3).

13 **SEC. 1537. STUDY TO DETERMINE OPTIMAL STRATEGY FOR**
14 **STRUCTURING AND MANNING ELEMENTS OF**
15 **JOINT FORCE HEADQUARTERS—CYBER ORGA-**
16 **NIZATIONS, JOINT MISSION OPERATIONS**
17 **CENTERS, AND CYBER OPERATIONS-INTE-**
18 **GRATED PLANNING ELEMENTS.**

19 (a) STUDY.—

20 (1) REQUIREMENT.—The Principal Cyber Advi-
21 sor of the Department of Defense, in coordination
22 with the commanders of the combatant commands,
23 shall conduct a study to determine the optimal strat-
24 egy for structuring and manning elements of the fol-
25 lowing:

1 (A) Joint Force Headquarters Cyber Orga-
2 nizations.

3 (B) Joint Mission Operations Centers.

4 (C) Cyber Operations—Integrated Planning
5 Elements.

6 (D) Joint Cyber Centers.

7 (2) ELEMENTS.—The study under paragraph
8 (1) shall include an assessment of each of the fol-
9 lowing:

10 (A) Operational effects on the military
11 services if each of the entities listed in subpara-
12 graphs (A) through (C) of paragraph (1) are
13 restructured from organizations that are com-
14 ponents of the military services to joint organi-
15 zations.

16 (B) Existing barriers or impediments to
17 designate positions within each of the entities
18 listed in such subparagraphs (A), (B), and (C)
19 as joint billets for joint qualification purposes.

20 (C) Operational and organizational effects
21 on the military services, the United States
22 Cyber Command, other combatant commands,
23 and the Joint Staff if the entities listed in sub-
24 paragraphs (A) through (D) of paragraph (1)
25 are realigned, restructured, or consolidated.

1 (D) Operational and organizational effects
2 and advisement of standardizing a minimum set
3 of roles and responsibilities of the Joint Cyber
4 Centers, or the equivalent entity, of the combat-
5 ant commands.

6 (E) Clarification of the relationship and
7 differentiation between Cyber Operations–Inte-
8 grated Planning Elements and Joint Cyber
9 Centers of the combatant commands.

10 (F) A complete inventory of mission essen-
11 tial tasks for the entities listed in such subpara-
12 graphs (A) through (D).

13 (G) A description of cyber activities in geo-
14 graphic and functional combatant command
15 campaign plans and resources aligned to those
16 activities.

17 (b) BRIEFINGS.—Not later than 180 days after the
18 date of the enactment of this Act, and not less frequently
19 than once every 120 days until March 31, 2024, the Prin-
20 cipal Cyber Advisor of the Department shall provide to
21 the Committees on Armed Services of the Senate and the
22 House of Representatives a briefing on the status of the
23 study under subsection (a).

24 (c) REPORT.—

1 (1) REQUIREMENT.—Not later than March 31,
2 2024, the Principal Cyber Advisor of the Depart-
3 ment shall submit to the Committees on Armed
4 Services of the Senate and the House of Representa-
5 tives a report on the study under subsection (a).

6 (2) CONTENTS.—The report under paragraph
7 (1) shall contain the following:

8 (A) The findings of the Principal Cyber
9 Advisor with respect to the study under sub-
10 section (a).

11 (B) Details of the operational and organi-
12 zational effects assessed under paragraph (2) of
13 such subsection.

14 (C) A plan to carry out the transfer de-
15 scribed in subparagraph (B) of such paragraph
16 and the associated costs, as appropriate.

17 (D) A plan to realign, restructure, or con-
18 solidate the entities listed in subparagraphs (A)
19 through (D) of subsection (a)(1).

20 (E) Such other matters as the Principal
21 Cyber Advisor considers appropriate.

22 **SEC. 1538. MANNING REVIEW OF SPACE FORCE CYBER**
23 **SQUADRONS.**

24 (a) REQUIREMENT.—Not later than 210 days after
25 the date of the enactment of this Act, the Secretary of

1 the Air Force, in coordination with the Chief of Space Op-
2 erations, shall submit to the congressional defense com-
3 mittees a review of the manning required to fully staff the
4 current and planned cyber squadrons of the Space Force.

5 (b) MATTERS INCLUDED.—

6 (1) ELEMENTS.—The review under subsection

7 (a) shall include considerations of the following:

8 (A) The specific sourcing of existing billets
9 of the Space Force optimally postured for
10 transfer to cyber squadrons.

11 (B) The administrative processes required
12 to shift billets and existing funding to cyber
13 squadrons.

14 (C) The responsibilities and functions per-
15 formed by military personnel and civilian per-
16 sonnel.

17 (D) The benefits and risks to the Space
18 Force approach of transferring billets to cyber
19 squadrons.

20 (2) ROADMAP.—The review under subsection

21 (a) shall include a transition roadmap that outlines
22 a comprehensive transition for the transfer of billets
23 described in paragraph (1) by not later than Sep-
24 tember 30, 2024.

1 **SEC. 1539. INDEPENDENT REVIEW OF POSTURE AND STAFF-**
2 **ING LEVELS OF OFFICE OF THE CHIEF IN-**
3 **FORMATION OFFICER.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Secretary of Defense
6 shall seek to enter into an agreement with an appropriate
7 non-Department of Defense entity for the conduct of a
8 comprehensive review of the posture and adequacy of the
9 staffing levels of the Office of the Chief Information Offi-
10 cer of the Department of Defense, as of the date of the
11 enactment of this Act.

12 (b) MATTERS FOR CONSIDERATION.—An agreement
13 under subsection (a) shall specify that the review con-
14 ducted under the agreement shall include the evaluation
15 of each of the following:

16 (1) Any limitations or constraints of the Office
17 of the Chief Information Officer in performing the
18 entirety of the responsibilities specified in section
19 142(b) of title 10, United States Code, and respon-
20 sibilities assigned by the Secretary of Defense, based
21 on the staffing levels of the Office as of the date of
22 the enactment of this Act.

23 (2) The composition of civilian, military, and
24 contractor personnel assigned to the Office of the
25 Chief Information Officer, as of such date, including
26 the occupational series and military occupational

1 specialties of such personnel, relative to the respon-
2 sibilities specified in paragraph (1).

3 (3) The organizational construct of the Office
4 of the Chief Information Officer, as of such date.

5 (c) RECOMMENDATIONS.—An agreement under sub-
6 section (a) shall specify that the review conducted under
7 the agreement shall include recommendations for the
8 Chief Information Officer and the congressional defense
9 committees, including recommendations derived from the
10 matters for consideration specified under subsection (b).

11 (d) SUBMISSION.—Not later than 30 days after the
12 date of the completion of the review under subsection (a),
13 the Secretary of Defense shall submit to the congressional
14 defense committees a copy of the review.

15 **SEC. 1540. INDEPENDENT ASSESSMENT OF CIVILIAN CY-**
16 **BERSECURITY RESERVE FOR DEPARTMENT**
17 **OF DEFENSE.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, the Secretary of Defense
20 shall seek to enter into an agreement with a nonprofit en-
21 tity or a federally funded research and development center
22 with expertise in cybersecurity and workforce management
23 to conduct an assessment of the feasibility and advisability
24 of creating and maintaining a civilian cybersecurity re-
25 serve corps to enable the Department of Defense and mili-

1 tary services to provide qualified civilian manpower to the
2 Department of Defense to effectively respond to signifi-
3 cant cyber incidents or to assist in solving other exception-
4 ally difficult cyber workforce-related challenges.

5 (b) CONSIDERATION OF PRIOR REPORT.—

6 (1) IN GENERAL.—In conducting the assess-
7 ment required by subsection (a), the entity or center
8 shall take into consideration the results of the eval-
9 uation of nontraditional cyber support to the De-
10 partment of Defense required by section 1730 of the
11 William M. (Mac) Thornberry National Defense Au-
12 thorization Act for Fiscal Year 2021 (Public Law
13 116–283).

14 (2) LIMITATION ON AVAILABILITY OF FUNDS
15 PENDING SUBMISSION OF REPORT.—Of the funds
16 authorized to be appropriated by this Act or other-
17 wise made available for fiscal year 2023 for the
18 Under Secretary of Defense for Policy, not more
19 than 75 percent may be obligated or expended until
20 the date on which the Principal Cyber Advisor sub-
21 mits the report referenced in paragraph (1).

22 (c) ELEMENTS.—The assessment conducted under
23 subsection (a) shall include analysis of the following mat-
24 ters:

1 (1) The feasibility of the concept of a civilian
2 cybersecurity reserve program, including an analysis
3 of the available talent pool, potential impact on em-
4 ployers, and propensity to serve.

5 (2) The likelihood of utilizing civilian cybersecu-
6 rity reservists to augment the existing Department
7 of Defense workforce, including an assessment of the
8 duration of periods of activation.

9 (3) The result of outreach conducted with in-
10 dustry and State and Federal Government agencies
11 employing individuals likely to meet qualification cri-
12 teria for service in such a program.

13 (4) The necessity for participants to access
14 classified information, and the need to maintain ap-
15 propriate security clearances as a participant in the
16 program, including while not in Federal service.

17 (5) Appropriate compensation and benefits for
18 members of such a program.

19 (6) Activities that members may undertake as
20 part of their duties.

21 (7) Methods for identifying and recruiting
22 members, including alternative methods to tradi-
23 tional qualifications requirements.

1 (8) Methods for preventing conflicts of interest
2 or other ethical concerns as a result of participation
3 in such a program.

4 (9) Resources, including funding levels, nec-
5 essary to carry out such a program.

6 (10) Potential penalties or other adverse action
7 taken against individuals who do not respond to ac-
8 tivation when called.

9 (11) Any other matters the Secretary considers
10 relevant for the purpose of this assessment.

11 (d) REPORTS.—

12 (1) IN GENERAL.—Not later than 270 days
13 after the date on which the Secretary enters into the
14 agreement described in subsection (a), such entity or
15 center shall submit to the Secretary a report on the
16 results of the research and analysis under such sub-
17 section.

18 (2) SUBMISSION TO CONGRESS.—Not later than
19 one year after the date of enactment of this Act, the
20 Secretary of Defense shall submit to the Committees
21 on Armed Services of the Senate and House of Rep-
22 resentatives each of the following:

23 (A) A copy of the report submitted under
24 paragraph (1) without change.

1 (B) Any comments, changes, recommenda-
2 tions, or other information provided by the Sec-
3 retary of Defense relating to the research and
4 analysis conducted under subsection (a) and
5 contained in such report, including a specific
6 recommendation on whether a civilian cyberse-
7 curity reserve should be established, as de-
8 scribed in such subsection, or with modification.

9 **SEC. 1541. COMPREHENSIVE REVIEW OF CYBER EXCEPTED**
10 **SERVICE.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Chief Information Offi-
13 cer of the Department of Defense and the Under Sec-
14 retary of Defense for Personnel and Readiness, in coordi-
15 nation with the Chief Digital and Artificial Intelligence
16 Officer and the Principal Cyber Advisor of the Depart-
17 ment, shall conduct a comprehensive review of the Cyber
18 Excepted Service established pursuant to section 1599f of
19 title 10, United States Code.

20 (b) ELEMENTS.—The review required under sub-
21 section (a) shall include the following:

22 (1) An assessment of barriers to participation
23 in Cyber Excepted Service positions, including—

1 (A) criteria for eligibility of potential De-
2 partment of Defense components and entities
3 for participation in the Cyber Excepted Service;

4 (B) potential and structural limitations of
5 the Cyber Excepted Service, including impedi-
6 ments to mobility or advancement by civilian
7 employees currently in billets coded for Cyber
8 Excepted Service;

9 (C) challenges to transition between com-
10 petitive and excepted service;

11 (D) matters relating to pay disparity and
12 challenges with compensation relative to the
13 skill sets and value of such civilian employees in
14 the private sector;

15 (E) differences between compensation, in-
16 centives, benefits, and access to career-broad-
17 ening experiences;

18 (F) the eligibility for participation in the
19 Cyber Excepted Service of civilian employees
20 who are assigned to the Office of the Chief Dig-
21 ital and Artificial Intelligence Officer;

22 (G) the current and necessary mechanisms
23 to deconflict occasions when individuals can be
24 considered eligible for two or more excepted
25 service systems; and

1 (H) any other barriers as determined by
2 the Secretary.

3 (2) An evaluation of the process used in accept-
4 ing applications, assessing candidates, and the proc-
5 ess for and effect of adhering to provisions of law es-
6 tablishing preferences for hiring eligible veterans,
7 and selecting applicants for vacancies to be filled by
8 an individual for a Cyber Excepted Service position.

9 (3) An evaluation of current efforts to recruit
10 and retain employees in Cyber Excepted Service po-
11 sitions.

12 (4) A description of current performance
13 metrics used in evaluating the Cyber Excepted Serv-
14 ice.

15 (5) An assessment of how current efforts to de-
16 velop, sustain, and improve the Cyber Excepted
17 Service are integrated into the strategic workforce
18 planning of the Department.

19 (6) Current metrics for—

20 (A) the number of employees in Cyber Ex-
21 cepted Service positions, disaggregated by occu-
22 pation, grade, and level or pay band;

23 (B) the placement of employees in Cyber
24 Excepted Service positions, disaggregated by

1 military department, Defense agency, or other
2 component within the Department;

3 (C) the total number of veterans hired;

4 (D) the number of separations of employ-
5 ees in Cyber Excepted Service positions,
6 disaggregated by occupation, grade, and level or
7 pay band;

8 (E) the number of retirements of employ-
9 ees in Cyber Excepted Service positions,
10 disaggregated by occupation, grade, and level or
11 pay band;

12 (F) the number and amounts of recruit-
13 ment, relocation, and retention incentives paid
14 to employees in Cyber Excepted Service posi-
15 tions, disaggregated by occupation, grade, and
16 level or pay band; and

17 (G) the number of employees who declined
18 transition to qualified Cyber Excepted Service
19 positions.

20 (7) An assessment of the training provided to
21 supervisors of employees in Cyber Excepted Service
22 positions on the use of the new authorities.

23 (8) An assessment of the implementation of sec-
24 tion 1599f(a)(1)(A) of title 10, United States Code,
25 including—

1 (A) how each military department, Defense
2 agency, or other component within the Depart-
3 ment is incorporating or intends to incorporate
4 Cyber Excepted Service personnel in their cyber
5 mission workforce; and

6 (B) how the Cyber Excepted Service has
7 allowed each military department, Defense
8 agency, or other component within the Depart-
9 ment to establish, recruit and retain personnel
10 to fill cyber mission workforce needs.

11 (9) Recommendations for the Secretary of De-
12 fense and the congressional defense committees with
13 respect to the improvement of the Cyber Excepted
14 Service, including recommendations derived from the
15 consideration of the elements specified in paragraphs
16 (1) through (8).

17 (c) SUBMISSION.—Not later than 30 days after the
18 completion of the review under subsection (a), the Chief
19 Information Officer shall submit to the congressional de-
20 fense committees a copy of the review.

21 (d) ANNUAL UPDATE.—Not later than one year after
22 the submission of the review under subsection (c), and not
23 less frequently than once each year thereafter until Sep-
24 tember 30, 2028, the Secretary of Defense shall submit
25 to the Committee on Armed Services of the Senate and

1 the Committee on Armed Services of the House of Rep-
2 resentatives an update on progress made in enacting rec-
3 ommendations identified pursuant to paragraph (9) of
4 subsection (b) and a detailed report on Cyber Excepted
5 Service positions during the most recent one-year period,
6 including—

7 (1) the metrics described in paragraph (6) of
8 such subsection;

9 (2) an updated assessment under paragraph (8)
10 of such subsection from the current reporting period;

11 (3) an updated assessment on the effect of sec-
12 tion 1599f of title 10, United States Code, on the
13 ability of the Department to recruit, retain, and de-
14 velop cyber professionals in the Department over the
15 current reporting period;

16 (4) an updated assessment on the barriers to
17 participation described in paragraph (1) of sub-
18 section (b) from the current reporting period;

19 (5) proposed modifications to the Cyber Ex-
20 cepted Service; and

21 (6) such other matters as the Secretary con-
22 siders appropriate.

23 (e) DEFINITIONS.—In this section:

1 (1) The term “Cyber Excepted Service” con-
2 sists of those positions established under section
3 1599f(a)(1)(A) of title 10, United States Code.

4 (2) The term “Cyber Excepted Service posi-
5 tion” means a position in the Cyber Excepted Serv-
6 ice.

7 **Subtitle D—Reports and Other** 8 **Matters**

9 **SEC. 1551. PILOT PROGRAM FOR SHARING CYBER CAPA-** 10 **BILITIES AND RELATED INFORMATION WITH** 11 **FOREIGN OPERATIONAL PARTNERS.**

12 (a) AUTHORIZATION.—Chapter 19 of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 398. Pilot program for sharing cyber capabilities** 16 **and related information with foreign** 17 **operational partners**

18 “(a) AUTHORITY TO ESTABLISH PILOT PROGRAM TO
19 SHARE CYBER CAPABILITIES.—The Secretary of Defense
20 may, with the concurrence of the Secretary of State, pro-
21 vide cyber capabilities and related information developed
22 or procured by the Department of Defense to foreign
23 countries or organizations described in subsection (b)
24 without compensation, to meet operational imperatives if
25 the Secretary of Defense determines that the provision of

1 such cyber capabilities is in the national security interests
2 of the United States.

3 “(b) LIST OF FOREIGN COUNTRIES.—The Secretary
4 of Defense, with the concurrence of the Secretary of State,
5 shall—

6 “(1) establish—

7 “(A) a list of foreign countries that the
8 Secretary of Defense considers suitable for
9 sharing of cyber capabilities and related infor-
10 mation under the authority established under
11 paragraph (a); and

12 “(B) criteria for establishing the list under
13 subparagraph (A);

14 “(2) not later than 14 days after establishing
15 the list required by paragraph (a), submit to the ap-
16 propriate committees of Congress such list; and

17 “(3) notify the appropriate committees of Con-
18 gress in writing of any changes to the list estab-
19 lished under clause (1) at least 14 days prior to the
20 adoption of any such changes.

21 “(c) PROCEDURES.—Prior to the first use of the au-
22 thority provided by subsection (a), the Secretaries of De-
23 fense and State shall—

24 “(1) establish and submit to the appropriate
25 committees of Congress procedures for a coordina-

1 tion process for subsection (a) that is consistent with
2 the operational timelines required to support the na-
3 tional security of the United States; and

4 “(2) notify the appropriate committees of Con-
5 gress in writing of any changes to the procedures es-
6 tablished under paragraph (1) at least 14 days prior
7 to the adoption of any such changes.

8 “(d) NOTIFICATION REQUIRED.—(1) The Secretary
9 of Defense and Secretary of State jointly shall promptly
10 submit to the appropriate committees of Congress notice
11 in writing of any use of the authority provided by sub-
12 section (a) no later than 48 hours following the use of
13 the authority.

14 “(2) Notification under paragraph (1) shall include
15 a certification that the provision of the cyber capabilities
16 was in the national security interests of the United States.

17 “(3) The notification under paragraph (1) shall in-
18 clude an analysis of whether the transfer and the under-
19 lying operational imperative could have been met using an-
20 other authority.

21 “(e) TERMINATION.—The authority established
22 under paragraph (a) shall terminate on the date that is
23 3 years after the date on which this authority becomes
24 law.

25 “(f) DEFINITIONS.—In this section:

1 “(1) The term ‘appropriate committees of Con-
2 gress’ means—

3 “(A) the congressional defense committees;

4 “(B) the Committee on Foreign Relations
5 of the Senate; and

6 “(C) Committee on Foreign Affairs of the
7 House of Representatives.

8 “(2) The term ‘cyber capability’ means a device
9 or computer program, including any combination of
10 software, firmware, or hardware, designed to create
11 an effect in or through cyberspace.

12 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion shall be construed as amending, diminishing, or other-
14 wise impacting reporting or other obligations under the
15 War Powers Resolution.”.

16 (b) TABLE OF SECTIONS AMENDMENT.—The table of
17 sections at the beginning of such chapter is amended by
18 adding at the end the following new item:

 “398. Pilot program for sharing cyber capabilities and related information with
 foreign operational partners.”.

19 **SEC. 1552. DEMONSTRATION PROGRAM FOR CYBER AND IN-**
20 **FORMATION TECHNOLOGY BUDGET DATA**
21 **ANALYTICS.**

22 (a) DEMONSTRATION PROGRAM.—

23 (1) REQUIREMENT.—Not later than February
24 1, 2024, the Chief Information Officer of the De-

1 partment of Defense shall, in coordination with the
2 Chief Digital and Artificial Intelligence Officer, com-
3 plete a pilot program to demonstrate the application
4 of advanced data analytics to the fiscal year 2024
5 budget data of a military department for the pur-
6 pose of identifying total cyber and information tech-
7 nology spending and the distribution of such re-
8 sources across budget line items that are and are
9 not identified, labeled, or categorized in a manner
10 that would indicate that funds included in such line
11 items will be expended on cyber and information
12 technology activities.

13 (2) COORDINATION WITH MILITARY DEPART-
14 MENTS.—In carrying out the demonstration pro-
15 gram under subsection (a), the Chief Information
16 Officer shall, in coordination with the Secretary of
17 the Air Force, the Secretary of the Army, and the
18 Secretary of the Navy, select a military department
19 for participation in the demonstration program.

20 (b) ELEMENTS.—The demonstration program under
21 subsection (a) shall include—

22 (1) efforts to identify planned expenditures for
23 cyber and information technology that are not cap-
24 tured in the total figures for cyber and information
25 technology reported annually to Congress in support

1 of the President's budget submission and in budget
2 documents and briefings to Congress on the cyber
3 and information technology programs and activities;

4 (2) efforts to improve transparency in cyber
5 and information technology budget information to
6 identify cyber and information technology activities
7 funded out of noncyber and noninformation tech-
8 nology budget lines, including by the use of quali-
9 tative techniques such as semantic analysis or nat-
10 ural language processing technologies;

11 (3) metrics developed to assess the effectiveness
12 of the demonstration program;

13 (4) a cost tradeoff analysis of implementing
14 these cyber and information technology data ana-
15 lytics across the entire budget of the Department of
16 Defense;

17 (5) existing or planned efforts to use these data
18 analytics to make budget decisions; and

19 (6) existing or planned efforts to incorporate
20 these data analytics into materials presented to Con-
21 gress through the budget submission process.

22 (c) BRIEFING.—

23 (1) INITIAL BRIEFING.—Not later than 120
24 days after the date of the enactment of this Act, the
25 Chief Information Officer shall provide the Commit-

1 tees on Armed Services of the Senate and the House
2 of Representatives a briefing on the plans and status
3 of the Chief Information Officer with respect to the
4 demonstration program under subsection (a).

5 (2) FINAL BRIEFING.—Not later than March 1,
6 2024, the Chief Information Officer shall provide the
7 Committees on Armed Services of the Senate and
8 the House of Representatives a briefing on the re-
9 sults and findings of the Chief Information Officer
10 with respect to the demonstration program under
11 subsection (a), including the following:

12 (A) Recommendations for expansion of the
13 demonstration program to the entire cyber and
14 information technology budget of the Depart-
15 ment.

16 (B) Plans for incorporating data analytics
17 into the congressional budget submission proc-
18 ess for the cyber and information technology
19 budget of the Department.

20 **SEC. 1553. PLAN FOR COMMERCIAL CLOUD TEST AND**
21 **EVALUATION.**

22 (a) POLICY AND PLAN.—Not later than 180 days
23 after the date of enactment of this Act, the Secretary of
24 Defense, in consultation with commercial industry, shall
25 implement a policy and plan for test and evaluation of the

1 cybersecurity of the clouds of commercial cloud service
2 providers that provide, or are intended to provide, storage
3 or computing of classified data of the Department of De-
4 fense.

5 (b) CONTENTS.—The policy and plan under sub-
6 section (a) shall include the following:

7 (1) A requirement that, beginning on the date
8 of the enactment of this Act, future contracts with
9 cloud service providers for storage or computing of
10 classified data of the Department include provisions
11 that permit the Secretary to conduct independent,
12 threat-realistic assessments of the commercial cloud
13 infrastructure, including with respect to—

14 (A) the storage, compute, and enabling ele-
15 ments, including the control plane and
16 virtualization hypervisor for mission elements of
17 the Department supported by the cloud pro-
18 vider; and

19 (B) the supporting systems used in the ful-
20 fillment, facilitation, or operations relating to
21 the mission of the Department under the con-
22 tract, including the interfaces with these sys-
23 tems.

24 (2) An explanation as to how the Secretary in-
25 tends to proceed on amending existing contracts

1 with cloud service providers to permit the same level
2 of assessments required for future contracts under
3 paragraph (1).

4 (3) Identification and description of any pro-
5 posed tiered test and evaluation requirements
6 aligned with different impact and classification lev-
7 els.

8 (c) WAIVER AUTHORITY.—The Secretary may in-
9 clude in the policy and plan under subsection (a) an au-
10 thority to waive any requirement under subsection (b) if
11 the waiver is jointly approved by the Chief Information
12 Officer of the Department of Defense and the Director
13 of Operational Test and Evaluation.

14 (d) SUBMISSION.—Not later than 180 days after the
15 date of enactment of this Act, the Secretary shall submit
16 to the Committees on Armed Services of the Senate and
17 the House of Representatives the policy and plan under
18 subsection (a).

19 (e) THREAT-REALISTIC ASSESSMENT DEFINED.—In
20 this section, the term “threat-realistic assessments”
21 means, with respect to commercial cloud infrastructure,
22 activities that—

23 (1) are designed to accurately emulate cyber
24 threats from advanced nation state adversaries, such
25 as Russia and China; and

1 (2) include cooperative penetration testing and
2 no-notice threat-emulation activities where personnel
3 of the Department of Defense attempt to penetrate
4 and gain control of the cloud-provider facilities, net-
5 works, systems, and defenses associated with, or
6 which enable, the supported missions of the Depart-
7 ment.

8 **SEC. 1554. ROADMAP AND IMPLEMENTATION PLAN FOR**
9 **CYBER ADOPTION OF ARTIFICIAL INTEL-**
10 **LIGENCE.**

11 (a) ROADMAP AND IMPLEMENTATION PLAN RE-
12 **QUIRED.**—Not later than 270 days after the date of the
13 enactment of this Act, the Commander of the United
14 States Cyber Command and the Chief Information Officer
15 of the Department of Defense, in coordination with the
16 Chief Digital and Artificial Intelligence Officer of the De-
17 partment, the Director of the Defense Advanced Research
18 Projects Agency, the Director of the National Security
19 Agency, and the Under Secretary of Defense for Research
20 and Engineering, shall jointly develop a five-year roadmap
21 and implementation plan for rapidly adopting and acquir-
22 ing artificial intelligence systems, applications, and sup-
23 porting data and data management processes for the
24 Cyberspace Operations Forces of the Department of De-
25 fense.

1 (b) ELEMENTS.—The roadmap and implementation
2 plan required by subsection (a) shall include the following:

3 (1) Identification and prioritization of artificial
4 intelligence systems, applications, data identification,
5 and processing to cyber missions within the Depart-
6 ment, and ameliorating threats to, and from, artifi-
7 cial intelligence systems, including—

8 (A) advancing the cybersecurity of Depart-
9 ment systems with artificial intelligence;

10 (B) uses of artificial intelligence for cyber
11 effects operations;

12 (C) assessing and mitigating vulnerabilities
13 of artificial intelligence systems supporting cy-
14 bersecurity and cyber operations to attacks; and

15 (D) defending against adversary artificial
16 intelligence-based cyber attacks.

17 (2) A plan to develop, acquire, adopt, and sus-
18 tain the artificial intelligence systems, applications,
19 data, and processing identified in paragraph (1).

20 (3) Roles and responsibilities for the following
21 for adopting and acquiring artificial intelligence sys-
22 tems, applications, and data to cyber missions within
23 the Department:

24 (A) The Commander of the United States
25 Cyber Command.

1 (B) The Commander of Joint-Force Head-
2 quarters Department of Defense Information
3 Networks.

4 (C) The Chief Information Officer of the
5 Department.

6 (D) The Chief Digital and Artificial Intel-
7 ligence Officer of the Department.

8 (E) The Under Secretary of Defense for
9 Research and Engineering.

10 (F) The Secretaries of the military depart-
11 ments.

12 (G) The Director of the National Security
13 Agency.

14 (4) Identification of currently deployed, adopt-
15 ed, and acquired artificial intelligence systems, appli-
16 cations, ongoing prototypes, and data.

17 (5) Identification of current capability and skill
18 gaps that must be addressed prior to the develop-
19 ment and adoption of artificial intelligence applica-
20 tions identified in paragraph (1).

21 (6) Identification of opportunities to solicit op-
22 erator utility feedback through inclusion into re-
23 search and development processes and wargaming or
24 experimentation events by developing a roadmap for
25 such processes and events, as well as a formalized

1 process for capturing and tracking lessons learned
2 from such events to inform the development commu-
3 nity.

4 (7) Identification of long-term technology gaps
5 for fulfilling the Department's cyber warfighter mis-
6 sion to be addressed by research relating to artificial
7 intelligence by the science and technology enterprise
8 within the Department.

9 (8) Definition of a maturity model describing
10 desired cyber capabilities, agnostic of the enabling
11 technology solutions, including phases in the matu-
12 rity model or identified milestones and clearly identi-
13 fied areas for collaboration with relevant commercial
14 off the shelf and government off the shelf developers
15 to address requirements supporting capability gaps.

16 (9) Assessment, in partnership with the Direc-
17 tor of the Defense Intelligence Agency, of the threat
18 posed by adversaries' use of artificial intelligence to
19 the cyberspace operations and the security of the
20 networks and artificial intelligence systems of the
21 Department in the next five years, including a net
22 technical assessment of United States and adversary
23 activities to apply artificial intelligence to cyberspace
24 operations, and actions planned to address that
25 threat.

1 (10) A detailed schedule with target milestones,
2 investments, and required expenditures.

3 (11) Interim and final metrics of adoption of
4 artificial intelligence for each activity identified in
5 the roadmap.

6 (12) Identification of such additional funding,
7 authorities, and policies as the Commander and the
8 Chief Information Officer jointly determine may be
9 required.

10 (13) Such other topics as the Commander and
11 the Chief Information Officer jointly consider appro-
12 priate.

13 (c) SYNCHRONIZATION.—The Commander and the
14 Chief Information Officer shall ensure that the roadmap
15 and implementation plan under subsection (a) are syn-
16 chronized and coordinated to be consistent with section
17 1509.

18 (d) BRIEFING.—Not later than 30 days after the date
19 on which the Commander and the Chief Information Offi-
20 cer complete development of the roadmap and implemen-
21 tation plan under subsection (a), the Commander and the
22 Chief Information Officer shall provide to the congres-
23 sional defense committees a classified briefing on the road-
24 map and implementation plan.

1 **SEC. 1555. REVIEW OF DEPARTMENT OF DEFENSE IMPLE-**
2 **MENTATION OF RECOMMENDATIONS FROM**
3 **DEFENSE SCIENCE BOARD CYBER REPORT.**

4 (a) REVIEW.—

5 (1) REQUIREMENT.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Defense shall complete a review of the
8 findings and recommendations presented in the June
9 2018 Defense Science Board report titled “Cyber as
10 a Strategic Capability”.

11 (2) ELEMENTS.—The review under paragraph
12 (1) shall include the following:

13 (A) Identification of, and description of
14 implementation for, recommendations that have
15 been implemented by the Secretary.

16 (B) Identification of recommendations that
17 have not yet been fully implemented by the Sec-
18 retary.

19 (C) Identification of the reasons why the
20 recommendations identified under subparagraph
21 (B) were not implemented.

22 (D) Identification of such legislative or ad-
23 ministrative action as the Secretary determines
24 necessary to implement the recommendations
25 identified under subparagraph (B).

26 (b) REPORT.—

1 (1) REQUIREMENT.—Not later than 30 days
2 after the date on which the review is completed
3 under paragraph (1) of subsection (a), the Secretary
4 shall submit to the Committees on Armed Services
5 of the Senate and the House of Representatives a
6 report on the review, including a disclosure of the
7 matters identified and developed under paragraph
8 (2) of such subsection.

9 (2) FORM.—The report submitted under para-
10 graph (1) shall be submitted in unclassified form,
11 but may include a classified annex.

12 **SEC. 1556. ANNUAL BRIEFING ON RELATIONSHIP BETWEEN**
13 **NATIONAL SECURITY AGENCY AND UNITED**
14 **STATES CYBER COMMAND.**

15 (a) ANNUAL BRIEFINGS REQUIRED.—Not later than
16 March 1, 2023, and not less frequently than once each
17 year thereafter until March 1, 2028, the Secretary of De-
18 fense shall provide the congressional defense committees
19 a briefing on the relationship between the National Secu-
20 rity Agency and United States Cyber Command.

21 (b) ELEMENTS.—Each briefing provided under sub-
22 section (a) shall include an annual assessment of the fol-
23 lowing:

24 (1) The resources, authorities, activities, mis-
25 sions, facilities, and personnel used to conduct the

1 relevant missions at the National Security Agency as
2 well as the cyber offense and defense missions of
3 United States Cyber Command.

4 (2) The processes used to manage risk, balance
5 tradeoffs, and work with partners to execute oper-
6 ations.

7 (3) An assessment of the operating environment
8 and the continuous need to balance tradeoffs to meet
9 mission necessity and effectiveness.

10 (4) An assessment of the operational effects re-
11 sulting from the relationship between the National
12 Security Agency and United States Cyber Com-
13 mand, including a list of specific operations con-
14 ducted over the previous year that were enabled by
15 or benefitted from the relationship.

16 (5) Such other topics as the Director of the Na-
17 tional Security Agency and the Commander of
18 United States Cyber Command may consider appro-
19 priate.

20 **SEC. 1557. REVIEW OF DEFINITIONS ASSOCIATED WITH**
21 **CYBERSPACE OPERATIONS FORCES.**

22 (a) REVIEW.—Not later than 120 days after the date
23 of the enactment of this Act, the Secretary of Defense,
24 acting through the Principal Cyber Advisor of the Depart-

1 ment of Defense and the Principal Cyber Advisors of the
2 military departments, shall—

3 (1) review—

4 (A) the memorandum of the Secretary of
5 Defense dated December 12, 2019, concerning
6 the definition of the term “Department of De-
7 fense Cyberspace Operations Forces (DoD
8 COF)”; and

9 (B) the responsibilities of the Commander
10 of the United States Cyber Command as the
11 Cyberspace Joint Force Provider and Cyber-
12 space Joint Force Trainer, with respect to
13 forces included and excluded from the Cyber-
14 space Operations Forces; and

15 (2) update such memorandum and, as appro-
16 priate, update such responsibilities.

17 (b) ELEMENTS.—The review under subsection (a)
18 shall include the following:

19 (1) A comprehensive assessment of units and
20 components of the Department of Defense con-
21 ducting defensive cyberspace operations which are
22 not currently included in the definition specified in
23 paragraph (1)(A) of such subsection.

24 (2) Consideration of options for participation in
25 the Cyberspace Operations Forces by forces without

1 regard to whether the forces are included in such
2 definition, including options under which—

3 (A) forces currently excluded from the
4 Cyberspace Operations Forces because of such
5 definition may access training, resources, and
6 expertise of the Cyberspace Operations Forces;

7 (B) the Commander of the United States
8 Cyber Command may issue advisory tasking to
9 forces that are not Cyberspace Operations
10 Forces pursuant to such definition; and

11 (C) forces that are not Cyberspace Oper-
12 ations Forces pursuant to such definition are
13 subject to training standards established by the
14 Commander as the Cyberspace Joint Force
15 Trainer.

16 **SEC. 1558. ANNUAL ASSESSMENTS AND REPORTS ON AS-**
17 **SIGNMENT OF CERTAIN BUDGET CONTROL**
18 **RESPONSIBILITY TO COMMANDER OF**
19 **UNITED STATES CYBER COMMAND.**

20 (a) ANNUAL ASSESSMENTS.—

21 (1) REQUIREMENT.—During fiscal year 2023,
22 and not less frequently than once each fiscal year
23 thereafter through fiscal year 2028, the Commander
24 of the United States Cyber Command, in coordina-
25 tion with the Principal Cyber Advisor of the Depart-

1 ment of Defense, shall assess the implementation of
2 the transition of responsibilities assigned to the
3 Commander by section 1507(a)(1) of the National
4 Defense Authorization Act for Fiscal Year 2022
5 (Public Law 117–81).

6 (2) ELEMENTS.—Each assessment carried out
7 under paragraph (1) shall include the following:

8 (A) An assessment of the operational and
9 organizational effect of section 1507(a)(1) of
10 the National Defense Authorization Act for Fis-
11 cal Year 2022 (Public Law 117–81) on the
12 training, equipping, operation, sustainment, and
13 readiness of the Cyber Mission Forces.

14 (B) An inventory description of the cyber
15 systems, activities, capabilities, resources, and
16 functions that have been transferred from the
17 military departments to control of the Com-
18 mander and those that have not been
19 transitioned pursuant to such section
20 1507(a)(1).

21 (C) An opinion by the Commander as to
22 whether the cyber systems, activities, capabili-
23 ties, resources, and functions that have not
24 been so transitioned should be transitioned pur-
25 suant to such section 1507(a)(1).

1 (D) An assessment of the adequacy of re-
2 sources, authorities, and policies required to im-
3 plement such section 1507(a)(1), including or-
4 ganizational, functional, and personnel matters.

5 (E) An assessment of the reliance on re-
6 sources, authorities, policies, or personnel exter-
7 nal to United States Cyber Command in sup-
8 port of the budget control of the Commander.

9 (F) Identification of any outstanding areas
10 for transition pursuant to such section
11 1507(a)(1).

12 (G) An assessment of the organization es-
13 tablished under section 1509 and its perform-
14 ance relative to the requirements of the Com-
15 mand.

16 (H) Such other matters as the Commander
17 considers appropriate.

18 (b) ANNUAL REPORTS.—Not later than March 1,
19 2023, and annually thereafter through 2028, the Com-
20 mander shall submit to the congressional defense commit-
21 tees a report on the findings of the Commander with re-
22 spect to the assessments under subsection (a).

1 **SEC. 1559. ASSESSMENTS OF WEAPONS SYSTEMS**
2 **VULNERABILITIES TO RADIO-FREQUENCY EN-**
3 **ABLED CYBER ATTACKS.**

4 (a) **ASSESSMENTS.**—The Secretary of Defense shall
5 ensure that the activities required by and conducted pur-
6 suant to section 1647 of the National Defense Authoriza-
7 tion Act for Fiscal Year 2016 (Public Law 114–92; 129
8 Stat. 1118), section 1637 of the John S. McCain National
9 Defense Authorization Act for Fiscal Year 2019 (Public
10 Law 115–232; 10 U.S.C. 221 note), and the amendments
11 made by section 1712 of the William M. (Mac) Thornberry
12 National Defense Authorization Act for Fiscal Year 2021
13 (Public Law 116–283; 134 Stat. 4087) include regular as-
14 sessments of the vulnerabilities to and mission risks pre-
15 sented by radio-frequency enabled cyber attacks with re-
16 spect to the operational technology embedded in weapons
17 systems, aircraft, ships, ground vehicles, space systems,
18 sensors, and datalink networks of the Department of De-
19 fense.

20 (b) **ELEMENTS.**—The assessments under subsection
21 (a) with respect to vulnerabilities and risks described in
22 such subsection shall include—

23 (1) identification of such vulnerabilities and
24 risks;

25 (2) ranking of vulnerability, severity, and pri-
26 ority;

1 (3) development and selection of options, with
2 associated costs and schedule, to correct such
3 vulnerabilities, including installation of intrusion de-
4 tection capabilities;

5 (4) an evaluation of the cybersecurity suffi-
6 ciency for Military Standard 1553; and

7 (5) development of integrated risk-based plans
8 to implement the corrective actions selected.

9 (c) DEVELOPMENT OF CORRECTIVE ACTIONS.—In
10 developing corrective actions under subsection (b)(3), the
11 assessments under subsection (a) shall—

12 (1) consider the missions supported by the as-
13 sessed weapons systems, aircraft, ships, ground vehi-
14 cles, space systems, sensors, or datalink networks, as
15 the case may be, to ensure that the corrective ac-
16 tions focus on the vulnerabilities that create the
17 greatest risks to the missions;

18 (2) be shared and coordinated with the prin-
19 cipal staff assistant with primary responsibility for
20 the strategic cybersecurity program; and

21 (3) address requirements for deployed and non-
22 deployed members of the Armed Forces to analyze
23 data collected on the weapons systems and respond
24 to attacks.

1 (d) INTELLIGENCE INFORMED ASSESSMENTS.—The
2 assessments under subsection (a) shall be informed by in-
3 telligence, if available, and technical judgment regarding
4 potential threats to embedded operational technology dur-
5 ing operations of the Armed Forces.

6 (e) COORDINATION.—

7 (1) COORDINATION AND INTEGRATION OF AC-
8 TIVITIES.—The assessments under subsection (a)
9 shall be fully coordinated and integrated with activi-
10 ties described in such subsection.

11 (2) COORDINATION OF ORGANIZATIONS.—The
12 Secretary shall ensure that the organizations con-
13 ducting the assessments under subsection (a) in the
14 military departments, the United States Special Op-
15 erations Command, and the Defense Agencies co-
16 ordinate with each other and share best practices,
17 vulnerability analyses, and technical solutions with
18 the principal staff assistant with primary responsi-
19 bility for the Strategic Cybersecurity Program.

20 (f) BRIEFINGS.—Not later than one year after the
21 date of the enactment of this Act, the Secretary shall pro-
22 vide to the congressional defense committees briefings
23 from the organizations specified under subsection (e)(2),
24 as appropriate, on the activities and plans required under
25 this section.

1 **SEC. 1560. BRIEFING ON DEPARTMENT OF DEFENSE PLAN**
2 **TO DETER AND COUNTER ADVERSARIES IN**
3 **THE INFORMATION ENVIRONMENT.**

4 (a) BRIEFING.—Not later than 90 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall provide to the congressional defense committees a
7 briefing on the following:

8 (1) The status of the strategy and posture re-
9 view required by section 1631(g) of the National De-
10 fense Authorization Act for Fiscal Year 2020 (Pub-
11 lic Law 116–92; 10 U.S.C. 397 note).

12 (2) A description of efforts of the Department
13 of Defense, including such efforts conducted in con-
14 sultation with relevant departments and agencies of
15 the Federal Government, to effectively deter and
16 counter foreign adversaries in the information envi-
17 ronment, including—

18 (A) recent updates or modifications to ex-
19 isting policies to more effectively deter and
20 counter adversaries;

21 (B) a description of funding priorities and
22 impacts to future budget requests;

23 (C) recent updates to personnel policies to
24 ensure the recruitment, promotion, retention,
25 and compensation for individuals with the nec-

1 essary skills in the information environment;
2 and

3 (D) a description of improvements required
4 to the collection, prioritization, and analysis of
5 intelligence, in particular open-source intel-
6 ligence, to better inform the understanding of
7 foreign adversaries in the information environ-
8 ment.

9 (3) A description of any initiatives that are
10 being taken, in cooperation with relevant depart-
11 ments and agencies of the Federal Government, to
12 assist and incorporate allies and partner countries of
13 the United States into efforts to effectively deter
14 and counter foreign adversaries in the information
15 environment.

16 (4) A description of any additional actions the
17 Secretary determines necessary to further ensure
18 that the Department of Defense is appropriately
19 postured to effectively deter and counter foreign ad-
20 versaries in the information environment.

21 (5) Any other matters the Secretary of Defense
22 determines appropriate.

23 (b) INFORMATION ENVIRONMENT DEFINED.—In this
24 section, the term “information environment” has the
25 meaning given in the publication of the Department of De-

1 fense titled “Joint Concept for Operating in the Informa-
2 tion Environment (JCOIE)” dated July 25, 2018.

3 **TITLE XVI—SPACE ACTIVITIES,**
4 **STRATEGIC PROGRAMS, AND**
5 **INTELLIGENCE MATTERS**

Subtitle A—Space Activities

- Sec. 1601. Requirements for protection of satellites.
- Sec. 1602. Strategy on protection of satellites.
- Sec. 1603. Modification of reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisitions programs and funding for such programs.
- Sec. 1604. Tactically responsive space capability.
- Sec. 1605. Extension of annual report on Space Command and Control.
- Sec. 1606. Allied responsive space capabilities.
- Sec. 1607. Applied research and educational activities to support space technology development.
- Sec. 1608. Review of Space Development Agency exemption from Joint Capabilities Integration and Development System.
- Sec. 1609. Update to plan to manage Integrated Tactical Warning and Attack Assessment System and multi-domain sensors.
- Sec. 1610. Report on space debris.

Subtitle B—Defense Intelligence and Intelligence-Related Activities

- Sec. 1621. Congressional oversight of clandestine activities that support operational preparation of the environment.

Subtitle C—Nuclear Forces

- Sec. 1631. Biannual briefing on nuclear weapons and related activities.
- Sec. 1632. Industrial base monitoring for B-21 and Sentinel programs.
- Sec. 1633. Improvements to Nuclear Weapons Council.
- Sec. 1634. Portfolio management framework for nuclear forces.
- Sec. 1635. Extension of requirement to report on nuclear weapons stockpile.
- Sec. 1636. Modification and extension of annual assessment of cyber resilience of nuclear command and control system.
- Sec. 1637. Modification of reports on Nuclear Posture Review implementation.
- Sec. 1638. Establishment of intercontinental ballistic missile site activation task force for Sentinel program.
- Sec. 1639. Prohibition on reduction of the intercontinental ballistic missiles of the United States.
- Sec. 1640. Plan for development of reentry vehicles.
- Sec. 1641. Treatment of nuclear modernization and hypersonic missile programs within Defense Priorities and Allocations System.
- Sec. 1642. Matters relating to nuclear-capable sea-launched cruise missile.

Subtitle D—Missile Defense Programs

- Sec. 1651. Biannual briefing on missile defense and related activities.

- Sec. 1652. Improvements to acquisition accountability reports on the ballistic missile defense system.
- Sec. 1653. Making permanent prohibitions relating to missile defense information and systems.
- Sec. 1654. Next generation interceptors for missile defense of United States homeland.
- Sec. 1655. Termination of requirement to transition ballistic missile defense programs to the military departments.
- Sec. 1656. Persistent cybersecurity operations for ballistic missile defense systems and networks.
- Sec. 1657. Fire control architectures.
- Sec. 1658. Middle East integrated air and missile defense.
- Sec. 1659. Iron Dome short-range rocket defense system and Israeli cooperative missile defense program co-development and co-production.
- Sec. 1660. Integrated air and missile defense architecture for defense of Guam.
- Sec. 1661. Limitation on availability of certain funds until submission of report on implementation of the cruise missile defense architecture for the homeland.
- Sec. 1662. Strategy to use asymmetric capabilities to defeat hypersonic missile threats.
- Sec. 1663. Plan on delivering Shared Early Warning System data to certain allies and partners of the United States.
- Sec. 1664. Reports on ground-based interceptors.
- Sec. 1665. Report on missile defense interceptor site in contiguous United States.

Subtitle E—Other Matters

- Sec. 1671. Cooperative threat reduction funds.
- Sec. 1672. Department of Defense support for requirements of the White House Military Office.
- Sec. 1673. Unidentified anomalous phenomena reporting procedures.
- Sec. 1674. Study of weapons programs that allow Armed Forces to address hard and deeply buried targets.

1 **Subtitle A—Space Activities**

2 **SEC. 1601. REQUIREMENTS FOR PROTECTION OF SAT-** 3 **ELLITES.**

4 Chapter 135 of title 10, United States Code, is
5 amended by inserting after section 2275 the following new
6 section (and conforming the table of sections at the begin-
7 ning of such chapter accordingly):

8 **“§ 2275a. Requirements for protection of satellites**

9 “(a) ESTABLISHMENT OF REQUIREMENTS.—Before
10 a major satellite acquisition program achieves Milestone

1 A approval, or equivalent, the Chief of Staff of the Space
2 Force, in consultation with the Commander of the United
3 States Space Command, shall establish requirements for
4 the defense and resilience of the satellites under that pro-
5 gram against the capabilities of adversaries to target, de-
6 grade, or destroy the satellites.

7 “(b) DEFINITIONS.—In this section:

8 “(1) The term ‘major satellite acquisition pro-
9 gram’ has the meaning given that term in section
10 2275 of this title.

11 “(2) The term ‘Milestone A approval’ has the
12 meaning given that term in section 4251 of this title
13 10.”.

14 **SEC. 1602. STRATEGY ON PROTECTION OF SATELLITES.**

15 (a) STRATEGY.—

16 (1) REQUIREMENT.—Not later than 90 days
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense, in coordination with the Director
19 of National Intelligence, shall make publicly avail-
20 able a strategy containing the actions that will be
21 taken to defend and protect on-orbit satellites of the
22 Department of Defense and the intelligence commu-
23 nity from the capabilities of adversaries to target,
24 degrade, or destroy satellites.

25 (2) FORMS.—The Secretary shall—

1 (A) make the strategy under paragraph (1)
2 publicly available in unclassified form; and

3 (B) submit to the appropriate congress-
4 sional committees an annex, which may be sub-
5 mitted in classified form, containing supporting
6 documents to the strategy.

7 (b) DEFINITIONS.—In this section:

8 (1) The term “appropriate congressional com-
9 mittees” means—

10 (A) the congressional defense committees;
11 and

12 (B) the Permanent Select Committee on
13 Intelligence of the House of Representatives
14 and the Select Committee on Intelligence of the
15 Senate.

16 (2) The term “intelligence community” has the
17 meaning given that term in section 3(4) of the Na-
18 tional Security Act of 1947 (50 U.S.C. 3003(4)).

19 **SEC. 1603. MODIFICATION OF REPORTS ON INTEGRATION**
20 **OF ACQUISITION AND CAPABILITY DELIVERY**
21 **SCHEDULES FOR SEGMENTS OF MAJOR SAT-**
22 **ELLITE ACQUISITIONS PROGRAMS AND**
23 **FUNDING FOR SUCH PROGRAMS.**

24 Section 2275(f) of title 10, United States Code, is
25 amended by striking paragraph (3).

1 **SEC. 1604. TACTICALLY RESPONSIVE SPACE CAPABILITY.**

2 (a) PROGRAM.—Subsection (a) of section 1609 of the
3 William M. (Mac) Thornberry National Defense Author-
4 ization Act for Fiscal Year 2021 (Public Law 116–283;
5 10 U.S.C. 2271 note) is amended to read as follows:

6 “(a) PROGRAM.—The Secretary of the Air Force
7 shall ensure that the Space Force has a tactically respon-
8 sive space capability that—

9 “(1) addresses all lifecycle elements; and

10 “(2) addresses rapid deployment and recon-
11 stitution requirements—

12 “(A) to provide long-term continuity for
13 tactically responsive space capabilities across
14 the future-years defense program submitted to
15 Congress under section 221 of title 10, United
16 States Code;

17 “(B) to continue the development of con-
18 cepts of operations, including with respect to
19 tactics, training, and procedures;

20 “(C) to develop appropriate processes for
21 tactically responsive space launch, including—

22 “(i) mission assurance processes; and

23 “(ii) command and control, tracking,
24 telemetry, and communications; and

1 “(D) to identify basing requirements nec-
2 essary to enable tactically responsive space ca-
3 pabilities.”.

4 (b) REQUIREMENTS.—Such section is further amend-
5 ed—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing new subsection:

10 “(b) REQUIREMENTS.—The Chief of Space Oper-
11 ations shall establish tactically responsive requirements for
12 all national security space capabilities, if applicable, car-
13 ried out under title 10, United States Code.”.

14 (c) SUPPORT.—Subsection (c) of such section, as re-
15 designated by subsection (b), is amended—

16 (1) in paragraph (1)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “launch program” and insert-
19 ing “space program”; and

20 (B) by striking subparagraph (B) and in-
21 serting the following new subparagraph:

22 “(B) The entire end-to-end tactically re-
23 sponsive space capability, including with respect
24 to the launch vehicle, ground infrastructure,

1 bus, payload, operations and on-orbit
2 sustainment.”; and

3 (2) in paragraph (2)—

4 (A) in the matter preceding subparagraph
5 (A)—

6 (i) by striking “for fiscal year 2023”
7 and inserting “for each of fiscal years
8 2023 through 2026”; and

9 (ii) by striking “tactically responsive
10 launch program” and inserting “tactically
11 responsive space program”;

12 (B) in subparagraph (A), by striking
13 “launches” and inserting “capabilities”; and

14 (C) in subparagraph (C), by striking
15 “tactically responsive launch program” and in-
16 serting “tactically responsive space program”.

17 (d) CONFORMING AMENDMENT.—The heading of
18 such section is amended in the heading by striking
19 “**LAUNCH OPERATIONS**” and inserting “**SPACE CAPA-**
20 **BILITY**”.

21 **SEC. 1605. EXTENSION OF ANNUAL REPORT ON SPACE COM-**
22 **MAND AND CONTROL.**

23 Section 1613(a)(2) of the National Defense Author-
24 ization Act for Fiscal Year 2020 (Public Law 116–92; 133

1 Stat. 1731) is amended by striking “2025” and inserting
2 “2030”.

3 **SEC. 1606. ALLIED RESPONSIVE SPACE CAPABILITIES.**

4 (a) INITIATIVES.—The Secretary of the Defense and
5 the Secretary of State shall jointly ensure that responsive
6 space capabilities of the Department of Defense align with
7 initiatives by Five Eyes countries, member states of the
8 North Atlantic Treaty Organization, and other allies to
9 promote a globally responsive space architecture.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Secretary of Defense and
12 the Secretary of State, in coordination with the Com-
13 mander of the United States European Command, the
14 Commander of the United States Indo-Pacific Command,
15 and the Commander of the United States Space Com-
16 mand, shall jointly submit to the congressional defense
17 committees, the Committee on Foreign Affairs of the
18 House of Representatives, and the Committee on Foreign
19 Relations of the Senate a report assessing current invest-
20 ments and partnerships by the United States with allies
21 of the United States with respect to responsive space ef-
22 forts. The report shall include the following:

23 (1) An assessment of the benefits of leveraging
24 allied and partner spaceports for responsive launch.

1 (2) A discussion of current and future plans to
2 engage with allies and partners with respect to ac-
3 tivities ensuring rapid reconstitution or augmenta-
4 tion of the space capabilities of the United States
5 and allies.

6 (3) An assessment of the shared costs and tech-
7 nology between the United States and allies, includ-
8 ing if investments from the Pacific Deterrence Ini-
9 tiative and the European Deterrence Initiative could
10 be considered for allied spaceports.

11 (c) FIVE EYES COUNTRIES DEFINED.—In this sec-
12 tion, the term “Five Eyes countries” means the following:

- 13 (1) Australia.
- 14 (2) Canada.
- 15 (3) New Zealand.
- 16 (4) The United Kingdom.
- 17 (5) The United States.

18 **SEC. 1607. APPLIED RESEARCH AND EDUCATIONAL ACTIVI-**
19 **TIES TO SUPPORT SPACE TECHNOLOGY DE-**
20 **VELOPMENT.**

21 (a) IN GENERAL.—The Secretary of the Air Force
22 and the Chief of Space Operations, in coordination with
23 the Chief Technology and Innovation Office of the Space
24 Force, may carry out applied research and educational ac-
25 tivities to support space technology development.

1 (b) ACTIVITIES.—Activities carried out under sub-
2 section (a) shall support the applied research, develop-
3 ment, and demonstration needs of the Space Force, in-
4 cluding by addressing and facilitating the advancement of
5 capabilities related to—

6 (1) space domain awareness;

7 (2) positioning, navigation, and timing;

8 (3) communications;

9 (4) hypersonics;

10 (5) cybersecurity; and

11 (6) any other matter the Secretary of the Air
12 Force considers relevant.

13 (c) EDUCATION AND TRAINING.—Activities carried
14 out under subsection (a) shall—

15 (1) promote education and training for students
16 so as to support the future national security space
17 workforce of the United States; and

18 (2) explore opportunities for international col-
19 laboration.

20 (d) TERMINATION.—The authority provided by this
21 section shall expire on December 31, 2027.

1 **SEC. 1608. REVIEW OF SPACE DEVELOPMENT AGENCY EX-**
2 **EMPTION FROM JOINT CAPABILITIES INTE-**
3 **GRATION AND DEVELOPMENT SYSTEM.**

4 (a) REVIEW.—Not later than March 31, 2023, the
5 Secretary of Defense shall complete a review regarding
6 whether the Space Development Agency should be exempt
7 from the Joint Capabilities Integration and Development
8 System.

9 (b) RECOMMENDATION.—Not later than 30 days
10 after the date on which the review under subsection (a)
11 is completed, the Secretary of Defense shall submit to the
12 congressional defense committees a recommendation as to
13 whether the exemption described in such subsection should
14 apply to the Space Development Agency.

15 (c) IMPLEMENTATION.—Not later than 60 days after
16 the date on which the recommendation is submitted under
17 subsection (b), the Secretary of the Air Force and the Di-
18 rector of the Space Development Agency shall implement
19 the recommendation.

20 **SEC. 1609. UPDATE TO PLAN TO MANAGE INTEGRATED TAC-**
21 **TICAL WARNING AND ATTACK ASSESSMENT**
22 **SYSTEM AND MULTI-DOMAIN SENSORS.**

23 (a) UPDATE REQUIRED.—Not later than one year
24 after the date of the enactment of this Act, the Secretary
25 of the Air Force shall update the plan that was developed

1 pursuant to section 1669 of the National Defense Author-
2 ization Act for Fiscal Year 2018 (Public Law 115–91).

3 (b) COORDINATION WITH OTHER AGENCIES.—In de-
4 veloping the update required by subsection (a), the Sec-
5 retary shall—

6 (1) coordinate with the Secretary of the Army,
7 the Secretary of the Navy, the Director of the Mis-
8 sile Defense Agency, the Director of the National
9 Reconnaissance Office, and the Director of the
10 Space Development Agency; and

11 (2) solicit comments on the plan, if any, from
12 the Commander of United States Strategic Com-
13 mand, the Commander of United States Northern
14 Command, and the Commander of United States
15 Space Command.

16 (c) SUBMITTAL TO CONGRESS.—Not later than 90
17 days after the update required by subsection (a) is com-
18 plete, the Secretary of the Air Force shall submit to the
19 congressional defense committees—

20 (1) the plan updated pursuant to subsection
21 (a); and

22 (2) the comments from the Commander of
23 United States Strategic Command, the Commander
24 of United States Northern Command, and the Com-

1 mander of United States Space Command, if any,
2 solicited under subsection (b)(2).

3 **SEC. 1610. REPORT ON SPACE DEBRIS.**

4 (a) REQUIREMENT.—Not later than 120 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense shall submit to the appropriate congressional
7 committees the portion of the report on the risks posed
8 by man-made space debris in low-Earth orbit described in
9 the explanatory statement accompanying the National De-
10 fense Authorization Act for Fiscal Year 2022 (Public Law
11 117–81) that pertains to the Department of Defense. The
12 portion of the report shall include—

13 (1) an explanation of such risks to defense and
14 national security space assets;

15 (2) recommendations with respect to the reme-
16 diation of such risks to defense and national security
17 assets; and

18 (3) outlines of plans to reduce the incident of
19 such space debris to defense and national security
20 assets.

21 (b) APPROPRIATE CONGRESSIONAL COMMITTEES
22 DEFINED.—In this section, the term “appropriate con-
23 gressional committees” means—

1 (1) the Committee on Armed Services and the
2 Committee on Science, Space, and Technology of the
3 House of Representatives; and

4 (2) the Committee on Armed Services and Com-
5 mittee on Commerce, Science, and Transportation of
6 the Senate.

7 **Subtitle B—Defense Intelligence**
8 **and Intelligence-Related Activities**

9 **SEC. 1621. CONGRESSIONAL OVERSIGHT OF CLANDESTINE**
10 **ACTIVITIES THAT SUPPORT OPERATIONAL**
11 **PREPARATION OF THE ENVIRONMENT.**

12 Section 127f of title 10, United States Code, is
13 amended—

14 (1) by redesignating subsections (e) and (f) as
15 subsections (f) and (g), respectively; and

16 (2) by inserting after subsection (d) the fol-
17 lowing new subsection:

18 “(e) **QUARTERLY BRIEFING.**—On a quarterly basis,
19 the Assistant Secretary of Defense for Special Operations
20 and Low Intensity Conflict, in coordination with elements
21 of the Department of Defense that the Assistant Secretary
22 determines appropriate, shall provide to the congressional
23 defense committees a briefing outlining the clandestine ac-
24 tivities carried out pursuant to subsection (a) during the
25 period covered by the briefing, including—

1 “(1) an update on such activities carried out in
2 each geographic combatant command and a descrip-
3 tion of how such activities support the respective
4 theater campaign plan;

5 “(2) an overview of the authorities and legal
6 issues, including limitations, relating to such activi-
7 ties; and

8 “(3) any other matters the Assistant Secretary
9 considers appropriate.”.

10 **Subtitle C—Nuclear Forces**

11 **SEC. 1631. BIENNIAL BRIEFING ON NUCLEAR WEAPONS** 12 **AND RELATED ACTIVITIES.**

13 Chapter 24 of title 10, United States Code, is amend-
14 ed by inserting after section 492a the following new sec-
15 tion (and conforming the table of sections at the beginning
16 of such chapter accordingly):

17 **“SEC. 492b. BIENNIAL BRIEFING ON NUCLEAR WEAPONS** 18 **AND RELATED ACTIVITIES.**

19 “(a) IN GENERAL.—On or about May 1 and Novem-
20 ber 1 of each year, the officials specified in subsection (b)
21 shall provide to the Committees on Armed Services of the
22 Senate and the House of Representatives a briefing on
23 matters relating to nuclear weapons policies, operations,
24 technology development, and other similar topics as re-
25 quested by such committees.

1 “(b) OFFICIALS SPECIFIED.—The officials specified
2 in this subsection are the following:

3 “(1) The Assistant Secretary of Defense for Ac-
4 quisition.

5 “(2) The Assistant Secretary of Defense for
6 Nuclear, Chemical, and Biological Defense Pro-
7 grams.

8 “(3) The Assistant Secretary of Defense for
9 Space Policy.

10 “(4) The Deputy Administrator for Defense
11 Programs of the National Nuclear Security Adminis-
12 tration.

13 “(5) The Director for Strategy, Plans, and Pol-
14 icy of the Joint Staff.

15 “(6) The Director for Capability and Resource
16 Integration for the United States Strategic Com-
17 mand.

18 “(c) DELEGATION.—An official specified in sub-
19 section (b) may delegate the authority to provide a brief-
20 ing under subsection (a) to a member of the Senior Execu-
21 tive Service who reports to the official.

22 “(d) TERMINATION.—The requirement to provide a
23 briefing under subsection (a) shall terminate on January
24 1, 2028.”.

1 **SEC. 1632. INDUSTRIAL BASE MONITORING FOR B-21 AND**
2 **SENTINEL PROGRAMS.**

3 Chapter 24 of title 10, United States Code, is amend-
4 ed by inserting after section 493 the following new section
5 (and conforming the table of sections at the beginning of
6 such chapter accordingly):

7 **“§ 493a. Industrial base monitoring for B-21 and Sen-**
8 **tinel programs**

9 “(a) DESIGNATION.—The Secretary of the Air Force,
10 acting through the Assistant Secretary of the Air Force
11 for Acquisition, Technology, and Logistics, shall designate
12 a senior official, who shall report to the Assistant Sec-
13 retary, to monitor the combined industrial base supporting
14 the acquisition of—

15 “(1) B-21 aircraft; and

16 “(2) the Sentinel intercontinental ballistic mis-
17 sile weapon system.

18 “(b) REQUIREMENTS FOR MONITORING.—In moni-
19 toring the combined industrial base described in sub-
20 section (a), the senior official designated under such sub-
21 section shall—

22 “(1) have the authority to select staff to assist
23 the senior official from among civilian employees of
24 the Department and members of the armed forces,
25 who may provide such assistance concurrently while
26 serving in another position;

1 “(2) monitor the acquisition by the combined
2 industrial base of—

3 “(A) materials, technologies, and compo-
4 nents associated with nuclear weapons systems;
5 and

6 “(B) commodities purchased on a large
7 scale;

8 “(3) monitor the hiring or contracting by the
9 combined industrial base of personnel with critical
10 skills; and

11 “(4) assess whether personnel with critical
12 skills and knowledge, intellectual property on manu-
13 facturing processes, and facilities and equipment
14 necessary to design, develop, manufacture, repair,
15 and support a program are available and affordable
16 within the scopes of the B-21 aircraft program and
17 the Sentinel intercontinental ballistic missile weapon
18 system program.

19 “(c) ANNUAL REPORT.—At the same time as the
20 submission of the budget of the President pursuant to sec-
21 tion 1105(a) of title 31 for a fiscal year, the Secretary
22 shall submit to the congressional defense committees a re-
23 port with respect to the status of the combined industrial
24 base described in subsection (a).”.

1 **SEC. 1633. IMPROVEMENTS TO NUCLEAR WEAPONS COUN-**
2 **CIL.**

3 (a) RESPONSIBILITIES.—Subsection (d) of section
4 179 of title 10, United States Code, is amended—

5 (1) in paragraph (9), by inserting “, in coordi-
6 nation with the Joint Requirements Oversight Coun-
7 cil,” after “capabilities, and”;

8 (2) by redesignating paragraphs (10), (11), and
9 (12) as paragraphs (11), (12), and (13), respec-
10 tively;

11 (3) by inserting after paragraph (9) the fol-
12 lowing new paragraph (10):

13 “(10) With respect to nuclear warheads—

14 “(A) reviewing military requirements, per-
15 formance requirements, and planned delivery
16 schedules to evaluate whether such require-
17 ments and schedules create significant risks to
18 cost, schedules, or other matters regarding pro-
19 duction, surveillance, research, and other pro-
20 grams relating to nuclear weapons within the
21 National Nuclear Security Administration; and

22 “(B) if any such risk exists, proposing and
23 analyzing adjustments to such requirements
24 and schedules.”; and

1 (4) by striking paragraph (13), as so redesign-
2 nated, and inserting the following new paragraph
3 (13):

4 “(13) Coordinating risk management efforts be-
5 tween the Department of Defense and the National
6 Nuclear Security Administration relating to the nu-
7 clear weapons stockpile, the nuclear security enter-
8 prise (as defined in section 4002 of the Atomic En-
9 ergy Defense Act (50 U.S.C. 2501)), and the deliv-
10 ery platforms for nuclear weapons, including with re-
11 spect to identifying and analyzing risks and pro-
12 posing actions to mitigate risks.”.

13 (b) PLANS AND BUDGET.—Subsection (f) of such
14 section is amended to read as follows:

15 “(f) BUDGET AND FUNDING MATTERS.—(1) The
16 Council shall annually review the plans and budget of the
17 National Nuclear Security Administration and assess
18 whether such plans and budget meet the current and pro-
19 jected requirements relating to nuclear weapons.

20 “(2)(A) The Council shall review each budget request
21 transmitted by the Secretary of Energy to the Council
22 under section 4717 of the Atomic Energy Defense Act (50
23 U.S.C. 2757) and make a determination under subpara-
24 graph (B) regarding the adequacy of each such request.
25 Not later than 30 days after making such a determination,

1 the Council shall notify the congressional defense commit-
2 tees that such a determination has been made.

3 “(B)(i) If the Council determines that a budget re-
4 quest for a fiscal year transmitted to the Council under
5 section 4717 of the Atomic Energy Defense Act (50
6 U.S.C. 2757) is inadequate, in whole or in part, to imple-
7 ment the objectives of the Department of Defense with
8 respect to nuclear weapons for that fiscal year, the Council
9 shall submit to the Secretary of Energy a written descrip-
10 tion of funding levels and specific initiatives that would,
11 in the determination of the Council, make the budget re-
12 quest adequate to implement those objectives.

13 “(ii) If the Council determines that a budget request
14 for a fiscal year transmitted to the Council under section
15 4717 of the Atomic Energy Defense Act (50 U.S.C. 2757)
16 is adequate to implement the objectives described in clause
17 (i) for that fiscal year, the Council shall submit to the
18 Secretary of Energy a written statement confirming the
19 adequacy of the request.

20 “(iii) The Council shall maintain a record of each de-
21 scription submitted under clause (i) and each statement
22 submitted under clause (ii).

23 “(3) Not later than 30 days after the President sub-
24 mits to Congress the budget for a fiscal year under section
25 1105(a) of title 31, the Council shall submit to the con-

1 gressional defense committees a report containing the fol-
2 lowing:

3 “(A) The results of the assessment conducted
4 under paragraph (1) with respect to that budget.

5 “(B) An evaluation of—

6 “(i) whether the funding requested for the
7 National Nuclear Security Administration in
8 such budget—

9 “(I) enables the Administrator for
10 Nuclear Security to meet requirements re-
11 lating to nuclear weapons for such fiscal
12 year; and

13 “(II) is adequate to implement the ob-
14 jectives of the Department of Defense with
15 respect to nuclear weapons for that fiscal
16 year; and

17 “(ii) whether the plans and budget re-
18 viewed under paragraph (1) will enable the Ad-
19 ministrator to meet—

20 “(I) the requirements to produce war
21 reserve plutonium pits under section
22 4219(a) of such Act (50 U.S.C. 2538a(a));
23 and

24 “(II) any other requirements under
25 Federal law.

1 “(C) If the evaluation under subparagraph
2 (B)(ii) determines that the plans and budget re-
3 viewed under paragraph (1) will not enable the Ad-
4 ministrator to meet the requirements to produce war
5 reserve plutonium pits under section 4219(a) of the
6 Atomic Energy Defense Act (50 U.S.C. 2538a(a))—

7 “(i) an explanation for why the plans and
8 budget will not enable the Administrator to
9 meet such requirements; and

10 “(ii) proposed alternative plans, budget, or
11 requirements by the Council to meet such re-
12 quirements.

13 “(4) If a member of the Council does not concur in
14 any assessment or evaluation under this subsection, the
15 report or other information required to be submitted to
16 the congressional defense committees regarding such as-
17 sessment or evaluation shall include a written explanation
18 from the non-concurring member describing the reasons
19 for the member’s nonconcurrency.

20 “(5)(A) Not later than 30 days after the President
21 submits to Congress the budget for a fiscal year under
22 section 1105(a) of title 31, the Commander of the United
23 States Strategic Command shall submit to the Chairman
24 of the Joint Chiefs of Staff an assessment of—

1 “(i) whether such budget allows the Fed-
2 eral Government to meet the nuclear stockpile
3 and stockpile stewardship program require-
4 ments during the fiscal year covered by the
5 budget and the four subsequent fiscal years;
6 and

7 “(ii) if the Commander determines that
8 such budget does not allow the Federal Govern-
9 ment to meet such requirements, a description
10 of the steps being taken to meet such require-
11 ments.

12 “(B) Not later than 30 days after the date on which
13 the Chairman of the Joint Chiefs of Staff receives the as-
14 sessment of the Commander of the United States Stra-
15 tegic Command under subparagraph (A), the Chairman
16 shall submit to the congressional defense committees—

17 “(i) such assessment as it was submitted to the
18 Chairman; and

19 “(ii) any comments of the Chairman.

20 “(6) In this subsection, the term ‘budget’ has the
21 meaning given that term in section 231(f) of this title.”.

22 (c) MODIFICATION OF BUDGET REVIEW BY NU-
23 CLEAR WEAPONS COUNCIL.—Section 4717 of the Atomic
24 Energy Defense Act (50 U.S.C. 2757) is amended—

25 (1) in subsection (a)—

1 (A) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) REVIEW.—The Council shall review each
4 budget request transmitted to the Council under
5 paragraph (1) in accordance with section 179(f) of
6 title 10, United States Code.”; and

7 (B) in paragraph (3)(A)—

8 (i) in the matter preceding clause (i),
9 by striking “paragraph (2)(B)(i)” and in-
10 sserting “section 179(f)(2)(B)(i) of title 10,
11 United States Code,”; and

12 (ii) in clause (i), by striking “the de-
13 scription under paragraph (2)(B)(i)” and
14 inserting “that description”; and

15 (2) in subsection (b)—

16 (A) by striking “COUNCIL.—” in the head-
17 ing and all that follows through “At the time”
18 and inserting “COUNCIL.—At the time”; and

19 (B) by striking paragraph (2).

20 (d) UPDATES ON MEETINGS.—Section 179(g)(1)(A)
21 of title 10, United States Code, is amended by inserting
22 “and the members who attended each meeting” before the
23 semicolon.

24 (e) REPEAL OF TERMINATION OF NUCLEAR WEAP-
25 ONS COUNCIL CERTIFICATION AND REPORTING REQUIRE-

1 MENT.—Section 1061(c) of the National Defense Author-
2 ization Act for Fiscal Year 2017 (Public Law 114–328;
3 10 U.S.C. 111 note) is amended by striking paragraph
4 (10).

5 **SEC. 1634. PORTFOLIO MANAGEMENT FRAMEWORK FOR**
6 **NUCLEAR FORCES.**

7 (a) IN GENERAL.—Chapter 24 of title 10, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section (and conforming the table of sections
10 at the beginning of such chapter accordingly):

11 **“§ 499c. Portfolio management framework for nuclear**
12 **forces**

13 “(a) REQUIREMENT.—Not later than January 1,
14 2024, the Secretary of Defense shall—

15 “(1) implement a portfolio management frame-
16 work for nuclear forces of the United States that—

17 “(A) specifies the portfolio of nuclear
18 forces covered by the framework;

19 “(B) establishes a portfolio governance
20 structure for such forces that takes advantage
21 of, or is modeled on, an existing portfolio gov-
22 ernance structure, such as the Deputy’s Man-
23 agement Action Group described in Department
24 of Defense Directive 5105.79;

1 “(C) outlines the approach of the Sec-
2 retary for identifying and managing risk relat-
3 ing to such forces and prioritizing the efforts
4 among such forces, including how the Sec-
5 retary, acting through the Under Secretary of
6 Defense for Acquisition and Sustainment, will
7 coordinate such identification, management,
8 and prioritization with the Administrator for
9 Nuclear Security using the coordination proc-
10 esses of the Nuclear Weapons Council; and

11 “(D) incorporates the findings and rec-
12 ommendations identified by the Comptroller
13 General of the United States in the report titled
14 ‘Nuclear Enterprise: DOD and NNSA Could
15 Further Enhance How They Manage Risk and
16 Prioritize Efforts’ (GAO-22-104061) and
17 dated January 2022; and

18 “(2) complete a comprehensive assessment of
19 the portfolio management capabilities required to
20 identify and manage risk in the portfolio of nuclear
21 forces, including how to draw upon public and pri-
22 vate sector resources and the program management
23 expertise within the Defense Acquisition University.

24 “(b) ANNUAL BRIEFINGS; NOTIFICATIONS.—(1) In
25 conjunction with the submission of the budget of the

1 President to Congress pursuant to section 1105 of title
2 31 for fiscal year 2025 and each fiscal year thereafter
3 through the date specified in subsection (c), the Secretary
4 shall provide to the congressional defense committees a
5 briefing on identifying and managing risk relating to nu-
6 clear forces and prioritizing the efforts among such forces,
7 including, with respect to the period covered by the brief-
8 ing—

9 “(A) the current and projected operational re-
10 quirements for nuclear forces that were used for
11 such identification, management, and prioritization;

12 “(B) key areas of risk identified; and

13 “(C) a description of the actions proposed or
14 carried out to mitigate such risk.

15 “(2) The Secretary may provide the briefings under
16 paragraph (1) in classified form.

17 “(3) If a House of Congress adopts a bill authorizing
18 or appropriating funds that, as determined by the Sec-
19 retary, provides funds in an amount that will result in a
20 significant delay in the nuclear certification or delivery of
21 nuclear forces, the Secretary shall notify the congressional
22 defense committees of the determination.

23 “(c) TERMINATION.—The requirements of this sec-
24 tion shall terminate 90 days after the date on which the
25 Secretary certifies to the congressional defense committees

1 that each of the following have achieved full operational
2 capability:

3 “(1) The LGM–35A Sentinel intercontinental
4 ballistic missile weapon system.

5 “(2) The Columbia-class ballistic missile sub-
6 marine program.

7 “(3) The long-range standoff weapon program.

8 “(4) The B–21 Raider bomber aircraft pro-
9 gram.

10 “(5) The F–35A dual-capable aircraft program.

11 “(d) NUCLEAR FORCES DEFINED.—In this section,
12 the term ‘nuclear forces’ includes, at a minimum—

13 “(1) nuclear weapons;

14 “(2) the delivery platforms and systems for nu-
15 clear weapons;

16 “(3) nuclear command, control, and commu-
17 nications systems; and

18 “(4) the infrastructure and facilities of the De-
19 partment of Defense and the National Nuclear Secu-
20 rity Administration that support nuclear weapons,
21 the delivery platforms and systems for nuclear weap-
22 ons, and nuclear command, control, and communica-
23 tions systems, including with respect to personnel,
24 construction, operation, and maintenance.”.

25 (b) INITIAL BRIEFING.—

1 (1) REQUIREMENT.—Not later than June 1,
2 2023, the Secretary of Defense shall provide to the
3 congressional defense committees a briefing on the
4 progress of the Secretary to—

5 (A) develop the portfolio management
6 framework for nuclear forces under section
7 499c of title 10, United States Code, as added
8 by subsection (a); and

9 (B) complete the assessment described in
10 subsection (a)(2) of such section.

11 (2) FORM.—The Secretary may provide the
12 briefing under paragraph (1) in classified form.

13 **SEC. 1635. EXTENSION OF REQUIREMENT TO REPORT ON**
14 **NUCLEAR WEAPONS STOCKPILE.**

15 Section 492a(a)(1) of title 10, United States Code,
16 is amended by striking “2024” and inserting “2029”.

17 **SEC. 1636. MODIFICATION AND EXTENSION OF ANNUAL AS-**
18 **SESSMENT OF CYBER RESILIENCE OF NU-**
19 **CLEAR COMMAND AND CONTROL SYSTEM.**

20 (a) QUARTERLY BRIEFINGS.—Subsection (d) of sec-
21 tion 499 of title 10, United States Code, is amended to
22 read as follows:

23 “(d) QUARTERLY BRIEFINGS.—(1) Not less than
24 once every quarter, the Deputy Secretary of Defense and
25 the Vice Chairman of the Joint Chiefs of Staff shall jointly

1 provide to the Committees on Armed Services of the
2 House of Representatives and the Senate—

3 “(A) a briefing on any intrusion or anomaly in
4 the nuclear command, control, and communications
5 system that was identified during the previous quar-
6 ter, including—

7 “(i) an assessment of any known, sus-
8 pected, or potential impacts of such intrusions
9 and anomalies to the mission effectiveness of
10 military capabilities as of the date of the brief-
11 ing; and

12 “(ii) with respect to cyber intrusions of
13 contractor networks known or suspected to have
14 resulted in the loss or compromise of design in-
15 formation regarding the nuclear command, con-
16 trol, and communications system; or

17 “(B) if no such intrusion or anomaly occurred
18 with respect to the quarter to be covered by that
19 briefing, a notification of such lack of intrusions and
20 anomalies.

21 “(2) In this subsection:

22 “(A) The term ‘anomaly’ means a malicious,
23 suspicious or abnormal cyber incident that poten-
24 tially threatens the national security or interests of
25 the United States, or that is likely to result in de-

1 monstrable harm to the national security of the
2 United States.

3 “(B) The term ‘intrusion’ means an unauthor-
4 ized and malicious cyber incident that compromises
5 a nuclear command, control, and communications
6 system by breaking the security of such a system or
7 causing it to enter into an insecure state.”.

8 (b) EXTENSION.—Subsection (e) of such section is
9 amended by striking “December 31, 2027” and inserting
10 “December 31, 2032”.

11 (c) CONFORMING REPEAL.—Section 171a of title 10,
12 United States Code, is amended—

13 (1) by striking subsection (h); and

14 (2) by redesignating subsections (i) through (l)
15 as subsections (h) through (k), respectively.

16 **SEC. 1637. MODIFICATION OF REPORTS ON NUCLEAR POS-**
17 **TURE REVIEW IMPLEMENTATION.**

18 Section 491(e) of title 10, United States Code is
19 amended—

20 (1) in the heading, by striking “2010”;

21 (2) in the matter preceding paragraph (1)—

22 (A) by striking “2012 through 2021” and
23 inserting “2022 through 2031”; and

24 (B) by striking “2010” and inserting “a”;

25 and

1 (3) by striking paragraph (1) and inserting the
2 following new paragraph (1.):

3 “(1) ensure that the report required by section
4 492a of this title is transmitted to Congress, if so
5 required under such section;”.

6 **SEC. 1638. ESTABLISHMENT OF INTERCONTINENTAL BAL-**
7 **LISTIC MISSILE SITE ACTIVATION TASK**
8 **FORCE FOR SENTINEL PROGRAM.**

9 (a) ESTABLISHMENT.—

10 (1) TASK FORCE.—There is established within
11 the Air Force Global Strike Command a directorate
12 to be known as the Sentinel Intercontinental Bal-
13 listic Missile Site Activation Task Force (in this sec-
14 tion referred to as the “Task Force”).

15 (2) SITE ACTIVATION TASK FORCE.—The Task
16 Force shall serve as the Site Activation Task Force
17 (as that term is defined in Air Force Instruction 10–
18 503, updated October 14, 2020) for purposes of
19 overseeing and coordinating the construction of fixed
20 facilities and emplacements and the installation and
21 checkout of supporting subsystems and equipment
22 leading to the deployment and achievement of full
23 operational capability of the LGM–35A Sentinel
24 intercontinental ballistic missile weapon system at
25 each intercontinental ballistic missile wing for use by

1 the Air Force Global Strike Command in support of
2 plans and operations of the United States Strategic
3 Command.

4 (b) DIRECTOR.—

5 (1) HEAD.—The Task Force shall be headed by
6 the Director of Intercontinental Ballistic Missile
7 Modernization.

8 (2) APPOINTMENT.—

9 (A) IN GENERAL.—The Secretary of the
10 Air Force shall appoint the Director from
11 among the general officers of the Air Force.

12 (B) QUALIFICATIONS.—In appointing the
13 Director, the Secretary shall give preference to
14 individuals with expertise in intercontinental
15 ballistic missile operations and large construc-
16 tion projects.

17 (3) TERM OF OFFICE.—

18 (A) TERM.—The Director shall be ap-
19 pointed for a term of three years. The Sec-
20 retary may reappoint the Director for one addi-
21 tional three-year term.

22 (B) REMOVAL.—The Secretary may re-
23 move the Director for cause at any time.

24 (4) DUTIES.—

25 (A) IN GENERAL.—The Director shall—

1 (i) oversee and coordinate the activi-
2 ties of the Air Force in support of—

3 (I) the deployment of the LGM-
4 35A Sentinel intercontinental ballistic
5 missile weapon system; and

6 (II) the retirement of the LGM-
7 30G Minuteman III intercontinental
8 ballistic missile weapon system; and

9 (ii) subject to the authority, direction,
10 and control of the Commander of the Air
11 Force Global Strike Command, the Chief
12 of Staff of the Air Force, and the Sec-
13 retary of the Air Force, prepare, justify,
14 and execute the personnel, operation and
15 maintenance, and construction budgets for
16 such deployment and retirement.

17 (B) RULE OF CONSTRUCTION.—Nothing in
18 this subsection shall be construed to supersede
19 or otherwise alter the organizational relation-
20 ships and responsibilities regarding oversight
21 and management of the LGM-35A Sentinel as
22 a Major Capability Acquisition Program, as
23 outlined in Department of Defense Instruction
24 5000.85, “Major Capability Acquisition”, dated
25 November 4, 2021.

1 (c) REPORTS.—

2 (1) REPORT TO SECRETARIES.—Not later than
3 one year after the date of the enactment of this Act,
4 and annually thereafter until the date specified in
5 subsection (e), the Director, in consultation with the
6 milestone decision authority (as defined in section
7 4251(d) of title 10, United States Code) for the
8 LGM-35A Sentinel intercontinental ballistic missile
9 program, shall submit to the Secretary of Defense
10 and the Secretary of the Air Force a report on the
11 progress of the Air Force in achieving initial and full
12 operational capability for the LGM-35A Sentinel
13 intercontinental ballistic missile weapon system.

14 (2) REPORT TO CONGRESS.—Not later than 30
15 days after receiving a report under paragraph (1),
16 the Secretary of Defense and the Secretary of the
17 Air Force shall jointly submit to the congressional
18 defense committees the report.

19 (3) FORM.—The report under paragraph (1)
20 shall be submitted in unclassified form, but may in-
21 clude a classified annex.

22 (4) QUARTERLY BRIEFING.—Not later than one
23 year after the date of the enactment of this Act, and
24 every 90 days thereafter until the date specified in
25 subsection (e), the Secretary of the Air Force shall

1 provide to the congressional defense committees a
2 briefing regarding the progress made on activities by
3 the Task Force to bring the LGM-35A Sentinel
4 intercontinental ballistic missile weapon system to
5 operational capability at each intercontinental bal-
6 listic missile wing.

7 (d) WEAPON SYSTEM DESIGNATION.—

8 (1) WEAPON SYSTEM.—For purposes of nomen-
9 clature and life cycle maintenance, each wing level
10 configuration of the LGM-35A Sentinel interconti-
11 nental ballistic missile shall be considered a weapon
12 system.

13 (2) DEFINITIONS.—In this subsection:

14 (A) The term “weapon system” has the
15 meaning given the term in Department of the
16 Air Force Pamphlet 63-128, updated February
17 3, 2021.

18 (B) The term “wing level configuration”
19 means the complete arrangement of subsystems
20 and equipment of the LGM-35A Sentinel inter-
21 continental ballistic missile required to function
22 as a wing.

23 (e) TERMINATION.—The Task Force shall terminate
24 not later than 90 days after the date on which the Com-
25 mander of the United States Strategic Command and the

1 Commander of the Air Force Global Strike Command (or
2 the heads of successor agencies of the United States Stra-
3 tegic Command and the Air Force Global Strike Com-
4 mand) jointly declare that the LGM-35A Sentinel inter-
5 continental ballistic missile weapon system has achieved
6 full operational capability.

7 **SEC. 1639. PROHIBITION ON REDUCTION OF THE INTER-**
8 **CONTINENTAL BALLISTIC MISSILES OF THE**
9 **UNITED STATES.**

10 (a) PROHIBITION.—Except as provided in subsection
11 (b), none of the funds authorized to be appropriated by
12 this Act or otherwise made available for fiscal year 2023
13 for the Department of Defense may be obligated or ex-
14 pended for the following, and the Department may not
15 otherwise take any action to do the following:

16 (1) Reduce, or prepare to reduce, the respon-
17 siveness or alert level of the intercontinental ballistic
18 missiles of the United States.

19 (2) Reduce, or prepare to reduce, the quantity
20 of deployed intercontinental ballistic missiles of the
21 United States to a number less than 400.

22 (b) EXCEPTION.—The prohibition in subsection (a)
23 shall not apply to any of the following activities:

24 (1) The maintenance or sustainment of inter-
25 continental ballistic missiles.

1 (2) Ensuring the safety, security, or reliability
2 of intercontinental ballistic missiles.

3 (3) Facilitating the transition from the Minute-
4 man III intercontinental ballistic missile to the Sen-
5 tinel intercontinental ballistic missile (previously re-
6 ferred to as the “ground-based strategic deterrent
7 weapon”).

8 **SEC. 1640. PLAN FOR DEVELOPMENT OF REENTRY VEHI-**
9 **CLES.**

10 (a) PLAN.—The Under Secretary of Defense for Ac-
11 quisition and Sustainment, in consultation with the Ad-
12 ministrator for Nuclear Security and the Under Secretary
13 of Defense for Research and Engineering, shall produce
14 a plan for the development, during the 20-year period be-
15 ginning on the date of the enactment of this Act, of—

16 (1) the Mark 21A reentry vehicle for the Air
17 Force;

18 (2) the Mark 7 reentry vehicle for the Navy;

19 and

20 (3) any other reentry vehicles for—

21 (A) the Sentinel intercontinental ballistic
22 missile weapon system;

23 (B) the Trident II (D5) submarine-
24 launched ballistic missile, or subsequent missile;

25 and

1 (C) any other long-range ballistic or
2 hypersonic strike missile that may rely upon
3 technologies similar to the technologies used in
4 the missiles described in subparagraphs (A) and
5 (B).

6 (b) ELEMENTS.—The plan under subsection (a)
7 shall—

8 (1) with respect to the development of each re-
9 entry vehicle described in such subsection, de-
10 scribe—

11 (A) timed phases of production for the re-
12 entry aeroshell and the planned production and
13 fielding of the reentry vehicle;

14 (B) the required developmental and oper-
15 ational testing capabilities and capacities, in-
16 cluding such capabilities and capacities of the
17 reentry vehicle;

18 (C) the technology development and manu-
19 facturing capabilities that may require use of
20 authorities under the Defense Production Act of
21 1950 (50 U.S.C. 4501 et seq.); and

22 (D) the industrial base capabilities and ca-
23 pacities, including the availability of sufficient
24 critical materials and staffing to ensure ade-

1 quate competition between entities developing
2 the reentry vehicle;

3 (2) provide estimated cost projections for the
4 development of the first operational reentry vehicle
5 and the production of subsequent reentry vehicles to
6 meet the requirements of the Navy and Air Force;
7 and

8 (3) provide for the coordination with and ac-
9 count for the needs of the development by the De-
10 partment of Defense of hypersonic systems using
11 materials, staffing, and an industrial base similar to
12 that required for the development of reentry vehicles
13 described in subsection (a).

14 (c) ASSESSMENTS.—

15 (1) COST PROJECTIONS.—The Director of the
16 Office of Cost Assessment and Program Evaluation
17 of the Department of Defense, in coordination with
18 the Director of the Office of Cost Estimating and
19 Program Evaluation of the National Nuclear Secu-
20 rity Administration, shall conduct an assessment of
21 the costs of the plan under subsection (a).

22 (2) TECHNOLOGY AND MANUFACTURING READI-
23 NESS.—Not later than 90 days after the date of the
24 enactment of this Act, the Under Secretary of De-
25 fense for Acquisition and Sustainment shall seek to

1 enter into an agreement with a federally funded re-
2 search and development center to conduct an assess-
3 ment of the technology and manufacturing readiness
4 levels with respect to the plan under subsection (a).

5 (d) SUBMISSION TO CONGRESS.—Not later than one
6 year after the date of the enactment of this Act, the Under
7 Secretary of Defense for Acquisition and Sustainment
8 shall submit to the congressional defense committees the
9 plan under subsection (a) and the assessments under sub-
10 section (c).

11 **SEC. 1641. TREATMENT OF NUCLEAR MODERNIZATION AND**
12 **HYPERSONIC MISSILE PROGRAMS WITHIN**
13 **DEFENSE PRIORITIES AND ALLOCATIONS**
14 **SYSTEM.**

15 (a) REVIEW AND BRIEFING.—Not later than January
16 1, 2023, and annually thereafter until January 1, 2028,
17 the Secretary of Defense and the Secretary of Energy
18 shall jointly provide to the congressional defense commit-
19 tees a briefing, with respect to each nuclear weapons deliv-
20 ery system, missile warning system, hypersonic boost-glide
21 missile system program, and weapon program or nuclear
22 security enterprise infrastructure project of the National
23 Nuclear Security Administration, on—

24 (1) which such programs or projects have been
25 reviewed or considered for a determination of DX

1 priority rating under part 700 of title 15, Code of
2 Federal Regulations;

3 (2) which, if any, such programs or projects
4 have been assigned a DX priority rating, or have
5 been determined to require such rating and a
6 timeline for assignment;

7 (3) any such programs or projects that have
8 sought DX rating but have been denied assignment,
9 including a rationale for denial;

10 (4) any such program or project which had pre-
11 viously obtained a DX rating and the designation
12 was unassigned; and

13 (5) other related matters the Secretaries deter-
14 mine appropriate, including the potential impacts
15 and risks to other programs.

16 (b) MILESTONE REVIEW REQUIREMENT.—With re-
17 spect to any program or project that the Secretary of De-
18 fense and the Secretary of Energy identify under sub-
19 section (a)(1) as not having been reviewed or considered
20 for a determination of DX priority rating under part 700
21 of title 15, Code of Federal Regulations, the respective
22 Secretary shall—

23 (1) conduct an assessment regarding the need
24 for such a DX priority rating not less frequently
25 than prior to the program or project achieving Mile-

1 stone A approval, Milestone B approval, and Mile-
2 stone C approval, or equivalent; and

3 (2) document such assessment within the acqui-
4 sition decision memorandum, or equivalent, for the
5 program or project.

6 **SEC. 1642. MATTERS RELATING TO NUCLEAR-CAPABLE SEA-**
7 **LAUNCHED CRUISE MISSILE.**

8 (a) REPORT ON DETERRENCE.—Not later than 270
9 days after the date of the enactment of this Act, the Sec-
10 retary of Defense shall submit to the congressional defense
11 committees a report that describes the approach by the
12 Department of Defense for deterring theater nuclear em-
13 ployment by Russia, China, and North Korea, including—

14 (1) an assessment of the current and future
15 theater nuclear capabilities and doctrines of Russia,
16 China, and North Korea;

17 (2) an explanation of the strategy and capabili-
18 ties of the United States for deterring theater nu-
19 clear employment; and

20 (3) a comparative assessment of options for
21 strengthening deterrence of theater nuclear employ-
22 ment, including pursuit of the nuclear-capable sea-
23 launched cruise missile and other potential changes
24 to the nuclear and conventional posture and capabili-
25 ties of the United States.

1 (b) CONCEPT OF OPERATIONS AND OPERATIONAL
2 IMPLICATIONS.—

3 (1) CONCEPT OF OPERATIONS.—Not later than
4 150 days after the date of the enactment of this Act,
5 the Vice Chairman of the Joint Chiefs of Staff, in
6 coordination with the Chief of Naval Operations, the
7 Under Secretary of Defense for Policy, the Com-
8 mander of the United States Strategic Command,
9 the Commander of the United States European
10 Command, and the Commander of the United States
11 Indo-Pacific Command, shall develop and validate a
12 concept of operations for a nuclear-capable sea-
13 launched cruise missile that provides options for, at
14 a minimum—

15 (A) regularly deploying the missile in rel-
16 evant operational theaters; and

17 (B) maintaining the missile in reserve and
18 deploying as needed to relevant operational the-
19 aters.

20 (2) OPERATIONAL IMPLICATIONS.—Not later
21 than 270 days after the date of the enactment of
22 this Act, and based upon the concept of operations
23 developed pursuant to paragraph (1), the Chief of
24 Naval Operations, in coordination with the Vice
25 Chairman of the Joint Chiefs of Staff, the Com-

1 mander of the United States Strategic Command,
2 the Commander of the United States European
3 Command, and the Commander of the United States
4 Indo-Pacific Command, shall submit to the congress-
5 sional defense committees a report that describes the
6 operational implications associated with deploying
7 nuclear-capable sea-launched cruise missiles on naval
8 vessels, including—

9 (A) anticipated effects on the deterrence of
10 regional nuclear use by Russia, China, and
11 North Korea from such deployment;

12 (B) expected adjustments in the regional
13 balances of nuclear forces between the United
14 States and Russia, China, and North Korea re-
15 spectively, based on the anticipated effects
16 under subparagraph (A);

17 (C) anticipated operational and deterrence
18 implications of allocating missile or torpedo
19 tubes from conventional munitions to nuclear
20 munitions if additional vessels beyond current
21 planning are not available;

22 (D) anticipated operational constraints and
23 trade-offs associated with reserving or limiting
24 naval vessels, if applicable, on account of nu-
25 clear mission requirements;

1 (E) adjustments to posture and operation-
2 ally available capabilities that may be required
3 if the Navy is not provided with additional re-
4 sources to support tactical nuclear operations,
5 including potential costs and constraints relat-
6 ing to nuclear certification, modifications to
7 port infrastructure, personnel training, and
8 other factors; and

9 (F) any other issues identified by the
10 Chief, Vice Chairman, and Commanders.

11 (c) REPORT ON DEVELOPMENT.—Not later than 270
12 days after the date of the enactment of this Act, the Ad-
13 ministrator for Nuclear Security shall submit to the con-
14 gressional defense committees a report that describes the
15 cost and timeline of developing and producing a variation
16 of the W80–4 warhead for a nuclear-capable sea-launched
17 cruise missile, including—

18 (1) the cost of developing, producing, and sus-
19 taining the warhead;

20 (2) the timeline for the design, production, and
21 fielding of the warhead; and

22 (3) an assessment of how the pursuit of a vari-
23 ant of the W80–4 warhead may affect other planned
24 warhead activities of the National Nuclear Security
25 Administration, including whether there would be

1 risk to the cost and schedule of other warhead pro-
2 grams of the Administration if the Nuclear Weapons
3 Council added a nuclear-capable sea-launched cruise
4 missile warhead to the portfolio of such programs.

5 (d) SPEND PLAN.—Not later than 45 days after the
6 date of the enactment of this Act, the Secretary of the
7 Navy and the Administrator for Nuclear Security shall
8 submit to the congressional defense committees the antici-
9 pated spend plans for the research and development of a
10 nuclear-capable sea-launched cruise missile and the associ-
11 ated warhead for the missile with respect to each of the
12 following:

13 (1) The funds for such research and develop-
14 ment appropriated by the Consolidated Appropria-
15 tions Act, 2022 (Public Law 117–103).

16 (2) The funds for such research and develop-
17 ment authorized to be appropriated by this Act.

18 (e) CONSOLIDATED REPORT.—The reports required
19 by subsections (a) and (b)(2) may be submitted in one
20 consolidated report.

21 (f) PREFERRED COURSE OF ACTION.—To inform the
22 reports under this section, not later than 30 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense shall identify one or more preferred courses of
25 action from among the actions identified in the analysis

1 of alternatives for a nuclear-capable sea-launched cruise
2 missile.

3 (g) LIMITATION.—

4 (1) IN GENERAL.—None of the funds author-
5 ized to be appropriated by this Act or otherwise
6 made available for fiscal year 2023 for the Depart-
7 ment of Defense or the National Nuclear Security
8 Administration may be obligated or expended for a
9 purpose specified in paragraph (2) until each of the
10 reports under this section and a detailed, unclassi-
11 fied summary of the analysis of alternatives regard-
12 ing the nuclear-capable sea-launched cruise missile
13 have been submitted to the congressional defense
14 committees.

15 (2) FUNDS SPECIFIED.—The purposes specified
16 in this paragraph are the following:

17 (A) With respect to the Department of De-
18 fense, system development and demonstration
19 of a nuclear-capable sea-launched cruise missile.

20 (B) With respect to the National Nuclear
21 Security Administration, development engineer-
22 ing for a modified, altered, or new warhead for
23 a sea-launched cruise missile.

24 (h) DEFINITIONS.—In this section:

1 (1) The term “development engineering” means
2 activities under phase 3 of the joint nuclear weapons
3 life cycle (as defined in section 4220 of the Atomic
4 Energy Defense Act (50 U.S.C. 2538b) or phase 6.3
5 of a nuclear weapons life extension program.

6 (2) The term “system development and dem-
7 onstration” means the activities occurring in the
8 phase after a program achieves Milestone B ap-
9 proval (as defined in section 4172 of title 10, United
10 States Code).

11 **Subtitle D—Missile Defense** 12 **Programs**

13 **SEC. 1651. BIENNIAL BRIEFING ON MISSILE DEFENSE AND** 14 **RELATED ACTIVITIES.**

15 Chapter 23 of title 10, United States Code, is amend-
16 ed by inserting after section 486 the following new section
17 (and conforming the table of sections at the beginning of
18 such chapter accordingly):

19 **“§ 487. Biannual briefing on missile defense and re-** 20 **lated activities**

21 “(a) IN GENERAL.—On or about June 1 and Decem-
22 ber 1 of each year, the officials specified in subsection (b)
23 shall provide to the Committees on Armed Services of the
24 Senate and the House of Representatives a briefing on
25 matters relating to missile defense policies, operations,

1 technology development, and other similar topics as re-
2 quested by such committees.

3 “(b) OFFICIALS SPECIFIED.—The officials specified
4 in this subsection are the following:

5 “(1) The Assistant Secretary of Defense for Ac-
6 quisition.

7 “(2) The Assistant Secretary of Defense for
8 Space Policy.

9 “(3) The Director of the Missile Defense Agen-
10 cy.

11 “(4) The Director for Strategy, Plans, and Pol-
12 icy of the Joint Staff.

13 “(c) DELEGATION.—An official specified in sub-
14 section (b) may delegate the authority to provide a brief-
15 ing required by subsection (a) to a member of the Senior
16 Executive Service who reports to the official.

17 “(d) TERMINATION.—The requirement to provide a
18 briefing under subsection (a) shall terminate on January
19 1, 2028.”.

20 **SEC. 1652. IMPROVEMENTS TO ACQUISITION ACCOUNT-**
21 **ABILITY REPORTS ON THE BALLISTIC MIS-**
22 **SILE DEFENSE SYSTEM.**

23 (a) ELEMENTS OF BASELINES.—Subsection (b) of
24 section 225 of title 10, United States Code, is amended—

1 (1) in paragraph (1)(C), by striking “and
2 flight” and inserting “, flight, and cybersecurity”;

3 (2) in paragraph (2), by striking subparagraph
4 (C) and inserting the following new subparagraph
5 (C):

6 “(C) how the proposed capability satisfies
7 a capability requirement or performance at-
8 tribute identified through—

9 “(i) the missile defense warfighter in-
10 volvement process, as governed by United
11 States Strategic Command Instruction
12 538-03, or such successor document; or

13 “(ii) processes and products approved
14 by the Joint Chiefs of Staff or Joint Re-
15 quirements Oversight Council;”; and

16 (3) in paragraph (3)—

17 (A) in subparagraph (C), by striking “;
18 and” and inserting a semicolon;

19 (B) in subparagraph (D), by striking the
20 period at the end and inserting “; and”; and

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

23 “(E) an explanation for why a program
24 joint cost analysis requirements description has
25 not been prepared and approved, and, if a pro-

1 gram joint cost analysis requirements descrip-
2 tion is not applicable, the rationale for such in-
3 applicability.”.

4 (b) ANNUAL REPORTS ON ACQUISITION BASE-
5 LINES.—Subsection (c) of such section is amended—

6 (1) in paragraph (2)(B)(ii)—

7 (A) in subclause (I)—

8 (i) by striking “initial” and inserting
9 “original”; and

10 (ii) by striking “; and” and inserting
11 a semicolon;

12 (B) in subclause (II), by striking the pe-
13 riod at the ending and inserting “; and”; and

14 (C) by adding at the end the following new
15 subclause:

16 “(III) the most recent adjusted or revised
17 acquisition baseline for such program element
18 or major subprogram under subsection (d).”;

19 (2) by redesignating paragraph (3) as para-
20 graph (4);

21 (3) by inserting after paragraph (3) the fol-
22 lowing new paragraph:

23 “(3)(A) Each report under paragraph (1) shall in-
24 clude the total system costs for each element described in
25 subparagraph (B) that comprises the missile defense sys-

1 tem, without regard to funding source or management
2 control (such as the Missile Defense Agency, a military
3 department, or other element of the Department of De-
4 fense).

5 “(B) The elements described in this subparagraph
6 shall include the following:

7 “(i) Research and development.

8 “(ii) Procurement.

9 “(iii) Military construction.

10 “(iv) Operations and sustainment.

11 “(v) Disposal.”; and

12 (4) by inserting after paragraph (4) the fol-
13 lowing new paragraph (5):

14 “(5) In this subsection:

15 “(A) The term ‘original acquisition baseline’
16 means, with respect to a program element or major
17 subprogram, the first acquisition baseline created for
18 the program element or major subprogram that has
19 no previous iterations and has not been adjusted or
20 revised, including any adjustments or revisions pur-
21 suant to subsection (d).

22 “(B) The term ‘total system costs’ means, with
23 respect to each element that comprises the missile
24 defense system—

1 “(i) all combined costs from closed, can-
2 celed, and active acquisition baselines;

3 “(ii) any costs shifted to or a part of fu-
4 ture efforts without an established acquisition
5 baseline; and

6 “(iii) any costs under the responsibility of
7 a military department or other Department en-
8 tity.”.

9 (c) OPERATIONS AND SUSTAINMENT COST ESTI-
10 MATES.—Subsection (e) of such section is amended—

11 (1) in paragraph (1), by striking “; and” and
12 inserting a semicolon;

13 (2) in paragraph (2), by striking the period at
14 the end and inserting a semicolon; and

15 (3) by adding at the end the following new
16 paragraphs:

17 “(3) the amount of operations and sustainment
18 costs (dollar value and base year) for which the mili-
19 tary department or other element of the Department
20 of Defense is responsible; and

21 “(4)(A) a citation to the source (such as a joint
22 cost estimate or one or more military department es-
23 timates) that captures the operations and
24 sustainment costs for which a military department

1 or other element of the Department of Defense is re-
2 sponsible;

3 “(B) the date the source was prepared; and

4 “(C) if and when the source was independently
5 verified by the Office for Cost Assessment and Pro-
6 gram Evaluation.”.

7 **SEC. 1653. MAKING PERMANENT PROHIBITIONS RELATING**
8 **TO MISSILE DEFENSE INFORMATION AND**
9 **SYSTEMS.**

10 Section 130h of title 10, United States Code, is
11 amended by striking subsection (e).

12 **SEC. 1654. NEXT GENERATION INTERCEPTORS FOR MIS-**
13 **SILE DEFENSE OF UNITED STATES HOME-**
14 **LAND.**

15 (a) MODIFICATION TO CONGRESSIONAL NOTIFICA-
16 TION OF CANCELLATION.—Section 1668(c) of the Na-
17 tional Defense Authorization Act for Fiscal Year 2022
18 (Public Law 117–81) is amended—

19 (1) in the matter preceding paragraph (1)—

20 (A) by striking “30 days prior to any” and
21 inserting “90 days prior to implementation of
22 a”; and

23 (B) by striking “Director” and inserting
24 “Secretary of Defense”; and

1 (2) in paragraph (2), by striking “Director”
2 and inserting “Secretary”.

3 (b) FUNDING PROFILE FOR INCREASED DEPLOY-
4 MENT.—Not later than 180 days after the date of the en-
5 actment of this Act, the Director of the Missile Defense
6 Agency shall submit to the congressional defense commit-
7 tees a report on the funding profile necessary, by fiscal
8 year, to acquire no fewer than 64 operational next genera-
9 tion interceptors for the next generation interceptor pro-
10 gram.

11 **SEC. 1655. TERMINATION OF REQUIREMENT TO TRANSI-**
12 **TION BALLISTIC MISSILE DEFENSE PRO-**
13 **GRAMS TO THE MILITARY DEPARTMENTS.**

14 Section 1676(b) of the National Defense Authoriza-
15 tion Act for Fiscal Year 2018 (Public Law 115–91; 10
16 U.S.C. 4205 note) is amended—

17 (1) in paragraph (1), by striking “Not” and in-
18 serting “Except as provided by paragraph (4), not”;
19 and

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

22 “(4) TERMINATION OF REQUIREMENT.—The
23 requirement in paragraph (1) to transfer the au-
24 thorities specified in such paragraph shall terminate
25 on the date that is 60 days after the date on which

1 the Secretary of Defense submits to the congres-
2 sional defense committees the report under section
3 1675(b) of the National Defense Authorization Act
4 for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
5 2117).”.

6 **SEC. 1656. PERSISTENT CYBERSECURITY OPERATIONS FOR**
7 **BALLISTIC MISSILE DEFENSE SYSTEMS AND**
8 **NETWORKS.**

9 (a) PLAN.—Not later than May 1, 2023, the Director
10 of the Missile Defense Agency and the Director of Oper-
11 ational Test and Evaluation, in coordination with the
12 Chairman of the Joint Chiefs of Staff, the Commander
13 of the United States Cyber Command, and other com-
14 manders of combatant commands and functions of the
15 Joint Staff as appropriate, shall jointly develop a plan to
16 allow for persistent cybersecurity operations across all net-
17 works and information systems supporting the missile de-
18 fense system.

19 (b) ELEMENTS.—The plan under subsection (a) shall
20 include the following:

21 (1) An inventory of all networks and informa-
22 tion systems that support the missile defense sys-
23 tem, including information about which components
24 or elements of the networks and information systems

1 are currently configured for persistent cybersecurity
2 operations.

3 (2) A strategy—

4 (A) for coordinating with the applicable
5 combatant commands on persistent cybersecu-
6 rity operations; and

7 (B) in which the Director for Operational
8 Test and Evaluation monitors and reviews such
9 operations and provides independent assess-
10 ments of the adequacy and sufficiency of the
11 operations.

12 (3) A plan for how the Director of the Missile
13 Defense Agency will respond to cybersecurity testing
14 recommendations made by the Director for Oper-
15 ational Test and Evaluation.

16 (4) The timeline required to execute the plan.

17 (c) BRIEFINGS.—The Director of the Missile Defense
18 Agency and the Director for Operational Test and Evalua-
19 tion shall jointly provide to the congressional defense com-
20 mittees a briefing—

21 (1) not later than May 15, 2023, on the plan
22 developed under subsection (a); and

23 (2) not later than December 30, 2023, on
24 progress made toward implementing such plan.

1 **SEC. 1657. FIRE CONTROL ARCHITECTURES.**

2 (a) FIRE CONTROL QUALITY DATA REQUIRE-
3 MENT.—In carrying out the analysis of candidate fire con-
4 trol architectures, the Secretary of the Air Force shall en-
5 sure that the Director of the Space Warfighting Analysis
6 Center of the Space Force, at a minimum, maintains the
7 requirements needed for the missile defense command and
8 control, battle management, and communications system
9 to pass the needed quality data within the timelines need-
10 ed for current and planned interceptor systems to support
11 engagements of ballistic and hypersonic threats as de-
12 scribed in section 1645 of the William M. (Mac) Thorn-
13 berry National Defense Authorization Act for Fiscal Year
14 2021 (Public Law 116–283; 134 Stat. 4062).

15 (b) BRIEFING.—Not later than 14 days after the date
16 on which the Director of the Space Warfighting Analysis
17 Center concludes the analysis of candidate fire control ar-
18 chitectures, the Director shall provide to the Committees
19 on Armed Services of the House of Representatives and
20 the Senate a briefing on the results of the analysis, includ-
21 ing the findings of the Director and the architecture rec-
22 ommended by the Director for a future fire control archi-
23 tecture to support engagement of ballistic and hypersonic
24 threats.

1 **SEC. 1658. MIDDLE EAST INTEGRATED AIR AND MISSILE**
2 **DEFENSE.**

3 (a) IN GENERAL.—The Secretary of Defense, in con-
4 sultation with the Secretary of State and the Director of
5 the Defense Intelligence Agency, shall seek to cooperate
6 with allies and partners in the Middle East with respect
7 to implementing an integrated air and missile defense ar-
8 chitecture to protect the people, infrastructure, and terri-
9 tory of such countries from cruise and ballistic missiles,
10 manned and unmanned aerial systems, and rocket attacks
11 from Iran and groups linked to Iran.

12 (b) STRATEGY.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Sec-
15 retary, in consultation with the Secretary of State,
16 shall submit to the appropriate congressional com-
17 mittees a strategy on cooperation with allies and
18 partners in the area of responsibility of the United
19 States Central Command to implement a multi-
20 national integrated air and missile defense architec-
21 ture to protect the people, infrastructure, and terri-
22 tory of such countries from cruise and ballistic mis-
23 siles, manned and unmanned aerial systems, and
24 rocket attacks from Iran and groups linked to Iran.

25 (2) CONTENTS.—The strategy submitted under
26 paragraph (1) shall include the following:

1 (A) An assessment of the threat of ballistic
2 and cruise missiles, manned and unmanned aer-
3 ial systems, and rocket attacks from Iran and
4 groups linked to Iran to allies and partners
5 within the area of responsibility of the United
6 States Central Command.

7 (B) A description of current efforts to co-
8 ordinate indicators and warnings from such at-
9 tacks with allies and partners within such area
10 of responsibility.

11 (C) An analysis of current integrated air
12 and missile defense systems to defend against
13 attacks, in coordination with allies and partners
14 within such area of responsibility.

15 (D) An explanation of how a multinational
16 integrated air and missile defense architecture
17 would improve collective security in such area of
18 responsibility.

19 (E) A description of efforts to engage spec-
20 ified foreign partners in establishing such an
21 architecture.

22 (F) An identification of elements of the
23 multinational integrated air and missile defense
24 architecture that—

1 (i) can be acquired and operated by
2 specified foreign partners; and

3 (ii) can only be provided and operated
4 by members of the Armed Forces.

5 (G) An identification of any challenges in
6 establishing a multinational integrated air and
7 missile defense architecture with specified for-
8 eign partners, including assessments of the ca-
9 pacity and capability of specified foreign part-
10 ners and their ability to independently operate
11 key technical components of such an architec-
12 ture, including radars and interceptor systems.

13 (H) A description of relevant consultation
14 with the Secretary of State and the ways in
15 which such an architecture advances United
16 States regional diplomatic goals and objectives.

17 (I) Recommendations for addressing the
18 challenges identified in subparagraph (G) so
19 that the strategy can be implemented effec-
20 tively.

21 (J) Such other matters as the Secretary
22 considers relevant.

23 (3) PROTECTION OF SENSITIVE INFORMA-
24 TION.—Any activity carried out under paragraph (1)
25 shall be conducted in a manner that is consistent

1 with protection of intelligence sources and methods
2 and appropriately protects sensitive information and
3 the national security interests of the United States.

4 (4) **FORMAT.**—The strategy submitted under
5 paragraph (1) shall be submitted in unclassified
6 form, but may include a classified annex.

7 (c) **APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
8 **FINED.**—In this section, the term “appropriate congres-
9 sional committees” means the following:

10 (1) The congressional defense committees.

11 (2) The Committee on Foreign Affairs and the
12 Permanent Select Committee on Intelligence of the
13 House of Representatives.

14 (3) The Committee on Foreign Relations and
15 the Select Committee on Intelligence of the Senate.

16 **SEC. 1659. IRON DOME SHORT-RANGE ROCKET DEFENSE**
17 **SYSTEM AND ISRAELI COOPERATIVE MISSILE**
18 **DEFENSE PROGRAM CO-DEVELOPMENT AND**
19 **CO-PRODUCTION.**

20 (a) **IRON DOME SHORT-RANGE ROCKET DEFENSE**
21 **SYSTEM.**—

22 (1) **AVAILABILITY OF FUNDS.**—Of the funds
23 authorized to be appropriated by this Act for fiscal
24 year 2023 for procurement, Defense-wide, and avail-
25 able for the Missile Defense Agency, not more than

1 \$80,000,000 may be provided to the Government of
2 Israel to procure components for the Iron Dome
3 short-range rocket defense system through co-pro-
4 duction of such components in the United States by
5 industry of the United States.

6 (2) CONDITIONS.—

7 (A) AGREEMENT.—Funds described in
8 paragraph (1) for the Iron Dome short-range
9 rocket defense program shall be available sub-
10 ject to the terms and conditions in the Agree-
11 ment Between the Department of Defense of
12 the United States of America and the Ministry
13 of Defense of the State of Israel Concerning
14 Iron Dome Defense System Procurement,
15 signed on March 5, 2014, as amended to in-
16 clude co-production for Tamir interceptors.

17 (B) CERTIFICATION.—Not later than 30
18 days prior to the initial obligation of funds de-
19 scribed in paragraph (1), the Under Secretary
20 of Defense for Acquisition and Sustainment
21 shall submit to the appropriate congressional
22 committees—

23 (i) a certification that the amended bi-
24 lateral international agreement specified in

1 subparagraph (A) is being implemented as
2 provided in such agreement;

3 (ii) an assessment detailing any risks
4 relating to the implementation of such
5 agreement; and

6 (iii) for system improvements result-
7 ing in modified Iron Dome components
8 and Tamir interceptor sub-components, a
9 certification that the Government of Israel
10 has demonstrated successful completion of
11 Production Readiness Reviews, including
12 the validation of production lines, the
13 verification of component conformance,
14 and the verification of performance to
15 specification as defined in the Iron Dome
16 Defense System Procurement Agreement,
17 as further amended.

18 (b) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
19 GRAM, DAVID'S SLING WEAPON SYSTEM CO-PRODUC-
20 TION.—

21 (1) IN GENERAL.—Subject to paragraph (3), of
22 the funds authorized to be appropriated for fiscal
23 year 2023 for procurement, Defense-wide, and avail-
24 able for the Missile Defense Agency not more than
25 \$40,000,000 may be provided to the Government of

1 Israel to procure the David's Sling Weapon System,
2 including for co-production of parts and components
3 in the United States by United States industry.

4 (2) AGREEMENT.—Provision of funds specified
5 in paragraph (1) shall be subject to the terms and
6 conditions in the bilateral co-production agreement,
7 including—

8 (A) a one-for-one cash match is made by
9 Israel or in another matching amount that oth-
10 erwise meets best efforts (as mutually agreed to
11 by the United States and Israel); and

12 (B) co-production of parts, components,
13 and all-up rounds (if appropriate) in the United
14 States by United States industry for the Da-
15 vid's Sling Weapon System is not less than 50
16 percent.

17 (3) CERTIFICATION AND ASSESSMENT.—The
18 Under Secretary of Defense for Acquisition and
19 Sustainment shall submit to the appropriate con-
20 gressional committees—

21 (A) a certification that the Government of
22 Israel has demonstrated the successful comple-
23 tion of the knowledge points, technical mile-
24 stones, and Production Readiness Reviews re-
25 quired by the research, development, and tech-

1 nology agreement and the bilateral co-produc-
2 tion agreement for the David's Sling Weapon
3 System; and

4 (B) an assessment detailing any risks re-
5 lating to the implementation of such agreement.

6 (c) ISRAELI COOPERATIVE MISSILE DEFENSE PRO-
7 GRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM
8 CO-PRODUCTION.—

9 (1) IN GENERAL.—Subject to paragraph (2), of
10 the funds authorized to be appropriated for fiscal
11 year 2023 for procurement, Defense-wide, and avail-
12 able for the Missile Defense Agency not more than
13 \$80,000,000 may be provided to the Government of
14 Israel for the Arrow 3 Upper Tier Interceptor Pro-
15 gram, including for co-production of parts and com-
16 ponents in the United States by United States in-
17 dustry.

18 (2) CERTIFICATION.—The Under Secretary of
19 Defense for Acquisition and Sustainment shall sub-
20 mit to the appropriate congressional committees a
21 certification that—

22 (A) the Government of Israel has dem-
23 onstrated the successful completion of the
24 knowledge points, technical milestones, and
25 Production Readiness Reviews required by the

1 research, development, and technology agree-
2 ment for the Arrow 3 Upper Tier Interceptor
3 Program;

4 (B) funds specified in paragraph (1) will
5 be provided on the basis of a one-for-one cash
6 match made by Israel or in another matching
7 amount that otherwise meets best efforts (as
8 mutually agreed to by the United States and
9 Israel);

10 (C) the United States has entered into a
11 bilateral international agreement with Israel
12 that establishes, with respect to the use of such
13 funds—

14 (i) in accordance with subparagraph
15 (D), the terms of co-production of parts
16 and components on the basis of the great-
17 est practicable co-production of parts, com-
18 ponents, and all-up rounds (if appropriate)
19 by United States industry and minimizes
20 nonrecurring engineering and facilitization
21 expenses to the costs needed for co-produc-
22 tion;

23 (ii) complete transparency on the re-
24 quirement of Israel for the number of
25 interceptors and batteries that will be pro-

1 cured, including with respect to the pro-
2 curement plans, acquisition strategy, and
3 funding profiles of Israel;

4 (iii) technical milestones for co-pro-
5 duction of parts and components and pro-
6 curement;

7 (iv) a joint affordability working
8 group to consider cost reduction initiatives;
9 and

10 (v) joint approval processes for third-
11 party sales; and

12 (D) the level of co-production described in
13 subparagraph (C)(i) for the Arrow 3 Upper
14 Tier Interceptor Program is not less than 50
15 percent.

16 (d) NUMBER.—In carrying out paragraph (2) of sub-
17 section (b) and paragraph (2) of subsection (c), the Under
18 Secretary may submit—

19 (1) one certification covering both the David’s
20 Sling Weapon System and the Arrow 3 Upper Tier
21 Interceptor Program; or

22 (2) separate certifications for each respective
23 system.

24 (e) TIMING.—The Under Secretary shall submit to
25 the congressional defense committees the certification and

1 assessment under subsection (b)(3) and the certification
2 under subsection (c)(2) no later than 30 days before the
3 funds specified in paragraph (1) of subsections (b) and
4 (c) for the respective system covered by the certification
5 are provided to the Government of Israel.

6 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means the following:

9 (1) The congressional defense committees.

10 (2) The Committee on Foreign Relations of the
11 Senate and the Committee on Foreign Affairs of the
12 House of Representatives.

13 **SEC. 1660. INTEGRATED AIR AND MISSILE DEFENSE ARCHI-**
14 **TECTURE FOR DEFENSE OF GUAM.**

15 (a) REVIEW OF INTEGRATED AIR AND MISSILE DE-
16 FENSE ARCHITECTURE TO DEFEND GUAM.—

17 (1) REQUIREMENT.—Not later than 60 days
18 after the date of enactment of this Act, the Sec-
19 retary of Defense shall seek to enter into a contract
20 with a federally funded research and development
21 center to conduct an independent assessment of the
22 integrated air and missile defense architecture to de-
23 fend Guam.

1 (2) ELEMENTS.—The assessment under para-
2 graph (1) shall include an analysis of each of the fol-
3 lowing:

4 (A) The proposed architecture capability to
5 address non-ballistic and ballistic missile
6 threats to Guam, including the sensor, com-
7 mand and control, and interceptor systems
8 being proposed.

9 (B) The development and integration risk
10 of the proposed architecture.

11 (C) The manning required to operate the
12 proposed architecture, including the availability
13 of housing and infrastructure on Guam to sup-
14 port the needed manning levels.

15 (3) SUBMISSION.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall submit to the congressional defense com-
18 mittees the assessment under paragraph (1), without
19 change.

20 (b) DESIGNATION OF OFFICIAL RESPONSIBLE FOR
21 MISSILE DEFENSE OF GUAM.—

22 (1) DESIGNATION.—Not later than 90 days
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall designate a senior official of
25 the Department of Defense who shall be responsible

1 for the missile defense of Guam during the period
2 preceding the date specified in paragraph (5).

3 (2) DUTIES.—The duties of the official des-
4 ignated under paragraph (1) shall include the fol-
5 lowing:

6 (A) Designing the architecture of the mis-
7 sile defense system for defending Guam.

8 (B) Overseeing development of an inte-
9 grated missile defense acquisition strategy for
10 the missile defense of Guam.

11 (C) Ensuring the military department and
12 Defense Agency budgets are appropriate for the
13 strategy described in subparagraph (B).

14 (D) Siting the integrated missile defense
15 system described in subparagraph (B).

16 (E) Overseeing long-term acquisition and
17 sustainment of the missile defense system for
18 Guam.

19 (F) Such other duties as the Secretary de-
20 termines appropriate.

21 (3) PROGRAM TREATMENT.—The integrated
22 missile defense system referred to in paragraph (2)
23 shall be designated as special interest acquisition
24 category 1D program and shall be managed as con-

1 sistent with Department of Defense Instruction
2 5000.85 “Major Capability Acquisition”.

3 (4) REPORT.—Concurrent with the submission
4 of each budget of the President under section
5 1105(a) of title 31, United States Code, during the
6 period preceding the date specified in paragraph (5),
7 the official designated under paragraph (1) shall
8 submit to the congressional defense committees a re-
9 port on the actions taken by the official to carry out
10 the duties set forth under paragraph (2).

11 (5) TERMINATION.—The authority of this sub-
12 section shall terminate on the date that is three
13 years after the date on which the official designated
14 under paragraph (1) determines that the integrated
15 missile defense system described in paragraph (2)
16 has achieved initial operational capability.

17 (c) PROCUREMENT.—

18 (1) REQUIREMENT.—Except as provided by
19 paragraph (2), not later than December 31, 2023,
20 the Secretary of Defense, acting through the Direc-
21 tor of the Missile Defense Agency, shall rapidly pro-
22 cure and field up to three vertical launching systems
23 that can accommodate planned interceptors operated
24 by the Navy (that do not require major modification

1 or integration into the existing missile defense sys-
2 tem), as of the date of enactment of this Act.

3 (2) WAIVER.—The Secretary may waive the re-
4 quirement under paragraph (1) if—

5 (A) the Secretary determines that the
6 waiver is in the best interest of the national se-
7 curity of the United States;

8 (B) the Secretary submits to the congres-
9 sional defense committees a notification of such
10 waiver, including a justification; and

11 (C) a period of 120 days has elapsed fol-
12 lowing the date of such notification.

13 **SEC. 1661. LIMITATION ON AVAILABILITY OF CERTAIN**
14 **FUNDS UNTIL SUBMISSION OF REPORT ON**
15 **IMPLEMENTATION OF THE CRUISE MISSILE**
16 **DEFENSE ARCHITECTURE FOR THE HOME-**
17 **LAND.**

18 (a) FINDING.—Congress finds that the Deputy Sec-
19 retary of Defense made the determination that the De-
20 partment of the Air Force has acquisition authority with
21 respect to the capability to defend the homeland from
22 cruise missiles, as required by section 1684(e) of the Na-
23 tional Defense Authorization Act for Fiscal Year 2017
24 (Public Law 114–328; 10 U.S.C. 4205 note).

1 (b) REPORT.—Not later than 120 days after the date
2 of the enactment of this Act, the Secretary of the Air
3 Force, in coordination with the Commander of the United
4 States Northern Command, shall submit to the congress-
5 sional defense committees a report on the implementation
6 of the cruise missile defense architecture for the homeland,
7 including—

8 (1) the architecture planned to meet the re-
9 quirements of the United States Northern Command
10 and the North American Aerospace Defense Com-
11 mand, including a schedule for capabilities being de-
12 veloped and deployed;

13 (2) a list of all programs of record of the Air
14 Force that contribute to such architecture; and

15 (3) funding profile by year across the most re-
16 cent future-years defense program submitted to Con-
17 gress under section 221 of title 10, United States
18 Code, to develop, deploy, operate, and sustain such
19 architecture.

20 (c) LIMITATION.—Of the funds authorized to be ap-
21 propriated by this Act or otherwise made available for fis-
22 cal year 2023 for the Department of the Air Force for
23 travel by the Secretary of the Air Force, not more than
24 95 percent may be obligated or expended until the date

1 on which the Secretary of the Air Force submits the report
2 under subsection (b).

3 **SEC. 1662. STRATEGY TO USE ASYMMETRIC CAPABILITIES**
4 **TO DEFEAT HYPERSONIC MISSILE THREATS.**

5 (a) REQUIREMENT.—Not later than March 1, 2023,
6 the Secretary of Defense, acting through the Director of
7 the Missile Defense Agency, shall submit to the congres-
8 sional defense committees a comprehensive layered strat-
9 egy to use asymmetric capabilities to defeat hypersonic
10 missile threats.

11 (b) ELEMENTS.—The strategy under subsection (a)
12 shall—

13 (1) address all asymmetric capabilities of the
14 United States, including with respect to—

15 (A) directed energy, as described in section
16 1664 of the National Defense Authorization Act
17 for Fiscal Year 2022 (Public Law 117–81; 10
18 U.S.C. 205 note) and including short-pulse
19 laser technology;

20 (B) microwave systems;

21 (C) cyber capabilities; and

22 (D) any other capabilities determined ap-
23 propriate by the Secretary and Director; and

24 (2) identify the funding required to implement
25 the strategy during the period covered by the future-

1 years defense program submitted to Congress under
2 section 221 of title 10, United States Code, in 2023.

3 **SEC. 1663. PLAN ON DELIVERING SHARED EARLY WARNING**
4 **SYSTEM DATA TO CERTAIN ALLIES AND**
5 **PARTNERS OF THE UNITED STATES.**

6 (a) PLAN.—The Secretary of Defense, with the con-
7 currence of the Secretary of State and the Director of Na-
8 tional Intelligence, shall develop a technical fielding plan
9 to deliver information under the Shared Early Warning
10 System regarding a current or imminent missile threat to
11 allies and partners of the United States that, as of the
12 date of the plan, do not receive such information.

13 (b) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of Defense
15 shall submit to the appropriate congressional committees
16 a report on how rapid technical fielding of the Shared
17 Early Warning System could be provided to allies and
18 partners of the United States that—

19 (1) are not member states of the North Atlantic
20 Treaty Organization; and

21 (2) are under current or imminent hostile ag-
22 gression and threat of missile attack.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means the following:

1 (1) The congressional defense committees.

2 (2) The Committee on Foreign Affairs and the
3 Permanent Select Committee on Intelligence of the
4 House of Representatives.

5 (3) The Committee on Foreign Relations and
6 the Select Committee on Intelligence of the Senate.

7 **SEC. 1664. REPORTS ON GROUND-BASED INTERCEPTORS.**

8 Not later than 30 days after the date of the enact-
9 ment of this Act, and on a quarterly basis thereafter until
10 the date on which the next generation interceptor achieves
11 initial operating capability, the Director of the Missile De-
12 fense Agency, with the concurrence of the Commander of
13 the United States Northern Command, shall submit to the
14 congressional defense committees a report that includes
15 the following:

16 (1) An identification of the number of ground-
17 based interceptors operationally available to the
18 Commander.

19 (2) If such number is different from the report
20 previously submitted under this section, the reasons
21 for such difference.

22 (3) Any anticipated changes to such number
23 during the period covered by the report.

1 **SEC. 1665. REPORT ON MISSILE DEFENSE INTERCEPTOR**
2 **SITE IN CONTIGUOUS UNITED STATES.**

3 Not later than March 31, 2023, the Secretary of De-
4 fense, acting through the Director of the Missile Defense
5 Agency and in coordination with the Commander of the
6 United States Northern Command, shall submit to the
7 congressional defense committees a report containing—

8 (1) an updated assessment of the requirement
9 for a missile defense interceptor site in the contig-
10 uous United States; and

11 (2) a funding profile, by year, of the total costs
12 for the development and construction of such site,
13 considering the designation of Fort Drum, New
14 York, as the conditionally designated preferred site.

15 **Subtitle E—Other Matters**

16 **SEC. 1671. COOPERATIVE THREAT REDUCTION FUNDS.**

17 (a) **FUNDING ALLOCATION.**—Of the \$354,394,000
18 authorized to be appropriated to the Department of De-
19 fense for fiscal year 2023 in section 301 and made avail-
20 able by the funding table in division D for the Department
21 of Defense Cooperative Threat Reduction Program estab-
22 lished under section 1321 of the Department of Defense
23 Cooperative Threat Reduction Act (50 U.S.C. 3711), the
24 following amounts may be obligated for the purposes spec-
25 ified:

1 (1) For strategic offensive arms elimination,
2 \$6,859,000.

3 (2) For chemical security and elimination,
4 \$14,998,000.

5 (3) For global nuclear security, \$18,088,000.

6 (4) For biological threat reduction,
7 \$225,000,000.

8 (5) For proliferation prevention, \$45,890,000.

9 (6) For activities designated as Other Assess-
10 ments/Administration Costs, \$30,763,000.

11 (b) SPECIFICATION OF COOPERATIVE THREAT RE-
12 Duction Funds.—Funds appropriated pursuant to the
13 authorization of appropriations in section 301 and made
14 available by the funding table in division D for the Depart-
15 ment of Defense Cooperative Threat Reduction Program
16 shall be available for obligation for fiscal years 2023,
17 2024, and 2025.

18 **SEC. 1672. DEPARTMENT OF DEFENSE SUPPORT FOR RE-**
19 **QUIREMENTS OF THE WHITE HOUSE MILI-**
20 **TARY OFFICE.**

21 (a) MEMBERSHIP ON COUNCIL ON OVERSIGHT OF
22 THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND
23 COMMUNICATIONS SYSTEM.—Section 171a(b) of title 10,
24 United States Code, is amended by—

1 (1) redesignating paragraph (7) as paragraph
2 (8); and

3 (2) inserting after paragraph (6) the following
4 new paragraph (7):

5 “(7) The Director of the White House Military
6 Office.”.

7 (b) PORTFOLIO MANAGER.—The Secretary of De-
8 fense, acting through the Under Secretary of Defense for
9 Acquisition and Sustainment, shall designate a senior offi-
10 cial to coordinate and advocate for the portfolio of national
11 level programs of the Department of Defense that are ei-
12 ther or both—

13 (1) in direct support of requirements from the
14 White House Military Office; or

15 (2) operationally relevant to the mission areas
16 of the White House Military Office.

17 (c) ACCESSIBILITY OF INFORMATION.—The pro-
18 grammatic and budgetary information required to assess
19 the efficacy of the national level programs covered by sub-
20 section (b) shall be provided to the senior official des-
21 ignated under such subsection by the following officials:

22 (1) The Secretary of each military department.

23 (2) The Under Secretary of Defense for Policy.

24 (3) The Under Secretary of Defense for Re-
25 search and Engineering.

1 (4) The Chairman of the Joint Chiefs of Staff.

2 (5) The Director of Cost Assessment and Pro-
3 gram Evaluation.

4 (d) ANNUAL BRIEFING.—Not later than 30 days
5 after the date on which the President submits to Congress
6 a budget for each of fiscal years 2024 through 2027 pur-
7 suant to section 1105(a) of title 31, United States Code,
8 the Under Secretary of Defense for Acquisition and
9 Sustainment, acting through the senior official designated
10 under subsection (b), and the personnel of the White
11 House Military Office that the Director of the White
12 House Military Office determines appropriate shall jointly
13 provide to the congressional defense committees a briefing
14 on acquisition programs, plans, and other activities sup-
15 porting the requirements of the White House Military Of-
16 fice.

17 **SEC. 1673. UNIDENTIFIED ANOMALOUS PHENOMENA RE-**
18 **PORTING PROCEDURES.**

19 (a) MECHANISM FOR AUTHORIZED REPORTING.—

20 (1) ESTABLISHMENT.—The Secretary of De-
21 fense, acting through the head of the Office and in
22 consultation with the Director of National Intel-
23 ligence, shall establish a secure mechanism for au-
24 thorized reporting of—

1 (A) any event relating to unidentified
2 anomalous phenomena; and

3 (B) any activity or program by a depart-
4 ment or agency of the Federal Government or
5 a contractor of such a department or agency re-
6 lating to unidentified anomalous phenomena,
7 including with respect to material retrieval, ma-
8 terial analysis, reverse engineering, research
9 and development, detection and tracking, devel-
10 opmental or operational testing, and security
11 protections and enforcement.

12 (2) PROTECTION OF SYSTEMS, PROGRAMS, AND
13 ACTIVITY.—The Secretary shall ensure that the
14 mechanism for authorized reporting established
15 under paragraph (1) prevents the unauthorized pub-
16 lic reporting or compromise of classified military and
17 intelligence systems, programs, and related activity,
18 including all categories and levels of special access
19 and compartmented access programs.

20 (3) ADMINISTRATION.—The Secretary shall en-
21 sure that the mechanism for authorized reporting es-
22 tablished under paragraph (1) is administered by
23 designated and appropriately cleared employees of
24 the Department of Defense or elements of the intel-

1 ligence community or contractors of the Department
2 or such elements assigned to the Office.

3 (4) SHARING OF INFORMATION.—

4 (A) PROMPT SHARING WITHIN OFFICE.—

5 The Secretary shall ensure that the mechanism
6 for authorized reporting established under para-
7 graph (1) provides for the sharing of an author-
8 ized disclosure to personnel and supporting an-
9 alysts and scientists of the Office (regardless of
10 the classification of information contained in
11 the disclosure or any nondisclosure agree-
12 ments), unless the employees or contractors ad-
13 ministering the mechanism under paragraph (3)
14 conclude that the preponderance of information
15 available regarding the disclosure indicates that
16 the observed object and associated events and
17 activities likely relate to a special access pro-
18 gram or compartmented access program that,
19 as of the date of the disclosure, has been explic-
20 itly and clearly reported to the congressional
21 defense committees or the congressional intel-
22 ligence committees, and is documented as meet-
23 ing those criteria.

24 (B) CONGRESSIONAL NOTIFICATION.—Not
25 later than 72 hours after determining that an

1 authorized disclosure relates to a restricted ac-
2 cess activity, a special access program, or a
3 compartmented access program that has not
4 been explicitly and clearly reported to the con-
5 gressional defense committees or the congress-
6 sional intelligence committees, the Secretary
7 shall report such disclosure to such committees
8 and the congressional leadership.

9 (5) INITIAL REPORT AND PUBLICATION.—Not
10 later than 180 days after the date of the enactment
11 of this Act, the Secretary, acting through the head
12 of the Office and in consultation with the Director
13 of National Intelligence, shall—

14 (A) submit to the congressional defense
15 committees, the congressional intelligence com-
16 mittees, and the congressional leadership a re-
17 port detailing the mechanism for authorized re-
18 porting established under paragraph (1); and

19 (B) issue clear public guidance for how to
20 securely access the mechanism for authorized
21 reporting.

22 (b) PROTECTION FOR INDIVIDUALS MAKING AU-
23 THORIZED DISCLOSURES.—

24 (1) AUTHORIZED DISCLOSURES.—An author-
25 ized disclosure—

1 (A) shall not be subject to a nondisclosure
2 agreement entered into by the individual who
3 makes the disclosure;

4 (B) shall be deemed to comply with any
5 regulation or order issued under the authority
6 of Executive Order 13526 (50 U.S.C. 3161
7 note; relating to classified national security in-
8 formation) or chapter 18 of the Atomic Energy
9 Act of 1954 (42 U.S.C. 2271 et seq.); and

10 (C) is not a violation of section 798 of title
11 18, United States Code, or other provision of
12 law relating to the disclosure of information.

13 (2) PROHIBITION ON REPRISALS.—

14 (A) PROTECTION.—An employee of a de-
15 partment or agency of the Federal Government,
16 or of a contractor, subcontractor, grantee, sub-
17 grantee, or personal services contractor of such
18 a department or agency, who has authority to
19 take, direct others to take, recommend, or ap-
20 prove any personnel action, shall not, with re-
21 spect to such authority, take or fail to take, or
22 threaten to take or fail to take, a personnel ac-
23 tion, including the revocation or suspension of
24 security clearances, or termination of employ-

1 ment, with respect to any individual as a re-
2 prisal for any authorized disclosure.

3 (B) PROCEDURES.—The Secretary of De-
4 fense and the Director of National Intelligence
5 shall establish procedures for the enforcement
6 of subparagraph (A) consistent with, as appro-
7 priate, section 1034 of title 10, United States
8 Code, section 1104 of the National Security Act
9 of 1947 (50 U.S.C. 3234), or other similar pro-
10 visions of law regarding prohibited personnel
11 actions.

12 (3) NONDISCLOSURE AGREEMENTS.—

13 (A) IDENTIFICATION.—The Secretary of
14 Defense, the Director of National Intelligence,
15 the Secretary of Homeland Security, the heads
16 of such other departments and agencies of the
17 Federal Government that have supported inves-
18 tigations of the types of events covered by sub-
19 paragraph (A) of subsection (a)(1) and activi-
20 ties and programs described in subparagraph
21 (B) of such subsection, and contractors of the
22 Federal Government that have supported or are
23 supporting such activities and programs, shall
24 conduct comprehensive searches of all records
25 relating to nondisclosure orders relating to the

1 types of events described in subsection (a) and
2 provide copies of such orders, agreements, or
3 obligations to the Office.

4 (B) SUBMISSION TO CONGRESS.—The head
5 of the Office shall—

6 (i) make the records compiled under
7 subparagraph (A) accessible to the con-
8 gressional defense committees, the congres-
9 sional intelligence committees, and the con-
10 gressional leadership; and

11 (ii) not later than September 30,
12 2023, and at least once each fiscal year
13 thereafter through fiscal year 2026, pro-
14 vide to such committees and congressional
15 leadership briefings and reports on such
16 records.

17 (c) ANNUAL REPORTS.—Section 1683 of the Na-
18 tional Defense Authorization Act for Fiscal Year 2022 (50
19 U.S.C. 3373) is amended—

20 (1) by striking “aerial” each place it appears
21 and inserting “anomalous”;

22 (2) in subsection (h)—

23 (A) in paragraph (1), by inserting “and
24 the congressional leadership” after “appropriate
25 congressional committees”; and

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

3 “(Q) A summary of the reports received
4 using the mechanism for authorized reporting
5 established under section 1673 of the James M.
6 Inhofe National Defense Authorization Act for
7 Fiscal Year 2023.”; and

8 (3) in subsection (l)—

9 (A) by redesignating paragraphs (2)
10 through (5) as paragraphs (3) through (6), re-
11 spectively; and

12 (B) by inserting after paragraph (1) the
13 following new paragraph (2):

14 “(2) The term ‘congressional leadership’
15 means—

16 “(A) the majority leader of the Senate;

17 “(B) the minority leader of the Senate;

18 “(C) the Speaker of the House of Rep-
19 resentatives; and

20 “(D) the minority leader of the House of
21 Representatives.”.

22 (d) DEFINITIONS.—In this section:

23 (1) The term “authorized disclosure” means a
24 report of any information through, and in compli-

1 ance with, the mechanism for authorized reporting
2 established pursuant to subsection (a)(1).

3 (2) The term “congressional intelligence com-
4 mittees” has the meaning given such term in section
5 3 of the National Security Act of 1947 (50 U.S.C.
6 3003).

7 (3) The term “congressional leadership”
8 means—

9 (A) the majority leader of the Senate;

10 (B) the minority leader of the Senate;

11 (C) the Speaker of the House of Rep-
12 resentatives; and

13 (D) the minority leader of the House of
14 Representatives.

15 (4) The term “intelligence community” has the
16 meaning given such term in section 3 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 3003).

18 (5) The term “nondisclosure agreement” means
19 any written or oral nondisclosure agreement, order,
20 or other instrumentality or means entered into by an
21 individual that could be interpreted as a legal con-
22 straint on the individual making an authorized dis-
23 closure.

24 (6) The term “Office” means the All-domain
25 Anomaly Resolution Office established pursuant to

1 section 1683(a) of the National Defense Authoriza-
2 tion Act for Fiscal Year 2022 (50 U.S.C. 3373(a)).

3 (7) The term “personnel action” has the mean-
4 ing given such term in section 1104(a) of the Na-
5 tional Security Act of 1947 (50 U.S.C. 3234(a)).

6 (8) The term “unidentified anomalous phe-
7 nomena” has the meaning given such term in section
8 1683(n) of the National Defense Authorization Act
9 for Fiscal Year 2022 (50 U.S.C. 3373(l)).

10 **SEC. 1674. STUDY OF WEAPONS PROGRAMS THAT ALLOW**
11 **ARMED FORCES TO ADDRESS HARD AND**
12 **DEEPLY BURIED TARGETS.**

13 (a) STUDY.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of Defense,
15 in coordination with the Chairman of the Joint Chiefs of
16 Staff, the Commander of the United States Strategic
17 Command, and the Administrator for Nuclear Security,
18 and in consultation with the Director of National Intel-
19 ligence, shall submit to the congressional defense commit-
20 tees a study on options to hold at risk hard and deeply
21 buried targets.

22 (b) ELEMENTS.—The study under subsection (a)
23 shall include the following:

1 (1) An analysis of the current and emerging
2 hard and deeply buried target mission set and asso-
3 ciated military requirements, including—

4 (A) the number and locations of the tar-
5 gets, including facilities designed for the stor-
6 age or manufacture of nuclear, chemical, or bio-
7 logical weapons and the precursors of such
8 weapons;

9 (B) an identification of likely future trajec-
10 tories in the worldwide use and proliferation of
11 hard and deeply buried targets;

12 (C) the associated military requirements,
13 including the importance of effectively holding
14 hard and deeply buried targets at risk in order
15 to meet the national security objectives of the
16 United States; and

17 (D) an evaluation of the sufficiency of cur-
18 rent and planned nuclear and nonnuclear mili-
19 tary capabilities to satisfy such requirements.

20 (2) An evaluation of weapons programs that
21 would allow the Armed Forces to effectively hold
22 hard and deeply buried targets at risk, including—

23 (A) any nuclear or nonnuclear weapon and
24 delivery system the Secretary determines appro-
25 priate, including the cost, timeline for fielding,

1 and likely effectiveness of any capability under
2 consideration; and

3 (B) an assessment of a service life exten-
4 sion or modification program of the B83 nu-
5 clear gravity bomb as one of the options.

6 (3) A proposed strategy for fielding such capa-
7 bilities in sufficient quantities and making other ad-
8 justments to the strategy and plans of the United
9 States to account for the growing hard and deeply
10 buried target set, including—

11 (A) the resources, research and develop-
12 ment efforts, and capability options needed; and

13 (B) a five-year funding profile for, at a
14 minimum—

15 (i) a preferred capability; and

16 (ii) an alternative capability evaluated
17 under paragraph (2) that meets the re-
18 quirements under paragraph (1).

19 (c) FORM.—The study under subsection (a) shall be
20 submitted in unclassified form, but may include a classi-
21 fied annex.

22 (d) BRIEFING.—Not later than 30 days after the date
23 on which the Secretary completes the study under sub-
24 section (a), the Secretary shall provide the Committees on
25 Armed Services of the House of Representatives and the

1 Senate a briefing on the findings and recommendations
2 of the study.

3 (e) LIMITATION ON USE OF FUNDS.—Except as pro-
4 vided by subsection (f), none of the funds authorized to
5 be appropriated by this Act or otherwise made available
6 for fiscal year 2023 for the Department of Defense or the
7 Department of Energy for the deactivation, dismantle-
8 ment, or retirement of the B83–1 nuclear gravity bomb
9 may be obligated or expended to deactivate, dismantle, or
10 retire more than 25 percent of the B83–1 nuclear gravity
11 bombs that were in the active stockpile as of September
12 30, 2022, until 90 days after the Secretary submits to the
13 Committees on Armed Services of the Senate and the
14 House of Representatives the study under subsection (a).

15 (f) EXCEPTION.—The limitation on the use of funds
16 under subsection (e) shall not apply to the deactivation,
17 dismantling, or retirement of B83–1 nuclear gravity
18 bombs for the purpose of supporting safety and surveil-
19 lance, sustainment, life extension, or modification pro-
20 grams for the B83–1 or other weapons currently in, or
21 planned to become part of, the nuclear weapons stockpile
22 of the United States.

1 **TITLE XVII—MUNITIONS RE-**
2 **PLENISHMENT AND FUTURE**
3 **PROCUREMENT**

TITLE XVII—MUNITIONS REPLENISHMENT AND FUTURE
PROCUREMENT

Sec. 1701. Annual report on industrial base constraints for munitions.

Sec. 1702. Modification to Special Defense Acquisition Fund.

Sec. 1703. Quarterly briefings on replenishment and revitalization of weapons provided to Ukraine.

Sec. 1704. Assessment of requirements and acquisition objectives for Patriot air and missile defense battalions.

Sec. 1705. Independent assessment of department of defense capability and capacity needs for munitions production and stockpiling.

4 **SEC. 1701. ANNUAL REPORT ON INDUSTRIAL BASE CON-**
5 **STRAINTS FOR MUNITIONS.**

6 (a) BRIEFING ON FULFILLMENT OF MUNITIONS RE-
7 QUIREMENTS.—Not later than 30 days after the date of
8 the enactment of this Act, the Secretary of Defense and
9 the Chairman of the Joint Chiefs of Staff shall provide
10 to the congressional defense committees a briefing regard-
11 ing the current process for fulfilling the requirements of
12 section 222c of title 10, United States Code, including a
13 description of the timeliness of the process and any stand-
14 ardization of such process across the Department of De-
15 fense.

16 (b) BRIEFING ON REVISION OF REQUIREMENTS.—
17 Not later than 30 days after the date of the enactment
18 of this Act, the Secretary of Defense and the Chairman
19 of the Joint Chiefs of Staff shall provide to the congres-
20 sional defense committees a briefing regarding the

1 timeline for revision of munitions requirements generated
2 by section 222c of title 10, United States Code as a result
3 of actions taken in response to the conflict in Ukraine.

4 (c) ADDITIONAL REPORT REQUIREMENTS ON OUT-
5 YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIRE-
6 MENTS AND OUT-YEAR INVENTORY NUMBERS.—Section
7 222c of title 10, United States Code, is amended—

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

10 “(8) Requirement for Protracted Warfare Sce-
11 narios, calculated by doubling the duration of each
12 applicable operation plan.”;

13 (2) by redesignating subsection (e) as sub-
14 section (f); and

15 (3) by inserting after subsection (d) the fol-
16 lowing new subsection:

17 “(e) ADDITIONAL REQUIREMENTS.—Each report re-
18 quired under subsection (a) shall include the following:

19 “(1) The number of years required to meet the
20 Out-Year Unconstrained Total Munitions Require-
21 ment at the rate requested for the fiscal year cov-
22 ered by the report.

23 “(2) The average rate of procurement during
24 the three-year period preceding the date of the sub-
25 mission of the report, and the number of years re-

1 quired to meet the Out-Year Unconstrained Total
2 Munitions Requirement at such three-year average
3 rate.

4 “(3) The additional amount of funding that
5 would be required, for each fiscal year, to meet the
6 Out-Year Unconstrained Total Munitions Require-
7 ment for each munition by the end of the period cov-
8 ered by the most recent future-years defense pro-
9 gram submitted to Congress pursuant to section 221
10 of this title.”.

11 (d) ANNUAL REPORT ON INDUSTRIAL BASE CON-
12 STRAINTS FOR MUNITIONS.—

13 (1) IN GENERAL.—Chapter 9 of title 10, United
14 States Code, is amended by inserting after section
15 222c the following new section:

16 **“§ 222d. Annual report on industrial base constraints**
17 **for munitions**

18 “(a) IN GENERAL.—Not later than 30 days after the
19 submission of all reports required under section 222c(a)
20 of this title, the Under Secretary of Defense for Acquisi-
21 tion and Sustainment, in coordination with the service ac-
22 quisition executive of each military department, shall sub-
23 mit to the congressional defense committees a report de-
24 tailing the industrial base constraints for each munition

1 identified in the Out-Year Unconstrained Total Munitions
2 Requirement.

3 “(b) ELEMENTS.—The report required under sub-
4 section (a) shall include the following elements, broken
5 down by munition:

6 “(1) Programmed purchase quantities per year.

7 “(2) Average procurement unit cost per year.

8 “(3) Contract type.

9 “(4) Current minimum sustaining rate of pro-
10 duction per month and year.

11 “(5) Current maximum rate of production per
12 month and year.

13 “(6) Expected date to meet the Out-Year Un-
14 constrained Total Munitions Requirement in section
15 222c of this title under the programmed purchase
16 quantities established for the period covered by the
17 report.

18 “(7) A description of industrial base constraints
19 on increased production of each munition, including
20 any supply chain weaknesses.

21 “(8) A description of investments or policy
22 changes made by a defense contractor or by the
23 United States Government to increase production,
24 enable more efficient production, or mitigate signifi-
25 cant loss of stability in potential production.

1 “(9) A description of potential investments or
2 policy changes identified by a defense contractor or
3 the United States Government to increase munitions
4 production, enable more efficient production, or miti-
5 gate significant loss of stability in potential produc-
6 tion, including—

7 “(A) direct investments in test and tooling
8 equipment, workforce development, or improve-
9 ments to existing production facilities;

10 “(B) a pool of rotatable critical components
11 or subcomponents for munitions;

12 “(C) multiyear contracts or other con-
13 tracting strategies;

14 “(D) direct investments in components,
15 subcomponents, or raw materials commonly
16 used across the industrial base;

17 “(E) direct investments in additive manu-
18 facturing or expeditionary manufacturing capa-
19 bilities;

20 “(F) direct investments in simplification of
21 supply chains; and

22 “(G) direct investments in technologies or
23 methods to enable increased scalability and re-
24 duced complexity of production processes for
25 current or future munitions.

1 “(10) A list of each contract for a munition
2 with a priority rating of ‘critical to national defense’
3 (commonly referred to as a ‘DO-rated order’) or a
4 priority rating of ‘highest national defense urgency’
5 (commonly referred to as a ‘DX-rated order’) in the
6 Defense Priorities and Allocation System pursuant
7 to part 700 of title 15, Code of Federal Regulations
8 (or any successor regulation).

9 “(11) A prioritized list of munitions judged to
10 have high value for export for which additional in-
11 vestments would be necessary to enable export, in-
12 cluding a description of such investments required.

13 “(12) A list of munitions subject to the require-
14 ments of chapter 2 of the Arms Export Control Act
15 (22 U.S.C. 2761 et seq.) relating to foreign military
16 sales that are anticipated to be exported based on
17 developments in the conflict in Ukraine.

18 “(c) MUNITION DEFINED.—In this section, the term
19 ‘munition’ has the meaning given by the Under Secretary
20 of Defense for Acquisition.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of chapter 9 of title 10,
23 United States Code, is amended by inserting after
24 the item relating to section 222c the following new
25 item:

“222d. Annual report on industrial base constraints for munitions.”.

1 **SEC. 1702. MODIFICATION TO SPECIAL DEFENSE ACQUI-**
2 **SION FUND.**

3 Section 114(c)(1) of title 10, United States Code, is
4 amended by striking “\$2,500,000,000” and inserting
5 “\$3,500,000,000”.

6 **SEC. 1703. QUARTERLY BRIEFINGS ON REPLENISHMENT**
7 **AND REVITALIZATION OF WEAPONS PRO-**
8 **VIDED TO UKRAINE.**

9 (a) BRIEFINGS ON COVERED SYSTEMS.—The Sec-
10 retary of Defense shall provide to the congressional de-
11 fense committees quarterly briefings on the progress of the
12 Department of Defense toward—

13 (1) replenishing the inventory of covered sys-
14 tems;

15 (2) expanding the production capacity of cov-
16 ered systems; and

17 (3) increasing the resilience of the production
18 capacity of covered systems.

19 (b) GROUPING OF COVERED SYSTEMS.—For each
20 briefing required under subsection (a), the Secretary of
21 Defense may group covered systems together based on the
22 relevant capabilities of such covered systems.

23 (c) ELEMENTS.—Each briefing required under sub-
24 section (a) shall include, with respect to the period covered
25 by such briefing, the following:

1 (1) A description of any reprogramming carried
2 out in accordance with established procedures for
3 each covered system, with appropriate notation for—

4 (A) the number of the replenishment
5 tranche; and

6 (B) a determination of whether each such
7 reprogramming—

8 (i) replaces covered systems;

9 (ii) expands production capacity of
10 covered systems; or

11 (iii) increases the resilience of the pro-
12 duction capacity of covered systems.

13 (2) A description of obligations applied to each
14 covered system and expected timeline for future obli-
15 gations.

16 (3) A description of current and future produc-
17 tion capacity for each covered system, broken down
18 by month and calendar year.

19 (4) A description of expected delivery of covered
20 systems to the Department of Defense.

21 (5) To the extent practicable, with respect to
22 the total number of covered systems provided during
23 the period covered by the briefing, an estimate for
24 the timing of the delivery of at least 50 percent of
25 the replenishment articles for a covered system and

1 the delivery of 100 percent of such replenishment ar-
2 ticles, compared to the number of covered systems
3 provided.

4 (6) A description of overall actual and expected
5 obligation rates for all reprogrammings applied to
6 covered systems.

7 (7) A description of any other investments
8 made that significantly affect the replenishment
9 timeline or production capacity of the covered sys-
10 tems.

11 (8) A description of remaining industrial base
12 risks or opportunities for increased competition for
13 each covered system and detailed options to mitigate
14 such risks or expand competition, including any
15 changes necessary to authorities to enable risk re-
16 duction or expanded competition.

17 (9) To the extent practicable, a comparison of
18 the expected inventory of covered systems over the
19 next 5 years compared to the requirements set forth
20 under section 222c of title 10, United States Code.

21 (d) BRIEFINGS ON STOCKS OF ALLIES AND PART-
22 NERS.—The Secretary of Defense shall provide to the con-
23 gressional defense committees, the Committee on Foreign
24 Affairs of the House of Representatives, and the Com-

1 mittee on Foreign Relations of the Senate quarterly brief-
2 ings that include the following:

3 (1) A timeline and budgetary estimate for de-
4 veloping and procuring replacement stocks of cov-
5 ered systems for allies and partner countries of the
6 United States.

7 (2) An update on the efforts of the Department
8 to work with such allies and partner countries to ad-
9 vance the replenishment of munitions stocks for such
10 allies and partners that have provided, or are con-
11 templating providing, such stocks to Ukraine.

12 (e) TERMINATION.—This section and the require-
13 ments of this section shall terminate on December 31,
14 2026.

15 (f) COVERED SYSTEM DEFINED.—In this section, the
16 term “covered system” means any system provided to the
17 Government of Ukraine pursuant to any of the following:

18 (1) Section 506 of the Foreign Assistance Act
19 of 1961 (22 U.S.C. 2318).

20 (2) Section 614 of the Foreign Assistance Act
21 of 1961 (22 U.S.C. 2364).

22 (3) The Ukraine Security Assistance Initiative
23 established under section 1250 of the National De-
24 fense Authorization Act for Fiscal Year 2016 (Pub-
25 lic Law 114–92; 129 Stat. 1068), including as

1 amended by this Act, if such system was provided to
2 Ukraine after February 24, 2022.

3 **SEC. 1704. ASSESSMENT OF REQUIREMENTS AND ACQUISITION OBJECTIVES FOR PATRIOT AIR AND**
4 **MISSILE DEFENSE BATTALIONS.**

6 (a) ASSESSMENT.—Not later than 120 days after the
7 date of the enactment of this Act, the Secretary of the
8 Army shall assess and validate the current and projected
9 battalion and interceptor requirements and acquisition ob-
10 jectives for the Patriot air and missile defense system and
11 Patriot advanced capability—3 missile segment enhance-
12 ment missiles to determine whether such requirements and
13 objectives are sufficient to meet the requests for forces,
14 war plans, and contingency requirements of the com-
15 manders of the geographic combatant commands.

16 (b) REPORT.—Not later than 30 days after the date
17 on which the Secretary completes the assessment under
18 subsection (a), the Secretary shall submit to the congres-
19 sional defense committees a report on the assessment, in-
20 cluding whether the requirements and acquisition objec-
21 tives described in such subsection—

22 (1) are sufficient to meet the requests for
23 forces, war plans, and contingency requirements of
24 the commanders of the geographic combatant com-
25 mands; and

1 (2) are valid or should be modified.

2 (c) AUTHORITY.—Subject to the availability of appro-
3 priations for such purpose, the Secretary of the Army may
4 procure up to four additional Patriot air and missile de-
5 fense battalions to achieve a total of up to 20 such battal-
6 ions.

7 **SEC. 1705. INDEPENDENT ASSESSMENT OF DEPARTMENT**
8 **OF DEFENSE CAPABILITY AND CAPACITY**
9 **NEEDS FOR MUNITIONS PRODUCTION AND**
10 **STOCKPILING.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of the enactment of this Act, the Secretary of Defense
13 shall seek to enter into an agreement with an appropriate
14 federally funded research and development center for the
15 conduct of a detailed independent analysis of the extent
16 to which the process used by the chief of staff of an armed
17 force to implement the Out-Year Unconstrained Total Mu-
18 nitions Requirement required under section 222c of title
19 10, United States Code, properly accounts for current and
20 future requirements for the weapons described in sub-
21 section (c). Such an agreement shall provide that an anal-
22 ysis conducted pursuant to the agreement shall be com-
23 pleted within 180 days after the date on which such agree-
24 ment was entered into.

1 (b) MATTERS FOR CONSIDERATION.—An analysis
2 conducted pursuant to an agreement under subsection (a)
3 shall include a consideration of each of the following with
4 respect to each weapon described in subsection (c):

5 (1) The sufficiency of efforts to implement sec-
6 tion 222c of title 10, United States Code, includ-
7 ing—

8 (A) whether the views of the commanders
9 of each combatant command are adequately
10 represented;

11 (B) whether contributions by allies and
12 partner countries are adequately represented;

13 (C) whether excursions beyond the oper-
14 ational plans, including the potential of pro-
15 tracted warfare, are adequately represented;

16 (D) the potential of simultaneous conflicts;
17 and

18 (E) the degree to which the elements of
19 section 222c(e) of title 10, United States Code,
20 are appropriate functional categories.

21 (2) Any recommendations that could be bene-
22 ficial to the overall implementation of such section
23 222c.

24 (c) WEAPONS DESCRIBED.—The weapons described
25 in this subsection are the following:

- 1 (1) Evolved sea sparrow missile.
- 2 (2) MK-48 heavyweight torpedo.
- 3 (3) Standard missile variants (including stand-
4 ard missile-6, standard missile-3 block IIA, and
5 standard missile-3 block IIA).
- 6 (4) Patriot guided missiles.
- 7 (5) Terminal high altitude area defense inter-
8 ceptors.
- 9 (6) Guided and ballistic missiles fired from the
10 multiple-launch rocket system (MLRS) or the high
11 mobility artillery rocket system (HIMARS).
- 12 (7) Javelin missile.
- 13 (8) Stinger missile.
- 14 (9) Air intercept missile (AIM)-9X-Sidewinder.
- 15 (10) AIM-120D—Advanced medium range air-
16 to-air missile (AMRAAM).
- 17 (11) Air to ground (AGM)-114—hellfire mis-
18 sile.
- 19 (12) Joint direct attack munition.
- 20 (13) Tomahawk land attack missile.
- 21 (14) Maritime strike tomahawk.
- 22 (15) Long range anti-ship missile.
- 23 (16) Naval strike missile.
- 24 (17) Joint air-to-surface standoff missile ex-
25 tended range.

1 (18) Harpoon anti-ship missile.

2 (19) Naval mines.

3 (20) Any other weapon that the Secretary of
4 Defense or the federally funded research and devel-
5 opment center determine should be included in the
6 analysis.

7 (d) REPORT.—

8 (1) IN GENERAL.—Not later than 210 days
9 after entering into an agreement under subsection
10 (a), the Secretary of Defense shall submit to the
11 congressional defense committees—

12 (A) a complete independent assessment of
13 the analysis completed pursuant to the agree-
14 ment; and

15 (B) any views from the Department of De-
16 fense the Secretary chooses to include.

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

1 **DIVISION B—MILITARY CON-**
2 **STRUCTION AUTHORIZA-**
3 **TIONS**

4 **SEC. 2001. SHORT TITLE.**

5 This division and title XLVI of division D may be
6 cited as the “Military Construction Authorization Act for
7 Fiscal Year 2023”.

8 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
10 **LAW.**

11 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
12 YEARS.—Except as provided in subsection (b), all author-
13 izations contained in titles XXI through XXVII for mili-
14 tary construction projects, land acquisition, family housing
15 projects and facilities, and contributions to the North At-
16 lantic Treaty Organization Security Investment Program
17 (and authorizations of appropriations therefor) shall ex-
18 pire on the later of—

19 (1) October 1, 2025; or

20 (2) the date of the enactment of an Act author-
21 izing funds for military construction for fiscal year
22 2026.

23 (b) EXCEPTION.—Subsection (a) shall not apply to
24 authorizations for military construction projects, land ac-
25 quisition, family housing projects and facilities, and con-

1 tributions to the North Atlantic Treaty Organization Se-
2 curity Investment Program (and authorizations of appro-
3 priations therefor), for which appropriated funds have
4 been obligated before the later of—

5 (1) October 1, 2025; or

6 (2) the date of the enactment of an Act author-
7 izing funds for fiscal year 2026 for military con-
8 struction projects, land acquisition, family housing
9 projects and facilities, or contributions to the North
10 Atlantic Treaty Organization Security Investment
11 Program.

12 **SEC. 2803. EFFECTIVE DATE AND AUTOMATIC EXECUTION**
13 **OF CONFORMING CHANGES TO TABLES OF**
14 **SECTIONS, TABLES OF CONTENTS, AND SIMI-**
15 **LAR TABULAR ENTRIES.**

16 (a) **EFFECTIVE DATE.**—Titles XXI through XXVII
17 shall take effect on the later of—

18 (1) October 1, 2022; or

19 (2) the date of the enactment of this Act.

20 (b) **ELIMINATION OF NEED FOR CERTAIN SEPARATE**
21 **CONFORMING AMENDMENTS.**—

22 (1) **AUTOMATIC EXECUTION OF CONFORMING**
23 **CHANGES.**—When an amendment made by a provi-
24 sion of this division to a covered defense law adds
25 a section or larger organizational unit to the covered

1 defense law, repeals or transfers a section or larger
2 organizational unit in the covered defense law, or
3 amends the designation or heading of a section or
4 larger organizational unit in the covered defense law,
5 that amendment also shall have the effect of amend-
6 ing any table of sections, table of contents, or simi-
7 lar table of tabular entries in the covered defense
8 law to alter the table to conform to the changes
9 made by the amendment.

10 (2) EXCEPTIONS.—Paragraph (1) shall not
11 apply to an amendment described in such paragraph
12 when—

13 (A) the amendment, or a separate clerical
14 amendment enacted at the same time as the
15 amendment, expressly amends a table of sec-
16 tions, table of contents, or similar table of tab-
17 ular entries in the covered defense law to alter
18 the table to conform to the changes made by
19 the amendment; or

20 (B) the amendment otherwise expressly ex-
21 empts itself from the operation of this section.

22 (3) COVERED DEFENSE LAW DEFINED.—In this
23 subsection, the term “covered defense law” means—

24 (A) titles 10, 32, and 37 of the United
25 States Code;

1 (B) any national defense authorization Act
2 or military construction authorization Act that
3 authorizes funds to be appropriated for a fiscal
4 year to the Department of Defense; and

5 (C) any other law designated in the text
6 thereof as a covered defense law for purposes of
7 application of this section.

8 **TITLE XXI—ARMY MILITARY**
9 **CONSTRUCTION**

Sec. 2101. Authorized Army construction and land acquisition projects.

Sec. 2102. Family housing.

Sec. 2103. Authorization of appropriations, Army.

Sec. 2104. Demolition of District of Columbia Fort McNair Quarters 4, 13,
and 15.

Sec. 2105. Modification of authority to carry out fiscal year 2019 project at
Camp Tango, Korea.

Sec. 2106. Extension and modification of authority to carry out certain fiscal
year 2018 projects.

10 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
11 **ACQUISITION PROJECTS.**

12 (a) **INSIDE THE UNITED STATES.**—Using amounts
13 appropriated pursuant to the authorization of appropria-
14 tions in section 2103(a) and available for military con-
15 struction projects inside the United States as specified in
16 the funding table in section 4601, the Secretary of the
17 Army may acquire real property and carry out military
18 construction projects for the installations or locations in-
19 side the United States, and in the amounts, set forth in
20 the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$102,000,000
Alaska	Fort Wainwright	\$99,000,000
Colorado	Fort Carson	\$14,200,000
Hawaii	Fort Shafter	\$33,000,000
	Schofield Barracks	\$159,000,000
	Tripler Army Medical Center	\$38,000,000
Louisiana	Fort Polk	\$32,000,000
Maryland	Aberdeen Proving Ground	\$85,000,000
Mississippi	Engineer Research and Development Center	\$20,000,000
New Jersey	Picatiny Arsenal	\$15,654,000
New York	Fort Drum	\$3,600,000
North Carolina	Fort Bragg	\$34,000,000
Pennsylvania	Letterkenny Army Depot	\$38,000,000
Texas	Corpus Christi Army Depot	\$103,000,000
	Fort Bliss	\$15,000,000
	Fort Hood	\$19,000,000
Washington	Joint Base Lewis-McChord	\$49,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2103(a) and available for military con-
4 struction projects outside the United States as specified
5 in the funding table in section 4601, the Secretary of the
6 Army may acquire real property and carry out military
7 construction projects for the installations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Army: Outside the United States

State	Installation	Amount
Germany	East Camp Grafenwoehr	\$168,000,000
Japan	Kadena Air Force Base	\$80,000,000
Kwajalein	Kwajalein Atoll	\$69,000,000

10 SEC. 2102. FAMILY HOUSING.

11 (a) CONSTRUCTION AND ACQUISITION.—Using
12 amounts appropriated pursuant to the authorization of ap-
13 propriations in section 2103(a) and available for military
14 family housing functions as specified in the funding table

1 in section 4601, the Secretary of the Army may construct
 2 or acquire family housing units (including land acquisition
 3 and supporting facilities) at the installation, in the num-
 4 ber of units or for the purpose, and in the amount set
 5 forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	Family Housing New Construc- tion	\$81,000,000
Italy	Vincenza	Family Housing New Construc- tion	\$95,000,000

6 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2103(a) and available for military family housing
 9 functions as specified in the funding table in section 4601,
 10 the Secretary of the Army may carry out architectural and
 11 engineering services and construction design activities
 12 with respect to the construction or improvement of family
 13 housing units in an amount not to exceed \$17,339,000.

14 **SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 16 are hereby authorized to be appropriated for fiscal years
 17 beginning after September 30, 2022, for military con-
 18 struction, land acquisition, and military family housing
 19 functions of the Department of the Army as specified in
 20 the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
2 PROJECTS.—Notwithstanding the cost variations author-
3 ized by section 2853 of title 10, United States Code, and
4 any other cost variation authorized by law, the total cost
5 of all projects carried out under section 2101 of this Act
6 may not exceed the total amount authorized to be appro-
7 priated under subsection (a), as specified in the funding
8 table in section 4601.

9 **SEC. 2104. DEMOLITION OF DISTRICT OF COLUMBIA FORT**
10 **MCNAIR QUARTERS 4, 13, AND 15.**

11 Not later than one year after the date on which all
12 the individuals occupying District of Columbia Fort
13 McNair Quarters 4, 13, and 15, as of the date of the en-
14 actment of this Act, have moved out of such Quarters,
15 the Secretary of the Army shall demolish such Quarters.

16 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
17 **FISCAL YEAR 2019 PROJECT AT CAMP TANGO,**
18 **KOREA.**

19 In the case of the authorization contained in the table
20 in section 2101(b) of the John S. McCain National De-
21 fense Authorization Act for Fiscal Year 2019 (division B
22 of Public Law 115–232; 132 Stat. 2242) for Camp Tango,
23 Korea, for construction of a command and control facility
24 at the installation, the Secretary of the Army may increase
25 scope for a dedicated, enclosed egress pathway out of the

1 underground facility to facilitate safe escape in case of
2 fire.

3 **SEC. 2106. EXTENSION AND MODIFICATION OF AUTHORITY**
4 **TO CARRY OUT CERTAIN FISCAL YEAR 2018**
5 **PROJECTS.**

6 (a) EXTENSION OF AUTHORITY TO CARRY OUT CER-
7 TAIN FISCAL YEAR 2018 PROJECTS.—

8 (1) EXTENSION.—(A) Notwithstanding section
9 2002 of the Military Construction Authorization Act
10 for Fiscal Year 2018 (division B of Public Law 115–
11 91; 131 Stat. 1817), the authorization set forth in
12 the table in subparagraph (B), as provided in section
13 2101(b) of that Act (131 Stat. 1819), shall remain
14 in effect until October 1, 2023, or the date of the
15 enactment of an Act authorizing funds for military
16 construction for fiscal year 2024, whichever is later.

17 (B) The table referred to in subparagraph (A)
18 is as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Korea	Kunsan Air Base	Unmanned Aerial Vehicle Hangar ...	\$53,000,000

19 (2) ARMY FAMILY HOUSING.—(A) Notwith-
20 standing section 2002 of the Military Construction
21 Authorization Act for Fiscal Year 2018 (division B

1 of Public Law 115–91; 131 Stat. 1817), the author-
 2 ization set forth in the table in subparagraph (B),
 3 as provided in section 2102 of that Act (131 Stat.
 4 1820), shall remain in effect until October 1, 2023,
 5 or the date of the enactment of an Act authorizing
 6 funds for military construction for fiscal year 2024,
 7 whichever is later.

8 (B) The table referred to in subparagraph (A)
 9 is as follows:

Army: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Kwajalein	Kwajalein Atoll	Family Housing Replacement Construction	\$31,000,000

10 (b) MODIFICATION OF AUTHORITY TO CARRY OUT
 11 CERTAIN FISCAL YEAR 2018 PROJECTS.—

12 (1) KUNSAN AIR BASE, KOREA.—In the case of
 13 the authorization contained in the table in section
 14 2101(b) of the Military Construction Authorization
 15 Act for Fiscal Year 2018 (division B of Public Law
 16 115–91; 131 Stat. 1819) for Kunsan Air Base,
 17 Korea, for construction of an Unmanned Aerial Ve-
 18 hicle Hangar at the installation, the Secretary of the
 19 Army may—

20 (A) construct the hangar at Camp Hum-
 21 phries, Korea; and

1 (B) remove primary scope associated with
2 the relocation of the air defense artillery bat-
3 talion facilities to include a ground based mis-
4 sile defense equipment area, fighting positions,
5 a missile resupply area air defense artillery fa-
6 cility, a ready building and command post, a
7 battery command post area, a safety shelter,
8 and a guard booth.

9 (2) KWAJALEIN ATOLL, HWAJALEIN.—Section
10 2879(a)(1)(A) of the Military Construction Author-
11 ization Act for Fiscal Year 2018 (division B of Pub-
12 lic Law 115–91; 131 Stat. 1874) is amended by
13 striking “at least 26 family housing units” and in-
14 sserting “not more than 26 family housing units”.

15 **TITLE XXII—NAVY MILITARY**
16 **CONSTRUCTION**

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Authorization of appropriations, Navy.

Sec. 2204. Extension of authority to carry out certain fiscal year 2018 project.

Sec. 2205. Transfer of customers from Navy electrical utility system at former
Naval Air Station Barber’s Point, Hawaii, to new electrical
system in Kalaeloa, Hawaii.

17 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 (a) **INSIDE THE UNITED STATES.**—Using amounts
20 appropriated pursuant to the authorization of appropria-
21 tions in section 2203(a) and available for military con-
22 struction projects inside the United States as specified in

1 the funding table in section 4601, the Secretary of the
 2 Navy may acquire real property and carry out military
 3 construction projects for the installations or locations in-
 4 side the United States, and in the amounts, set forth in
 5 the following table:

Navy: Inside the United States

State or Territory	Installation or Location	Amount
California	Marine Corps Air Ground Combat Center Twentynine Palms	\$137,235,000
	Marine Corps Base Camp Pendleton	\$145,079,000
	Marine Corps Recruit Depot San Diego	\$94,848,000
	Naval Air Station Lemoore	\$247,633,000
	Naval Base Point Loma Annex	\$64,353,000
	Naval Base San Diego	\$151,278,000
	Naval Surface Warfare Center Corona Divi- sion	\$17,100,000
Connecticut	Naval Submarine Base New London	\$17,686,000
Florida	Naval Air Station Jacksonville	\$100,570,000
	Naval Air Station Whiting Field	\$228,001,000
Georgia	Naval Submarine Base Kings Bay	\$309,102,000
Guam	Marine Corps Base Camp Blaz	\$419,745,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$3,780,475,000
	Marine Corps Base Kaneohe Bay	\$100,206,000
Maryland	Naval Surface Warfare Center Carderoock Division	\$2,363,000
	Naval Surface Warfare Center Indian Head Division	\$10,155,000
	Nevada	Naval Air Station Fallon
North Carolina	Marine Corps Air Station Cherry Point	\$44,830,000
	Marine Corps Air Station New River	\$240,084,000
	Marine Corps Base Camp Lejeune	\$54,122,000
Pennsylvania	Naval Surface Warfare Center Philadelphia Division	\$92,547,000
South Carolina	Marine Corps Recruit Depot Parris Island	\$166,930,000
Virginia	Naval Station Norfolk	\$19,224,000
	Naval Surface Warfare Center Dahlgren Division	\$2,853,000
	Washington	Naval Air Station Whidbey Island

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2203(a) and available for military con-
 9 struction projects outside the United States as specified
 10 in the funding table in section 4601, the Secretary of the
 11 Navy may acquire real property and carry out military

1 construction projects for the installations or locations out-
 2 side the United States, and in the amounts, set forth in
 3 the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Australia	Royal Australian Air Force Base Darwin ...	\$258,831,000
Djibouti	Camp Lemonnier	\$122,107,000
Japan	Kadena Air Base	\$222,756,000
Spain	Naval Station Rota	\$92,323,000

4 **SEC. 2202. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2203(a) and available for military
 8 family housing functions as specified in the funding table
 9 in section 4601, the Secretary of the Navy may construct
 10 or acquire family housing units (including land acquisition
 11 and supporting facilities) at the installations or locations,
 12 in the number of units or for the purposes, and in the
 13 amounts set forth in the following table:

Navy: Family Housing

Location	Installation	Units or Pur- pose	Amount
Guam	Naval Support Activity Ander- son.	Family housing new construc- tion	\$289,776,000
	

14 (b) IMPROVEMENTS TO MILITARY FAMILY HOUSING
 15 UNITS.—Subject to section 2825 of title 10, United States
 16 Code, and using amounts appropriated pursuant to the
 17 authorization of appropriations in section 2203(a) and
 18 available for military family housing functions as specified

1 in the funding table in section 4601, the Secretary of the
2 Navy may improve existing military family housing units
3 in an amount not to exceed \$74,540,000.

4 (c) **PLANNING AND DESIGN.**—Using amounts appro-
5 priated pursuant to the authorization of appropriations in
6 section 2203(a) and available for military family housing
7 functions as specified in the funding table in section 4601,
8 the Secretary of the Navy may carry out architectural and
9 engineering services and construction design activities
10 with respect to the construction or improvement of family
11 housing units in an amount not to exceed \$14,123,000.

12 **SEC. 2203. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

13 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
14 are hereby authorized to be appropriated for fiscal years
15 beginning after September 30, 2022, for military con-
16 struction, land acquisition, and military family housing
17 functions of the Department of the Navy, as specified in
18 the funding table in section 4601.

19 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
20 **PROJECTS.**—Notwithstanding the cost variations author-
21 ized by section 2853 of title 10, United States Code, and
22 any other cost variation authorized by law, the total cost
23 of all projects carried out under section 2201 of this Act
24 may not exceed the total amount authorized to be appro-

1 priated under subsection (a), as specified in the funding
2 table in section 4601.

3 **SEC. 2204. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
4 **TAIN FISCAL YEAR 2018 PROJECT.**

5 (a) **EXTENSION.**—Notwithstanding section 2002 of
6 the Military Construction Authorization Act for Fiscal
7 Year 2018 (division B of Public Law 115–91; 131 Stat.
8 1817), the authorization set forth in the table in sub-
9 section (a), as provided in section 2201(a) of that Act
10 (131 Stat. 1822), shall remain in effect until October 1,
11 2023, or the date of the enactment of an Act authorizing
12 funds for military construction for fiscal year 2024, which-
13 ever is later.

14 (b) **TABLE.**—The table referred to in subsection (a)
15 is as follows:

Navy: Extension of 2018 Project Authorization

Country	Installation or Location	Project	Original Authorized Amount
Guam	Joint Region Marianas	Navy-Commercial Tie-in Hardening	\$37,180,000

1 **SEC. 2205. TRANSFER OF CUSTOMERS FROM NAVY ELEC-**
2 **TRICAL UTILITY SYSTEM AT FORMER NAVAL**
3 **AIR STATION BARBER'S POINT, HAWAII, TO**
4 **NEW ELECTRICAL SYSTEM IN KALAELOA, HA-**
5 **WAIL.**

6 (a) IN GENERAL.—Subject to the availability of ap-
7 propriations for such purpose, the Secretary of the Navy
8 shall pay the reasonable costs to transfer all customers
9 off of the electrical utility system of the Navy located at
10 former Naval Air Station Barber's Point, Hawaii, to the
11 new electrical system in Kalaeloa, Hawaii, operated by
12 Hawaiian Electric.

13 (b) COOPERATIVE AGREEMENT OR OTHER INSTRU-
14 MENT.—The Secretary of the Navy may enter into a coop-
15 erative agreement or other appropriate instrument with a
16 third party—

17 (1) to make amounts available to pay the rea-
18 sonable costs of transfers described in subsection
19 (a); and

20 (2) to reimburse the third party for the reason-
21 able costs that it may incur to carry out paragraph
22 (1).

23 (c) FACILITATION OF TRANSFER.—To facilitate the
24 transfer of customers described in subsection (a), the Sec-
25 retary of the Navy shall provide the following to the State
26 of Hawaii:

1 (1) A load analysis and design necessary to
2 complete such transfer.

3 (2) Such rights of way and easements as may
4 be necessary to support the construction of replace-
5 ment electrical infrastructure.

6 (d) DISPOSAL OF NAVY ELECTRICAL SYSTEM.—Sub-
7 ject to the availability of appropriations for such purpose,
8 after all customers have been transferred as required
9 under subsection (a), the Secretary of the Navy may dis-
10 pose of the electrical system of the Navy located at former
11 Naval Air Station Barber’s Point, Hawaii.

12 **TITLE XXIII—AIR FORCE**
13 **MILITARY CONSTRUCTION**

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Authorization of appropriations, Air Force.

Sec. 2304. Extension of authority to carry out certain fiscal year 2018 projects.

Sec. 2305. Modification of authority to carry out certain fiscal year 2021
project.

Sec. 2306. Modification of authority to carry out certain military construction
projects at Tyndall Air Force Base, Florida.

14 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
15 **LAND ACQUISITION PROJECTS.**

16 (a) INSIDE THE UNITED STATES.—Using amounts
17 appropriated pursuant to the authorization of appropria-
18 tions in section 2303(a) and available for military con-
19 struction projects inside the United States as specified in
20 the funding table in section 4601, the Secretary of the
21 Air Force may acquire real property and carry out mili-

1 tary construction projects for the installations or locations
 2 inside the United States, and in the amounts, set forth
 3 in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$15,000,000
Alaska	Clear Space Force Station	\$72,080,000
	Joint Base Elmendorf-Richardson	\$5,200,000
Arizona	Davis-Monthan Air Force Base	\$7,500,000
California	Travis Air Force Base	\$7,500,000
	Vandenberg Space Force Base	\$136,000,000
Florida	Patrick Space Force Base	\$97,000,000
Hawaii	Air Force Research Laboratory - Maui Ex- perimental Site #1	\$89,000,000
Illinois	Scott Air Force Base	\$19,893,000
New York	Air Force Research Laboratory - Rome Re- search Site	\$4,200,000
Ohio	Wright Patterson Air Force Base	\$29,000,000
Oklahoma	Altus Air Force Base	\$4,750,000
	Tinker Air Force Base	\$252,016,000
South Carolina	Shaw Air Force Base	\$15,000,000
South Dakota	Ellsworth Air Force Base	\$335,900,000
Tennessee	Arnold Air Force Base	\$46,000,000
Texas	Joint Base San Antonio-Randolph	\$29,000,000
Utah	Hill Air Force Base	\$96,900,000
Washington	Fairchild Air Force Base	\$8,000,000
Wyoming	F.E. Warren Air Force Base	\$241,920,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
 5 appropriated pursuant to the authorization of appropria-
 6 tions in section 2303(a) and available for military con-
 7 struction projects outside the United States as specified
 8 in the funding table in section 4601, the Secretary of the
 9 Air Force may acquire real property and carry out mili-
 10 tary construction projects for the installations or locations
 11 outside the United States, and in the amounts, set forth
 12 in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Hungary	Pápa Air Base	\$75,260,000
Iceland	Naval Air Station Keflavik	\$102,500,000
Italy	Aviano Air Base	\$51,615,000

1470

Air Force: Outside the United States—Continued

Country	Installation or Location	Amount
Japan	Kadena Air Base	\$307,000,000
Jordan	Muwaffaq Salti Air Base	\$53,000,000
Norway	Rygge Air Station	\$9,700,000
Spain	Moron Air Base	\$32,500,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) IMPROVEMENTS TO MILITARY FAMILY HOUSING
3 UNITS.—Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2303(a) and
6 available for military family housing functions as specified
7 in the funding table in section 4601, the Secretary of the
8 Air Force may improve existing military family housing
9 units in an amount not to exceed \$233,858,000.

10 (b) PLANNING AND DESIGN.—Using amounts appro-
11 priated pursuant to the authorization of appropriations in
12 section 2303(a) and available for military family housing
13 functions as specified in the funding table in section 4601,
14 the Secretary of the Air Force may carry out architectural
15 and engineering services and construction design activities
16 with respect to the construction or improvement of family
17 housing units in an amount not to exceed \$17,730,000.

18 **SEC. 2303. AUTHORIZATION OF APPROPRIATIONS, AIR**
19 **FORCE.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
21 are hereby authorized to be appropriated for fiscal years
22 beginning after September 30, 2022, for military con-
23 struction, land acquisition, and military family housing
24 functions of the Department of the Air Force, as specified
25 in the funding table in section 4601.

1 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 2 PROJECTS.—Notwithstanding the cost variations author-
 3 ized by section 2853 of title 10, United States Code, and
 4 any other cost variation authorized by law, the total cost
 5 of all projects carried out under section 2301 of this Act
 6 may not exceed the total amount authorized to be appro-
 7 priated under subsection (a), as specified in the funding
 8 table in section 4601.

9 **SEC. 2304. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 10 **TAIN FISCAL YEAR 2018 PROJECTS.**

11 (a) EXTENSION.—

12 (1) EXTENSION.—Notwithstanding section
 13 2002 of the Military Construction Authorization Act
 14 for Fiscal Year 2018 (division B of Public Law 115–
 15 91; 131 Stat. 1817), the authorizations set forth in
 16 the table in paragraph (2), as provided in section
 17 2301(a) of that Act (131 Stat. 1825), shall remain
 18 in effect until October 1, 2023, or the date of the
 19 enactment of an Act authorizing funds for military
 20 construction for fiscal year 2024, whichever is later.

21 (2) TABLE.—The table referred to in paragraph
 22 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Florida	Tyndall Air Force Base	Fire Station	\$17,000,000

Air Force: Extension of 2018 Project Authorizations—Continued

State	Installation or Location	Project	Original Authorized Amount
Texas	Joint Base San Antonio	BMT Classrooms/ Dining	\$38,000,000
	Joint Base San Antonio	Camp Bullis Dining Facility	\$18,500,000
Wyoming	F. E. Warren Air Force Base	Consolidated Helo/ TRF Ops/AMU and Alert Fac.	\$62,000,000

1 (b) OVERSEAS CONTINGENCY OPERATIONS.—

2 (1) EXTENSION.—Notwithstanding section
3 2002 of the Military Construction Authorization Act
4 for Fiscal Year 2018 (division B of Public Law 115–
5 91; 131 Stat. 1817), the authorizations set forth in
6 the table in paragraph (2), as provided in section
7 2903 of that Act (131 Stat. 1876), shall remain in
8 effect until October 1, 2023, or the date of the en-
9 actment of an Act authorizing funds for military
10 construction for fiscal year 2024, whichever is later.

11 (2) TABLE.—The table referred to in paragraph

12 (1) is as follows:

Air Force: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Hungary	Keckemet Air Base	ERI: Airfield Up- grades	\$12,900,000
	Keckemet Air Base	ERI: Construct Par- allel Taxiway	\$30,000,000
	Keckemet Air Base	ERI: Increase POL Storage Capacity	\$12,500,000
Luxembourg ...	Sanem	ERI: ECAOS Deployable Air- base System Stor- age	\$67,400,000
Slovakia	Malacky	ERI: Airfield Up- grades	\$4,000,000

Air Force: Extension of 2018 Project Authorizations—Continued

Country	Installation or Location	Project	Original Authorized Amount
	Malacky	ERI: Increase POL Storage Capacity	\$20,000,000
	ERI: Airfield Upgrades	Construct Combat Arms Training and Maintenance Facility	\$22,000,000

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**
2 **CERTAIN FISCAL YEAR 2021 PROJECT.**

3 In the case of the authorization contained in the table
4 in section 2301(a) of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2021 (division B of Public Law
6 116–283; 134 Stat. 4299) for Hill Air Force Base, Utah,
7 for construction of GBSD Organic Software Sustainment
8 Center, the Secretary of the Air Force may construct—

9 (1) up to 7,526 square meters of Surface Park-
10 ing Lot in lieu of constructing a 13,434 square me-
11 ters vehicle parking garage; and

12 (2) up to 402 square meters of Storage Igloo.

13 **SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN MILITARY CONSTRUCTION**
15 **PROJECTS AT TYNDALL AIR FORCE BASE,**
16 **FLORIDA.**

17 In the case of the authorization contained in section
18 2912(a) of the Military Construction Authorization Act
19 for Fiscal Year 2020 (division B of Public Law 116–92;
20 133 Stat. 1913) for Tyndall Air Force Base, Florida—

1 (1) for construction of Lodging Facilities
2 Phases 1-2, as specified in such funding table and
3 modified by section 2306(a)(7) of the Military Con-
4 struction Authorization Act for Fiscal Year 2021
5 (division B of Public Law 116–283; 134 Stat.
6 4302), the Secretary of the Air Force may construct
7 two emergency backup generators;

8 (2) for construction of Dorm Complex Phases
9 1-2, as specified in such funding table and modified
10 by section 2306(a)(8) of the Military Construction
11 Authorization Act for Fiscal Year 2021 (division B
12 of Public Law 116–283; 134 Stat. 4302), the Sec-
13 retary of the Air Force may construct an emergency
14 backup generator;

15 (3) for construction of Site Development, Utili-
16 ties, and Demo Phase 2, as specified in such funding
17 table and modified by section 2306(a)(6) of the Mili-
18 tary Construction Authorization Act for Fiscal Year
19 2021 (division B of Public Law 116–283; 134 Stat.
20 4302), the Secretary of the Air Force may con-
21 struct—

22 (A) up to 6,248 lineal meters of storm
23 water utilities;

24 (B) up to 55,775 square meters of roads;

1 (C) up to 4,334 lineal meters of gas pipe-
2 line; and

3 (D) up to 28,958 linear meters of elec-
4 trical;

5 (4) for construction of Tyndall AFB Gate Com-
6 plex, as specified in such funding table and modified
7 by section 2306(a)(9) of the Military Construction
8 Authorization Act for Fiscal Year 2021 (division B
9 of Public Law 116–283; 134 Stat. 4302), the Sec-
10 retary of the Air Force may construct up to 55,694
11 square meters of roadway with serpentines; and

12 (5) for construction of Deployment Center/
13 Flight Line Dining/AAFES, as specified in such
14 funding table and modified by section 2306(a)(11)
15 of the Military Construction Authorization Act for
16 Fiscal Year 2021 (division B of Public Law 116–
17 283; 134 Stat. 4303), the Secretary of the Air Force
18 may construct up to 164 square meters of AAFES
19 (Shoppette).

20 **TITLE XXIV—DEFENSE AGEN-**
21 **CIES MILITARY CONSTRU-**
22 **CTION**

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Authorized energy resilience and conservation investment program projects.

Sec. 2403. Authorization of appropriations, defense agencies.

Sec. 2404. Extension of authority to carry out certain fiscal year 2018 projects.

1 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**
 2 **TION AND LAND ACQUISITION PROJECTS.**

3 (a) INSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2403(a) and available for military con-
 6 struction projects inside the United States as specified in
 7 the funding table in section 4601, the Secretary of De-
 8 fense may acquire real property and carry out military
 9 construction projects for the installations or locations in-
 10 side the United States, and in the amounts, set forth in
 11 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$151,000,000
California	Naval Base Coronado	\$75,712,000
Florida	Hurlburt Field	\$9,100,000
	MacDill Air Force Base	\$50,000,000
North Carolina	Fort Bragg	\$34,470,000
Texas	Joint Base San Antonio	\$58,600,000
Virginia	Dam Neck	\$26,600,000
	Pentagon	\$18,000,000

12 (b) OUTSIDE THE UNITED STATES.—Using amounts
 13 appropriated pursuant to the authorization of appropria-
 14 tions in section 2403(a) and available for military con-
 15 struction projects outside the United States as specified
 16 in the funding table in section 4601, the Secretary of De-
 17 fense may acquire real property and carry out military
 18 construction projects for the installations or locations out-
 19 side the United States, and in the amounts, set forth in
 20 the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Germany	Baumholder	\$184,723,000
	Wiesbaden	\$104,779,000
Japan	Yokota Air Base	\$72,154,000

1 **SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CON-**
2 **SERVATION INVESTMENT PROGRAM**
3 **PROJECTS.**

4 (a) **INSIDE THE UNITED STATES.**—Using amounts
5 appropriated pursuant to the authorization of appropria-
6 tions in section 2403(a) and available for energy conserva-
7 tion projects as specified in the funding table in section
8 4601, the Secretary of Defense may carry out energy con-
9 servation projects under chapter 173 of title 10, United
10 States Code, for the installations or locations inside the
11 United States, and in the amounts, set forth in the fol-
12 lowing table:

ERCIP Projects: Inside the United States

State or Territory	Installation or Location	Amount
Alabama	Redstone Arsenal	\$10,700,000
California	Marine Corps Mountain Warfare Train- ing Center	\$30,672,000
	Naval Base Ventura County	\$16,032,000
Florida	Naval Air Station Jacksonville	\$2,880,000
	Patrick Space Force Base	\$15,700,000
Georgia	Fort Stewart-Hunter Army Airfield	\$25,400,000
	Naval Submarine Base Kings Bay	\$13,440,000
Guam	Naval Base Guam	\$34,360,000
Hawaii	Joint Base Pearl Harbor-Hickam	\$30,000,000
Kansas	Fort Riley	\$25,780,000
Maryland	National Security Agency-Washington, Fort Meade	\$23,310,000
Texas	Fort Hood	\$31,500,000
	U.S. Army Reserve Center, Conroe	\$9,600,000
Virginia	National Geospatial-Intelligence Agency Campus East, Fort Belvoir	\$1,100,000
	Naval Support Activity Hampton Roads	\$26,880,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
 2 appropriated pursuant to the authorization of appropria-
 3 tions in section 2403(a) and available for energy conserva-
 4 tion projects as specified in the funding table in section
 5 4601, the Secretary of Defense may carry out energy con-
 6 servation projects under chapter 173 of title 10, United
 7 States Code, for the installations or locations outside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

ERCIP Projects: Outside the United States

Country	Installation or Location	Amount
Djibouti	Camp Lemonnier	\$28,800,000
Japan	Kadena Air Base	\$780,000
Kuwait	Camp Arifjan	\$26,850,000

10 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**
 11 **FENSE AGENCIES.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal years
 14 beginning after September 30, 2022, for military con-
 15 struction, land acquisition, and military family housing
 16 functions of the Department of Defense (other than the
 17 military departments), as specified in the funding table
 18 in section 4601.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
 20 PROJECTS.—Notwithstanding the cost variations author-
 21 ized by section 2853 of title 10, United States Code, and
 22 any other cost variation authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act
 2 may not exceed the total amount authorized to be appro-
 3 priated under subsection (a), as specified in the funding
 4 table in section 4601.

5 **SEC. 2404. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 6 **TAIN FISCAL YEAR 2018 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2002 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2018 (division B of Public Law 115–91; 131 Stat.
 10 1817), the authorization set forth in the table in sub-
 11 section (b), as provided in section 2401(b) of that Act
 12 (131 Stat. 1829), for the projects specified in that table
 13 shall remain in effect until October 1, 2023, or the date
 14 of the enactment of an Act authorizing funds for military
 15 construction for fiscal year 2024, whichever is later.

16 (b) TABLE.—The table referred to in subsection (a)
 17 is as follows:

Defense Agencies: Extension of 2018 Project Authorizations

Country	Installation or Location	Project	Original Authorized Amount
Japan	Iwakuni	Construct Bulk Storage Tanks PH 1	\$30,800,000
Puerto Rico	USCG Station; Punta Borinquen	Ramey Unit School Replacement	\$61,071,000

18 **TITLE XXV—INTERNATIONAL**
 19 **PROGRAMS**

Subtitle A—North Atlantic Treaty Organization Security Investment Program

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

Subtitle B—Host Country In-Kind Contributions

Sec. 2511. Republic of Korea funded construction projects.

Sec. 2512. Repeal of authorized approach to certain construction project.

1 **Subtitle A—North Atlantic Treaty**
2 **Organization Security Invest-**
3 **ment Program**

4 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
5 **ACQUISITION PROJECTS.**

6 The Secretary of Defense may make contributions for
7 the North Atlantic Treaty Organization Security Invest-
8 ment Program as provided in section 2806 of title 10,
9 United States Code, in an amount not to exceed the sum
10 of the amount authorized to be appropriated for this pur-
11 pose in section 2502 and the amount collected from the
12 North Atlantic Treaty Organization as a result of con-
13 struction previously financed by the United States.

14 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

15 Funds are hereby authorized to be appropriated for
16 fiscal years beginning after September 30, 2022, for con-
17 tributions by the Secretary of Defense under section 2806
18 of title 10, United States Code, for the share of the United
19 States of the cost of projects for the North Atlantic Treaty
20 Organization Security Investment Program authorized by
21 section 2501 as specified in the funding table in section
22 4601.

1 **Subtitle B—Host Country In-Kind**
 2 **Contributions**

3 **SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION**
 4 **PROJECTS.**

5 Pursuant to agreement with the Republic of Korea
 6 for required in-kind contributions, the Secretary of De-
 7 fense may accept military construction projects for the in-
 8 stallations or locations in the Republic of Korea, and in
 9 the amounts, set forth in the following table:

Republic of Korea Funded Construction Projects

Component	Installation or Location	Project	Amount
Army	Camp Humphreys	Quartermaster Laundry/ Dry Cleaner Facility	\$24,000,000
Army	Camp Humphreys	MILVAN CONNEX Stor- age Yard	\$20,000,000
Navy	Camp Mujuk	Replace Ordnance Storage Magazines	\$150,000,000
Navy	Fleet Activities Chinhae	Water Treatment Plant Relocation	\$6,000,000
Air Force	Gimhae Air Base	Refueling Vehicle Shop	\$8,800,000
Air Force	Osan Air Base	Combined Air and Space Operations Intelligence Center	\$306,000,000
Air Force	Osan Air Base	Upgrade Electrical Dis- tribution West, Phase 3	\$235,000,000

10 **SEC. 2512. REPEAL OF AUTHORIZED APPROACH TO CER-**
 11 **TAIN CONSTRUCTION PROJECT.**

12 Section 2511 of the Military Construction Authoriza-
 13 tion Act for Fiscal Year 2022 (division B of Public Law
 14 117–81; 135 Stat. 2177) is amended—

15 (1) by striking “(a) AUTHORITY TO ACCEPT
 16 PROJECTS.—”; and

17 (2) by striking subsection (b).

1 **TITLE XXVI—GUARD AND**
 2 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Corrections to authority to carry out certain fiscal year 2022 projects.

Sec. 2608. Extension of authority to carry out certain fiscal year 2018 projects.

3 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 4 **STRUCTION AND LAND ACQUISITION**
 5 **PROJECTS.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2606 and available for
 8 the National Guard and Reserve as specified in the fund-
 9 ing table in section 4601, the Secretary of the Army may
 10 acquire real property and carry out military construction
 11 projects for the Army National Guard locations inside the
 12 United States, and in the amounts, set forth in the fol-
 13 lowing table:

Army National Guard

State or Terri- tory	Location	Amount
Alaska	Joint Base Elmendorf-Richardson	\$63,000,000
Arkansas	Camp Robinson	\$9,500,000
Delaware	River Road Training Site	\$16,000,000
Florida	Camp Blanding	\$24,700,000
	Gainesville	\$21,000,000
	Palm Coast Flagler RC FMS 9	\$12,000,000
Hawaii	Kalaeloa	\$29,000,000
Indiana	Atlanta Readiness Center	\$20,000,000
Iowa	West Des Moines Armory	\$15,000,000
Michigan	Grayling Airfield	\$16,000,000

Army National Guard—Continued

State or Territory	Location	Amount
Minnesota	New Ulm Armory and FMS	\$17,000,000
Nevada	Harry Reid Training Center	\$18,000,000
New York	Glenmore RD Armory/FMS 17	\$17,000,000
North Carolina	McLeansville Camp Burton Road	\$15,000,000
Oregon	Camp Umatilla	\$14,243,000
Puerto Rico	Arroyo Readiness Center	\$46,602,000
	Camp Santiago Joint Maneuver Training Center	\$136,500,000
West Virginia	Buckhannon Brushy Fork	\$14,000,000
Wyoming	Camp Guernsey	\$19,500,000
	TS NG Sheridan	\$14,800,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Army may
7 acquire real property and carry out military construction
8 projects for the Army Reserve locations inside the United
9 States, and in the amounts, set forth in the following
10 table:

Army Reserve

State or Territory	Location	Amount
California	Camp Pendleton	\$13,000,000
Florida	Perrine	\$46,000,000
Ohio	Wright-Patterson Air Force Base	\$16,000,000
Puerto Rico	Fort Buchanan	\$24,000,000
Washington	Yakima	\$22,000,000
Wisconsin	Fort McCoy	\$64,000,000

1 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 2 **CORPS RESERVE CONSTRUCTION AND LAND**
 3 **ACQUISITION PROJECTS.**

4 Using amounts appropriated pursuant to the author-
 5 ization of appropriations in section 2606 and available for
 6 the National Guard and Reserve as specified in the fund-
 7 ing table in section 4601, the Secretary of the Navy may
 8 acquire real property and carry out military construction
 9 projects for the Navy Reserve and Marine Corps Reserve
 10 locations inside the United States, and in the amounts,
 11 set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Hawaii	Marine Corps Base Kaneohe Bay	\$116,964,000
Michigan	Marine Forces Reserve Battle Creek	\$27,702,000
Virginia	Marine Forces Reserve Dam Neck Vir- ginia Beach.	\$11,856,000

12 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 13 **TION AND LAND ACQUISITION PROJECTS.**

14 Using amounts appropriated pursuant to the author-
 15 ization of appropriations in section 2606 and available for
 16 the National Guard and Reserve as specified in the fund-
 17 ing table in section 4601, the Secretary of the Air Force
 18 may acquire real property and carry out military construc-
 19 tion projects for the Air National Guard locations inside
 20 the United States, and in the amounts, set forth in the
 21 following table:

Air National Guard

State	Location	Amount
Alabama	Montgomery Regional Airport	\$9,200,000
Arizona	Morris Air National Guard Base	\$12,000,000
.....	Tucson International Airport	\$11,700,000
Florida	Jacksonville International Airport	\$30,000,000
Indiana	Fort Wayne International Airport	\$16,500,000
Ohio	Rickenbacker Air National Guard Base	\$8,000,000
Rhode Island	Quonset State Airport	\$46,000,000
Tennessee	McGhee-Tyson Airport	\$31,000,000
West Virginia	McLaughlin Air National Guard Base ...	\$12,500,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Air Force
7 may acquire real property and carry out military construc-
8 tion projects for the Air Force Reserve locations inside
9 the United States, and in the amounts, set forth in the
10 following table:

Air Force Reserve

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$8,000,000
Mississippi	Keesler Air Force Base	\$10,000,000
Oklahoma	Tinker Air Force Base	\$12,500,000
Virginia	Langley Air Force Base	\$10,500,000

11 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
12 **TIONAL GUARD AND RESERVE.**

13 Funds are hereby authorized to be appropriated for
14 fiscal years beginning after September 30, 2022, for the
15 costs of acquisition, architectural and engineering services,
16 and construction of facilities for the Guard and Reserve

1 Forces, and for contributions therefor, under chapter
2 1803 of title 10, United States Code (including the cost
3 of acquisition of land for those facilities), as specified in
4 the funding table in section 4601.

5 **SEC. 2607. CORRECTIONS TO AUTHORITY TO CARRY OUT**
6 **CERTAIN FISCAL YEAR 2022 PROJECTS.**

7 The authorization table in section 2601 of the Mili-
8 tary Construction Authorization Act for Fiscal Year 2022
9 (division B of Public Law 117–81; 135 Stat. 2178) is
10 amended—

11 (1) in the item relating to Redstone Arsenal,
12 Alabama, by striking “Redstone Arsenal” and in-
13 sserting “Huntsville Readiness Center”;

14 (2) in the item relating to Jerome National
15 Guard Armory, Idaho, by striking “Jerome National
16 Guard Armory” and inserting “Jerome County Re-
17 gional Site”;

18 (3) in the item relating to Nickell Memorial Ar-
19 mory Topeka, Kansas, by striking “Nickell Memorial
20 Armory Topeka” and inserting “Topeka Forbes
21 Field”;

22 (4) in the item relating to Lake Charles Na-
23 tional Guard Readiness Center, Louisiana, by strik-
24 ing “Lake Charles National Guard Readiness Cen-

1 ter” and inserting “Lake Charles Chennault Airport
2 NGLA”;

3 (5) in the item relating to Camp Grayling,
4 Michigan, by striking “Camp Grayling” and insert-
5 ing “Grayling Airfield”;

6 (6) in the item relating to Butte Military En-
7 trance Testing Site, Montana, by striking “Butte
8 Military Entrance Testing Site” and inserting “Sil-
9 ver Bow Readiness Center Land”;

10 (7) in the item relating to Mead Army National
11 Guard Readiness Center, Nebraska, by striking
12 “Mead Army National Guard Readiness Center”
13 and inserting “Mead TS/FMS 06/Utes 02”;

14 (8) in the item relating to Dickinson National
15 Guard Armory, North Dakota, by striking “Dickin-
16 son National Guard Armory” and inserting “Dickin-
17 son Complex”;

18 (9) in the item relating to Bennington National
19 Guard Armory, Vermont, by striking “Bennington
20 National Guard Armory” and inserting
21 “Bennington”; and

22 (10) in the item relating to Camp Ethan Allen
23 Training Site, Vermont, by striking “Camp Ethan
24 Allen Training Site” and inserting “National Guard
25 Ethan Allen Air Force Base Training Site”.

1 **SEC. 2608. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
 2 **TAIN FISCAL YEAR 2018 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2002 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2018 (division B of Public Law 115–91; 131 Stat.
 6 1817), the authorizations set forth in the table in sub-
 7 section (b), as provided in section 2604 of that Act (131
 8 Stat. 1836), shall remain in effect until October 1, 2023,
 9 or the date of the enactment of an Act authorizing funds
 10 for military construction for fiscal year 2024, whichever
 11 is later.

12 (b) TABLE.—The table referred to in subsection (a)
 13 is as follows:

Air Force: Extension of 2018 Project Authorizations

State	Installation or Location	Project	Original Authorized Amount
Indiana	Hulman Regional Airport	Construct Small Arms Range	\$8,000,000
South Dakota	Joe Foss Field	Aircraft Maintenance Shops	\$12,000,000
Wisconsin	Dane County Regional/Airport Truax Field	Construct Small Arms Range	\$8,000,000

14 **TITLE XXVII—BASE REALIGN-**
 15 **MENT AND CLOSURE ACTIVI-**
 16 **TIES**

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account.

Sec. 2702. Authorization to fund certain demolition and removal activities through Department of Defense Base Closure Account.

Sec. 2703. Prohibition on conducting additional base realignment and closure (BRAC) round.

1 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **BASE REALIGNMENT AND CLOSURE ACTIVI-**
3 **TIES FUNDED THROUGH DEPARTMENT OF**
4 **DEFENSE BASE CLOSURE ACCOUNT.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2022, for base
7 realignment and closure activities, including real property
8 acquisition and military construction projects, as author-
9 ized by the Defense Base Closure and Realignment Act
10 of 1990 (part A of title XXIX of Public Law 101–510;
11 10 U.S.C. 2687 note) and funded through the Department
12 of Defense Base Closure Account established by section
13 2906 of such Act (as amended by section 2711 of the Mili-
14 tary Construction Authorization Act for Fiscal Year 2013
15 (division B of Public Law 112–239; 126 Stat. 2140)), as
16 specified in the funding table in section 4601.

17 **SEC. 2702. AUTHORIZATION TO FUND CERTAIN DEMOLI-**
18 **TION AND REMOVAL ACTIVITIES THROUGH**
19 **DEPARTMENT OF DEFENSE BASE CLOSURE**
20 **ACCOUNT.**

21 (a) IN GENERAL.—Section 2906(c)(1) of the Defense
22 Base Closure and Realignment Act of 1990 (10 U.S.C.
23 2687 note) is amended by adding at the end the following
24 new subparagraph:

25 “(E) To carry out the demolition or re-
26 moval of any building or structure under the

1 control of the Secretary of the Navy that is not
2 designated as historic under a Federal, State,
3 or local law and is located on a military instal-
4 lation closed or realigned under a base closure
5 law (as such term is defined in section 101 of
6 title 10, United States Code) at which the sam-
7 pling or remediation of radiologically contami-
8 nated materials has been the subject of sub-
9 stantiated allegations of fraud, without regard
10 to—

11 “(i) whether the building or structure
12 is radiologically impacted; or

13 “(ii) whether such demolition or re-
14 moval is carried out, as part of a response
15 action or otherwise, under the Defense En-
16 vironmental Restoration Program specified
17 in subparagraph (A) or CERCLA (as such
18 term is defined in section 2700 of title 10,
19 United States Code).”.

20 (b) FUNDING.—The amendment made by this section
21 may only be carried out using funds authorized to be ap-
22 propriated in the table in section 4601.

1 **SEC. 2703. PROHIBITION ON CONDUCTING ADDITIONAL**
2 **BASE REALIGNMENT AND CLOSURE (BRAC)**
3 **ROUND.**

4 Nothing in this Act shall be construed to authorize
5 an additional Base Realignment and Closure (BRAC)
6 round.

7 **TITLE XXVIII—MILITARY CON-**
8 **STRUCTION GENERAL PROVI-**
9 **SIONS**

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program

- Sec. 2801. Temporary increase of amounts in connection with authority to carry out unspecified minor military construction.
- Sec. 2802. Modification of annual locality adjustment of dollar thresholds applicable to unspecified minor military construction authorities.
- Sec. 2803. Permanent authority for defense laboratory modernization program.
- Sec. 2804. Elimination of sunset of authority to conduct unspecified minor military construction for lab revitalization.
- Sec. 2805. Military construction projects for innovation, research, development, test, and evaluation.
- Sec. 2806. Supervision of large military construction projects.
- Sec. 2807. Specification of Assistant Secretary of Defense for Energy, Installations, and Environment as Chief Housing Officer.
- Sec. 2808. Clarification of exceptions to limitations on cost variations for military construction projects and military family housing projects.
- Sec. 2809. Use of operation and maintenance funds for certain construction projects outside the United States.
- Sec. 2810. Consideration of installation of integrated solar roofing to improve energy resiliency of military installations.
- Sec. 2811. Revision of Unified Facilities Guide Specifications and Unified Facilities Criteria to include specifications on use of gas insulated switchgear and criteria and specifications on microgrids and microgrid converters.
- Sec. 2812. Determination and notification relating to Executive orders that impact cost and scope of work of military construction projects.
- Sec. 2813. Requirement for inclusion of Department of Defense Forms 1391 with annual budget submission by President.
- Sec. 2814. Use of integrated project delivery contracts.

Subtitle B—Military Housing Reforms

- Sec. 2821. Standardization of military installation Housing Requirements and Market Analyses.

- Sec. 2822. Notice requirement for MHPI ground lease extensions.
- Sec. 2823. Annual briefings on military housing privatization projects.
- Sec. 2824. Mold inspection of vacant housing units.
- Sec. 2825. Implementation of recommendations from audit of medical conditions of residents in privatized military housing.

Subtitle C—Real Property and Facilities Administration

- Sec. 2831. Authorized land and facilities transfer to support contracts with federally funded research and development centers.
- Sec. 2832. Limitation on use of funds pending completion of military installation resilience component of master plans for at-risk major military installations.
- Sec. 2833. Physical entrances to certain military installations.

Subtitle D—Land Conveyances

- Sec. 2841. Extension of time frame for land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 2842. Land conveyance, Joint Base Charleston, South Carolina.
- Sec. 2843. Land conveyance, Naval Air Station Oceana, Dam Neck Annex, Virginia Beach, Virginia.
- Sec. 2844. Land exchange, Marine Reserve Training Center, Omaha, Nebraska.
- Sec. 2845. Land Conveyance, Starkville, Mississippi.

Subtitle E—Miscellaneous Studies and Reports

- Sec. 2851. Study on practices with respect to development of military construction projects.
- Sec. 2852. Report on capacity of Department of Defense to provide survivors of natural disasters with emergency short-term housing.
- Sec. 2853. Reporting on lead service lines and lead plumbing.
- Sec. 2854. Briefing on attempts to acquire land near United States military installations by the People's Republic of China.

Subtitle F—Other Matters

- Sec. 2861. Required consultation with State and local entities for notifications related to the basing decision-making process.
- Sec. 2862. Inclusion in Defense Community Infrastructure Pilot Program of certain projects for ROTC training.
- Sec. 2863. Inclusion of infrastructure improvements identified in the report on strategic seaports in Defense Community Infrastructure Pilot Program.
- Sec. 2864. Inclusion of certain property for purposes of defense community infrastructure pilot program.
- Sec. 2865. Expansion of pilot program on increased use of sustainable building materials in military construction to include locations throughout the United States.
- Sec. 2866. Basing decision scorecard consistency and transparency.
- Sec. 2867. Temporary authority for acceptance and use of funds for certain construction projects in the Republic of Korea.
- Sec. 2868. Repeal of requirement for Interagency Coordination Group of Inspectors General for Guam Realignment.
- Sec. 2869. Lease or use agreement for category 3 subterranean training facility.

Sec. 2870. Limitation on use of funds for closure of combat readiness training centers.

Sec. 2871. Required investments in improving child development centers.

Sec. 2872. Interagency Regional Coordinator for Resilience Pilot Project.

Sec. 2873. Access to military installations for Homeland Security Investigations personnel in Guam.

Sec. 2874. Prohibition on joint use of Homestead Air Reserve Base with civil aviation.

Sec. 2875. Electrical charging capability construction requirements relating to parking for Federal Government motor vehicles.

1 **Subtitle A—Military Construction** 2 **Program**

3 **SEC. 2801. TEMPORARY INCREASE OF AMOUNTS IN CON-** 4 **NECTION WITH AUTHORITY TO CARRY OUT** 5 **UNSPECIFIED MINOR MILITARY CONSTRUC-** 6 **TION.**

7 For the period beginning on the date of the enact-
8 ment of this Act and ending on December 1, 2025, section
9 2805 of title 10, United States Code, shall be applied and
10 administered—

11 (1) in subsection (a)(2), by substituting
12 “\$9,000,000” for “\$6,000,000”;

13 (2) in subsection (c), by substituting
14 “\$4,000,000” for “\$2,000,000”;

15 (3) in subsection (d)—

16 (A) in paragraph (1)—

17 (i) in subparagraph (A), by sub-
18 stituting “\$9,000,000” for “\$6,000,000”;

19 and

1 (ii) in subparagraph (B), by sub-
2 stituting “\$9,000,000” for “\$6,000,000”;
3 and
4 (B) in paragraph (2), by substituting
5 “\$9,000,000” for “\$6,000,000”; and
6 (4) in subsection (f)(1), by substituting
7 “\$14,000,000” for “\$10,000,000”.

8 **SEC. 2802. MODIFICATION OF ANNUAL LOCALITY ADJUST-**
9 **MENT OF DOLLAR THRESHOLDS APPLICABLE**
10 **TO UNSPECIFIED MINOR MILITARY CON-**
11 **STRUCTION AUTHORITIES.**

12 Section 2805(f)(2) of title 10, United States Code,
13 as amended by this Act, is further amended—

14 (1) by striking “or the Commonwealth” and in-
15 serting “Wake Island, the Commonwealth”; and

16 (2) by inserting “, or a former United States
17 Trust Territory now in a Compact of Free Associa-
18 tion with the United States” after “Mariana Is-
19 lands”.

20 **SEC. 2803. PERMANENT AUTHORITY FOR DEFENSE LAB-**
21 **ORATORY MODERNIZATION PROGRAM.**

22 (a) IN GENERAL.—Section 2805 of title 10, United
23 States Code, as amended by this Act, is further amended
24 by adding at the end the following new subsection:

1 “(g) DEFENSE LABORATORY MODERNIZATION PRO-
2 GRAM.—(1) Using amounts appropriated or otherwise
3 made available to the Department of Defense for research,
4 development, test, and evaluation, the Secretary of De-
5 fense may fund a military construction project described
6 in paragraph (4) at any of the following:

7 “(A) A Department of Defense science and
8 technology reinvention laboratory (as designated
9 under section 4121(b) of this title).

10 “(B) A Department of Defense federally funded
11 research and development center that functions pri-
12 marily as a research laboratory.

13 “(C) A Department of Defense facility in sup-
14 port of a technology development program that is
15 consistent with the fielding of offset technologies as
16 described in section 218 of the National Defense Au-
17 thorization Act for Fiscal Year 2016 (Public Law
18 114–92; 10 U.S.C. note 4811).

19 “(D) A Department of Defense research, devel-
20 opment, test, and evaluation facility that is not des-
21 ignated as a science and technology reinvention lab-
22 oratory, but nonetheless is involved with develop-
23 mental test and evaluation.

24 “(2) Subject to the condition that a military construc-
25 tion project under paragraph (1) be authorized in a Mili-

1 tary Construction Authorization Act, the authority to
2 carry out the military construction project includes au-
3 thority for—

4 “(A) surveys, site preparation, and advanced
5 planning and design;

6 “(B) acquisition, conversion, rehabilitation, and
7 installation of facilities;

8 “(C) acquisition and installation of equipment
9 and appurtenances integral to the project; acquisi-
10 tion and installation of supporting facilities (includ-
11 ing utilities) and appurtenances incident to the
12 project; and

13 “(D) planning, supervision, administration, and
14 overhead expenses incident to the project.

15 “(3)(A) The Secretary of Defense shall include mili-
16 tary construction projects proposed to be carried out
17 under paragraph (1) in the budget justification documents
18 for the Department of Defense submitted to Congress in
19 connection with the budget for a fiscal year submitted
20 under 1105 of title 31.

21 “(B) Not less than 14 days prior to the first obliga-
22 tion of funds described in paragraph (1) for a military
23 construction project to be carried out under such para-
24 graph, the Secretary of Defense shall submit to the con-
25 gressional defense committees a notification providing an

1 updated construction description, cost, and schedule for
2 the project and any other matters regarding the project
3 as the Secretary considers appropriate.

4 “(4) The authority provided by paragraph (1) to fund
5 military construction projects using amounts appropriated
6 or otherwise made available for research, development,
7 test, and evaluation is limited to military construction
8 projects that the Secretary of Defense, in the budget jus-
9 tification documents exhibits submitted pursuant to para-
10 graph (3)(A), determines—

11 “(A) will support research and development ac-
12 tivities at laboratories described in paragraph (1);

13 “(B) will establish facilities that will have sig-
14 nificant potential for use by entities outside the De-
15 partment of Defense, including universities, indus-
16 trial partners, and other Federal agencies;

17 “(C) are endorsed for funding by more than
18 one military department or Defense Agency; and

19 “(D) cannot be fully funded within the thresh-
20 olds otherwise specified in this section.

21 “(5) The maximum amount of funds appropriated or
22 otherwise made available for research, development, test,
23 and evaluation that may be obligated in any fiscal year
24 for military construction projects under paragraph (1) is
25 \$150,000,000.

1 “(6)(A) In addition to the authority provided to the
2 Secretary of Defense under paragraph (1) to use amounts
3 appropriated or otherwise made available for research, de-
4 velopment, test, and evaluation for a military construction
5 project referred to in such subsection, the Secretary of the
6 military department concerned may use amounts appro-
7 priated or otherwise made available for research, develop-
8 ment, test, and evaluation to obtain architectural and en-
9 gineering services and to carry out construction design in
10 connection with such a project.

11 “(B) In the case of architectural and engineering
12 services and construction design to be undertaken under
13 this paragraph for which the estimated cost exceeds
14 \$1,000,000, the Secretary concerned shall notify the ap-
15 propriate committees of Congress of the scope of the pro-
16 posed project and the estimated cost of such services be-
17 fore the initial obligation of funds for such services. The
18 Secretary may then obligate funds for such services only
19 after the end of the 14-day period beginning on the date
20 on which the notification is received by the committees in
21 an electronic medium pursuant to section 480 of this
22 title.”.

23 (b) **APPLICABILITY.**—Subsection (g) of section 2805
24 of title 10, United States Code, as added by subsection

1 (a), shall apply with respect only to amounts appropriated
2 after the date of the enactment of this Act.

3 (c) CONFORMING REPEAL.—Section 2803 of the Na-
4 tional Defense Authorization Act for Fiscal Year 2016
5 (Public Law 114–92; 10 U.S.C. note prec. 4121) is re-
6 pealed.

7 **SEC. 2804. ELIMINATION OF SUNSET OF AUTHORITY TO**
8 **CONDUCT UNSPECIFIED MINOR MILITARY**
9 **CONSTRUCTION FOR LAB REVITALIZATION.**

10 Section 2805(d) of title 10, United States Code, as
11 amended by this Act, is further amended by striking para-
12 graph (5).

13 **SEC. 2805. MILITARY CONSTRUCTION PROJECTS FOR INNO-**
14 **VATION, RESEARCH, DEVELOPMENT, TEST,**
15 **AND EVALUATION.**

16 (a) IN GENERAL.—Subchapter I of chapter 169 of
17 title 10, United States Code, is amended by inserting after
18 section 2809 the following new section:

19 **“§ 2810. Military construction projects for innovation,**
20 **research, development, test, and evalua-**
21 **tion**

22 **“(a) PROJECT AUTHORIZATION REQUIRED.—The**
23 **Secretary of Defense may carry out such military con-**
24 **struction projects for innovation, research, development,**

1 test, and evaluation as are authorized by law, using funds
2 appropriated or otherwise made available for that purpose.

3 “(b) SUBMISSION OF PROJECT PROPOSALS.—As part
4 of the defense budget materials for each fiscal year, the
5 Secretary of Defense shall include the following informa-
6 tion for each military construction project covered by sub-
7 section (a):

8 “(1) The project title.

9 “(2) The location of the project.

10 “(3) A brief description of the scope of work.

11 “(4) A completed Department of Defense Form
12 1391 budget justification that includes the original
13 project cost estimate.

14 “(5) A current working cost estimate, if dif-
15 ferent that the cost estimate contained in such Form
16 1391.

17 “(6) Such other information as the Secretary
18 considers appropriate.

19 “(c) BUDGET JUSTIFICATION DISPLAY.—The Sec-
20 retary of Defense shall include with the defense budget
21 materials for each fiscal year a consolidated budget jus-
22 tification display that individually identifies each military
23 construction project covered by subsection (a) and the
24 amount requested for such project for such fiscal year.

1 “(d) APPLICATION TO MILITARY CONSTRUCTION
2 PROJECTS.—This section shall apply to military construc-
3 tion projects covered by subsection (a) for which a Depart-
4 ment of Defense Form 1391 is submitted to the appro-
5 priate committees of Congress in connection with the
6 budget of the Department of Defense for fiscal year 2023
7 and thereafter.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such subchapter is amended by insert-
10 ing after the item relating to section 2809 the following
11 new item:

“2810. Military construction projects for innovation, research, development, test,
and evaluation.”.

12 **SEC. 2806. SUPERVISION OF LARGE MILITARY CONSTRUC-**
13 **TION PROJECTS.**

14 (a) SUPERVISION OF LARGE MILITARY CONSTRUC-
15 TION PROJECTS.—Section 2851 of title 10, United States
16 Code, is amended—

17 (1) by redesignating subsection (d) as sub-
18 section (e); and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection:

21 “(d) REPORT ON SUPERVISION OF LARGE MILITARY
22 CONSTRUCTION PROJECTS.—Before the award of a con-
23 tract of a value greater than \$500,000,000 in connection
24 with a military construction project, the individual direct-

1 ing and supervising such military construction project
2 under subsection (a) or the individual designated pursuant
3 to subsection (b) (as applicable) shall submit to the appro-
4 priate committees of Congress a report on the intended
5 supervision, inspection, and overhead plan to manage such
6 military construction project. Each such report shall in-
7 clude the following:

8 “(1) A determination of the overall funding in-
9 tended to manage the supervision, inspection, and
10 overhead of the military construction project.

11 “(2) An assessment of whether a Department
12 of Defense Field Activity directly reporting to such
13 individual should be established.

14 “(3) A description of the quality assurance ap-
15 proach to the military construction project.

16 “(4) The independent cost estimate described in
17 section 3221(b)(6)(A) of this title.

18 “(5) The overall staffing approach to oversee
19 the military construction project for each year of the
20 contract term.”.

21 (b) CONFORMING AMENDMENT TO DUTIES OF THE
22 DIRECTOR OF COST ASSESSMENT AND PROGRAM EVAL-
23 UATION.—Section 3221(b)(6)(A) of title 10, United States
24 Code, is amended—

1 (1) in clause (iii), by striking “and” at the end;

2 and

3 (2) by adding at the end the following new

4 clause:

5 “(v) any decision to enter into a con-
6 tract in connection with a military con-
7 struction project of a value greater than
8 \$500,000,000; and”.

9 (c) **APPLICABILITY.**—This section and the amend-
10 ments made by this section shall apply to contracts en-
11 tered into on or after the date of the enactment of this
12 Act.

13 **SEC. 2807. SPECIFICATION OF ASSISTANT SECRETARY OF**
14 **DEFENSE FOR ENERGY, INSTALLATIONS, AND**
15 **ENVIRONMENT AS CHIEF HOUSING OFFICER.**

16 Subsection (a) of section 2851a of title 10, United
17 States Code, is amended to read as follows:

18 “(a) **IN GENERAL.**—The Assistant Secretary of De-
19 fense for Energy, Installations, and Environment shall
20 serve as the Chief Housing Officer, who shall oversee fam-
21 ily housing and military unaccompanied housing under the
22 jurisdiction of the Department of Defense or acquired or
23 constructed under subchapter IV of this chapter (in this
24 section referred to as ‘covered housing units’).”.

1 **SEC. 2808. CLARIFICATION OF EXCEPTIONS TO LIMITA-**
2 **TIONS ON COST VARIATIONS FOR MILITARY**
3 **CONSTRUCTION PROJECTS AND MILITARY**
4 **FAMILY HOUSING PROJECTS.**

5 Subparagraph (D) of section 2853(c)(1) of title 10,
6 United States Code, is amended to read as follows:

7 “(D) The Secretary concerned may not use the au-
8 thority provided by subparagraph (A) to waive the cost
9 limitation applicable to a military construction project
10 with a total authorized cost greater than \$500,000,000
11 or a military family housing project with a total authorized
12 cost greater than \$500,000,000 if that waiver would in-
13 crease the project cost by more than 50 percent of the
14 total authorized cost of the project.”.

15 **SEC. 2809. USE OF OPERATION AND MAINTENANCE FUNDS**
16 **FOR CERTAIN CONSTRUCTION PROJECTS**
17 **OUTSIDE THE UNITED STATES.**

18 (a) PERMANENT AUTHORITY.—Section 2808 of the
19 Military Construction Authorization Act for Fiscal Year
20 2004 (division B of Public Law 108–136; 117 Stat. 1723),
21 as most recently amended by section 2806 of the Military
22 Construction Authorization Act for Fiscal Year 2022 (di-
23 vision B of Public Law 117–81; 135 Stat. 2190), is fur-
24 ther amended—

25 (1) in subsection (a)—

1 (A) by striking “, inside the area of re-
2 sponsibility of the United States Central Com-
3 mand or certain countries in the area of respon-
4 sibility of the United States Africa Command,”;

5 (B) by inserting “outside the United
6 States” after “construction project”; and

7 (C) in paragraph (2), by striking “, unless
8 the military installation is located in Afghani-
9 stan, for which projects using this authority
10 may be carried out at installations deemed as
11 supporting a long-term presence”; and

12 (2) in subsection (c)(1), by striking subpara-
13 graph (A) and redesignating subparagraphs (B) and
14 (C) as subparagraphs (A) and (B), respectively.

15 (b) CONFORMING AMENDMENTS.—Such section is
16 further amended—

17 (1) in subsection (b), by striking “subsection
18 (f)” and inserting “subsection (d)”;

19 (2) by striking subsection (e);

20 (3) by redesignating subsections (f) and (g) as
21 subsections (d) and (e), respectively;

22 (4) in subsection (e), as so redesignated, by
23 striking “subsection (f)” and inserting “subsection
24 (d)”;

25 (5) by striking subsections (h) and (i).

1 (c) CLERICAL AMENDMENTS.—Such section is fur-
2 ther amended as follows:

3 (1) The section heading for such section is
4 amended—

5 (A) by striking “TEMPORARY, LIMITED AU-
6 THORITY” and inserting “AUTHORITY” ; and

7 (B) by inserting “CERTAIN” before “CON-
8 STRUCTION PROJECTS”.

9 (2) The subsection heading for subsection (a) of
10 such section is amended by striking “TEMPORARY
11 AUTHORITY” and inserting “IN GENERAL”.

12 (d) CLASSIFICATION.—The Law Revision Counsel is
13 directed to classify section 2808 of the Military Construc-
14 tion Authorization Act for Fiscal Year 2004 (division B
15 of Public Law 108–136; 117 Stat. 1723), as amended by
16 subsection (a), as a note following section 2804 of title
17 10, United States Code.

18 **SEC. 2810. CONSIDERATION OF INSTALLATION OF INTE-**
19 **GRATED SOLAR ROOFING TO IMPROVE EN-**
20 **ERGY RESILIENCY OF MILITARY INSTALLA-**
21 **TIONS.**

22 The Secretary of Defense shall amend the Unified
23 Facilities Criteria/DoD Building Code (UFC 1–200–01)
24 to require that planning and design for military construc-
25 tion projects inside the United States include consider-

1 ation of the feasibility and cost-effectiveness of installing
2 integrated solar roofing as part of the project, for the pur-
3 pose of—

4 (1) promoting on-installation energy security
5 and energy resilience;

6 (2) providing grid support to avoid energy dis-
7 ruptions; and

8 (3) facilitating implementation and greater use
9 of the authority provided by subsection (h) of section
10 2911 of title 10, United States Code.

11 **SEC. 2811. REVISION OF UNIFIED FACILITIES GUIDE SPECI-**
12 **FICATIONS AND UNIFIED FACILITIES CRI-**
13 **TERIA TO INCLUDE SPECIFICATIONS ON USE**
14 **OF GAS INSULATED SWITCHGEAR AND CRI-**
15 **TERIA AND SPECIFICATIONS ON MICROGRIDS**
16 **AND MICROGRID CONVERTERS.**

17 (a) GAS INSULATED SWITCHGEAR.—Not later than
18 one year after the date of the enactment of this Act, the
19 Under Secretary of Defense for Acquisition and
20 Sustainment shall modify the Unified Facilities Guide
21 Specifications to include a distinct specification for me-
22 dium voltage gas insulated switchgear.

23 (b) MICROGRIDS.—Not later than one year after the
24 date of the enactment of this Act, the Under Secretary
25 of Defense for Acquisition and Sustainment shall—

1 (1) modify the Unified Facilities Criteria to in-
2 clude criteria for microgrids; and

3 (2) modify the Unified Facilities Guide Speci-
4 fications to include specifications for microgrids and
5 microgrid controllers.

6 **SEC. 2812. DETERMINATION AND NOTIFICATION RELATING**
7 **TO EXECUTIVE ORDERS THAT IMPACT COST**
8 **AND SCOPE OF WORK OF MILITARY CON-**
9 **STRUCTION PROJECTS.**

10 (a) DETERMINATION AND UPDATE OF FORM 1391.—
11 Not later than 30 days after the date on which an Execu-
12 tive order is signed by the President, the Secretary con-
13 cerned shall—

14 (1) determine whether implementation of the
15 Executive order would cause a cost or scope of work
16 variation for a military construction project under
17 the jurisdiction of the Secretary concerned;

18 (2) assess the potential for life-cycle cost sav-
19 ings associated with implementation of the Executive
20 order for such a project; and

21 (3) update the Department of Defense Form
22 1391 for each such project that has not been sub-
23 mitted for congressional consideration, where such
24 implementation would affect such cost or scope of
25 work variation, including—

1 (A) projects to be commenced in the next
2 fiscal year beginning after the date on which
3 the Executive order was signed; and

4 (B) projects covered by the future-years
5 defense program submitted under section 221
6 of title 10, United States Code.

7 (b) NOTIFICATION TO CONGRESS.—Not later than 10
8 days after determining under subsection (a)(1) that imple-
9 mentation of an Executive order would cause a cost or
10 scope of work variation for a military construction project,
11 the Secretary concerned shall submit to the congressional
12 defense committees a report indicating the estimated cost
13 increases, scope of work increases, life-cycle costs, and any
14 other impacts of such implementation.

15 (c) CERTIFICATION.—Along with the submission to
16 Congress of the budget of the President for a fiscal year
17 under section 1105(a) of title 31, United States Code,
18 each Secretary concerned shall certify to Congress that
19 each Department of Defense Form 1391 provided to Con-
20 gress for that fiscal year for a military construction
21 project has been updated with any cost or scope of work
22 variation specified in subsection (a)(1) with respect to an
23 Executive order signed during the four-year period pre-
24 ceding such certification, including an indication of any

1 cost increases for such project that is directly attributable
2 to such Executive order.

3 (d) SECRETARY CONCERNED DEFINED.—In this sec-
4 tion, the term “Secretary concerned” has the meaning
5 given that term in section 101 of title 10, United States
6 Code.

7 **SEC. 2813. REQUIREMENT FOR INCLUSION OF DEPART-**
8 **MENT OF DEFENSE FORMS 1391 WITH AN-**
9 **NUAL BUDGET SUBMISSION BY PRESIDENT.**

10 Concurrently with the submission to Congress by the
11 President of the annual budget of the Department of De-
12 fense for a fiscal year under section 1105(a) of title 31,
13 United States Code, the President shall include each De-
14 partment of Defense Form 1391, or successor similar
15 form, for a military construction project to be carried out
16 during that fiscal year.

17 **SEC. 2814. USE OF INTEGRATED PROJECT DELIVERY CON-**
18 **TRACTS.**

19 (a) IN GENERAL.—In fiscal year 2023, the Secretary
20 of the Army, the Secretary of the Navy, and the Secretary
21 of the Air Force shall each enter into at least one inte-
22 grated project delivery contract for the delivery of a mili-
23 tary construction project.

24 (b) INTEGRATED PROJECT DELIVERY CONTRACT
25 DEFINED.—In this section, the term “integrated project

1 delivery contract” means a single contract for the delivery
2 of a whole project that—

3 (1) includes, at a minimum, the Secretary con-
4 cerned, builder, and architect-engineer as parties
5 that are subject to the terms of the contract;

6 (2) aligns the interests of all the parties to the
7 contract with respect to the project costs and project
8 outcomes; and

9 (3) includes processes to ensure transparency
10 and collaboration among all parties to the contract
11 relating to project costs and project outcomes.

12 **Subtitle B—Military Housing** 13 **Reforms**

14 **SEC. 2821. STANDARDIZATION OF MILITARY INSTALLATION** 15 **HOUSING REQUIREMENTS AND MARKET** 16 **ANALYSES.**

17 (a) IN GENERAL.—Subchapter II of chapter 169 of
18 title 10, United States Code, is amended by inserting after
19 section 2836 the following new section:

20 **“§ 2837. Housing Requirements and Market Analysis**

21 “(a) IN GENERAL.—Not less frequently than once
22 every five years and in accordance with the requirements
23 of this section, the Secretary concerned shall conduct a
24 Housing Requirements and Market Analysis (in this sec-
25 tion referred to as an ‘HRMA’) for each military installa-

1 tion under the jurisdiction of the Secretary concerned that
2 is located in the United States.

3 “(b) PRIORITIZATION OF INSTALLATIONS.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Secretary concerned shall prioritize
6 the conduct of HRMAs for military installations—

7 “(A) for which an HRMA has not been
8 conducted during the five-year period preceding
9 the date of the enactment of this section; or

10 “(B) in locations with housing shortages.

11 “(2) EXISTING 5-YEAR REQUIREMENT.—Para-
12 graph (1) shall not apply to a military department
13 that required an HRMA to be conducted for each
14 military installation not less frequently than once
15 every five years before the date of the enactment of
16 this section.

17 “(c) SUBMITTAL TO CONGRESS.—The Secretary of
18 Defense shall include with the budget materials for the
19 Department of Defense for fiscal year 2024 and each sub-
20 sequent fiscal year (as submitted to Congress pursuant to
21 section 1105 of title 31, United States Code) a list of the
22 military installations for which the Secretary concerned
23 plans to conduct an HRMA during the fiscal year covered
24 by such budget materials.

1 “(d) HOUSING REQUIREMENTS AND MARKET ANAL-
2 YSIS.—The term ‘Housing Requirements and Market
3 Analysis’ or ‘HRMA’ means, with respect to a military in-
4 stallation, a structured analytical process under which an
5 assessment is made of both the suitability and availability
6 of the private sector rental housing market using assumed
7 specific standards related to affordability, location, fea-
8 tures, physical condition, and the housing requirements of
9 the total military population of such installation.”.

10 (b) TIME FRAME.—

11 (1) IN GENERAL.—During each of fiscal years
12 2023 through 2027, the Secretary concerned shall
13 conduct an HRMA for 20 percent of the military in-
14 stallations under the jurisdiction of the Secretary
15 concerned located in the United States.

16 (2) SUBMITTAL OF INFORMATION TO CON-
17 GRESS.—Not later than January 15, 2023, the Sec-
18 retary concerned shall submit to the congressional
19 defense committees a list of military installations for
20 which the Secretary concerned plans to conduct an
21 HRMA during fiscal year 2023.

22 (c) DEFINITIONS.—In this section:

23 (1) The term “HRMA” means, with respect to
24 a military installation, a structured analytical proc-
25 ess under which an assessment is made of both the

1 suitability and availability of the private sector rent-
2 al housing market using assumed specific standards
3 related to affordability, location, features, physical
4 condition, and the housing requirements of the total
5 military population of such installation.

6 (2) The term “military installation” has the
7 meaning given in section 2801 of title 10, United
8 States Code.

9 (3) The term “Secretary concerned” has the
10 meaning given that term in section 101(a) of title
11 10, United States Code.

12 **SEC. 2822. NOTICE REQUIREMENT FOR MHPI GROUND**
13 **LEASE EXTENSIONS.**

14 Section 2878 of title 10, United States Code, is
15 amended by adding at the end the following new sub-
16 section:

17 “(f) NOTICE OF LEASE EXTENSIONS.—(1) The Sec-
18 retary concerned shall provide to the congressional defense
19 committees notice in writing and a briefing—

20 “(A) not later than 60 days after beginning ne-
21 gotiations with a lessor for the extension of the term
22 of any ground lease of property or facilities under
23 this section; and

1 “(B) not later than 90 days before extending
2 the term of any ground lease of property or facilities
3 under this section.

4 “(2) A notice and briefing required under paragraph
5 (1) shall include each of the following:

6 “(A) A description of any material differences
7 between the extended ground lease and the original
8 ground lease, including with respect to—

9 “(i) the length of the term of the lease, as
10 extended; and

11 “(ii) any new provisions that materially af-
12 fect the rights and responsibilities of the
13 ground lessor or the ground lessee under the
14 original ground lease.

15 “(B) The number of housing units or facilities
16 subject to the ground lease that, during the lease ex-
17 tension, are to be—

18 “(i) constructed;

19 “(ii) demolished; or

20 “(iii) renovated.

21 “(C) The source of any additional financing the
22 lessor has obtained, or intends to obtain, during the
23 term of the ground lease extension that will be used
24 for the development of the property or facilities sub-
25 ject to the ground lease.

1 “(D) The following information, displayed an-
2 nually, for the five-year period preceding the date of
3 the notice and briefing:

4 “(i) The debt-to-net operating income ratio
5 for the property or facility subject to the
6 ground lease.

7 “(ii) The occupancy rates for the housing
8 units subject to the ground lease.

9 “(iii) An report on maintenance response
10 times and completion of maintenance requests
11 for the housing units subject to the ground
12 lease.

13 “(iv) The occupancy rates and debt-to-net
14 operating income ratios of any other military
15 privatized housing initiative projects managed
16 by a company that controls, or that is under
17 common control with, the ground lessee enter-
18 ing into the lease extension.”.

19 **SEC. 2823. ANNUAL BRIEFINGS ON MILITARY HOUSING PRI-**
20 **VATIZATION PROJECTS.**

21 Section 2884 of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(d) ANNUAL BRIEFINGS.—Not later than February
25 1 of each year, each Secretary concerned shall provide to

1 the Committees on Armed Services of the Senate and
2 House of Representatives a briefing on military housing
3 privatization projects under the jurisdiction of the Sec-
4 retary. Such briefing shall include, for the 12-month pe-
5 riod preceding the date of the briefing, each of the fol-
6 lowing:

7 “(1) The information described in paragraphs
8 (1) through (14) of subsection (c) with respect to all
9 military housing privatization projects under the ju-
10 risdiction of the Secretary.

11 “(2) A review of any such project that is ex-
12 pected to require the restructuring of a loan, includ-
13 ing any public or private loan.

14 “(3) For any such project expected to require
15 restructuring, a timeline for when such restructuring
16 is expected to occur.

17 “(4) Such other information as the Secretary
18 determines appropriate.”.

19 **SEC. 2824. MOLD INSPECTION OF VACANT HOUSING UNITS.**

20 Section 2891a of title 10, United States Code, is
21 amended—

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

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

1 “(e) REQUIREMENTS FOR SECRETARY CON-
2 CERNED.—The Secretary concerned shall be responsible
3 for—

4 “(1) providing for a mold inspection of each va-
5 cant housing unit before any new tenant moves into
6 the unit; and

7 “(2) providing to the new tenant the results of
8 the inspection.”.

9 **SEC. 2825. IMPLEMENTATION OF RECOMMENDATIONS**
10 **FROM AUDIT OF MEDICAL CONDITIONS OF**
11 **RESIDENTS IN PRIVATIZED MILITARY HOUS-**
12 **ING.**

13 Not later than March 1, 2023, the Secretary of De-
14 fense shall implement the recommendations contained in
15 the report of the Inspector General of the Department of
16 Defense published on April 1, 2022, and titled “Audit of
17 Medical Conditions of Residents in Privatized Military
18 Housing” (DODIG–2022–078).

1 **Subtitle C—Real Property and**
2 **Facilities Administration**

3 **SEC. 2831. AUTHORIZED LAND AND FACILITIES TRANSFER**
4 **TO SUPPORT CONTRACTS WITH FEDERALLY**
5 **FUNDED RESEARCH AND DEVELOPMENT**
6 **CENTERS.**

7 (a) IN GENERAL.—Chapter 159 of title 10, United
8 States Code, is amended by inserting after section 2668a
9 the following new section:

10 **“§ 2669. Transfer of land and facilities to support con-**
11 **tracts with federally funded research and**
12 **development centers**

13 “(a) LEASE OF LAND, FACILITIES, AND IMPROVE-
14 MENTS.—(1) The Secretary of a military department may
15 lease, for no consideration, land, facilities, infrastructure,
16 and improvements to a covered FFRDC if the lease is to
17 further the purposes of a contract between the Depart-
18 ment of Defense and the covered FFRDC.

19 “(2) A lease entered into under paragraph (1) shall
20 terminate on the earlier of the following dates:

21 “(A) The date that is 50 years after the date
22 on which the Secretary enters into the lease.

23 “(B) The date of the termination or non-re-
24 newal of the contract between the Department of

1 Defense and the covered FFRDC related to the
2 lease.

3 “(b) CONVEYANCE OF FACILITIES AND IMPROVE-
4 MENTS.—(1) The Secretary of a military department may
5 convey, for no consideration, ownership of facilities and
6 improvements located on land leased to a covered FFRDC
7 to further the purposes of a contract between the Depart-
8 ment of Defense and the covered FFRDC.

9 “(2) The ownership of any facilities and improve-
10 ments conveyed by the Secretary of a military department
11 or any improvements made to the leased land by the cov-
12 ered FFRDC under this subsection shall, as determined
13 by the Secretary of a military department, revert or trans-
14 fer to the United States upon the termination or non-re-
15 newal of the underlying land lease.

16 “(3) Any facilities and improvements conveyed by the
17 Secretary of a military department shall be demolished by
18 the covered FFRDC as determined by such Secretary.

19 “(c) CONSTRUCTION STANDARDS.—A lease entered
20 into under this section may provide that any facilities con-
21 structed on the leased land may be constructed using com-
22 mercial standards in a manner that provides force protec-
23 tion safeguards appropriate to the activities conducted in,
24 and the location of, such facilities.

1 “(d) INAPPLICABILITY OF CERTAIN PROPERTY MAN-
2 AGEMENT LAWS.—(1) The conveyance or lease of property
3 or facilities, improvements, and infrastructure under this
4 section shall not be subject to the following provisions of
5 law:

6 “(A) Section 2667 of this title.

7 “(B) Section 1302 of title 40.

8 “(C) Section 501 of the McKinney-Vento
9 Homeless Assistance Act (42 U.S.C. 11411).

10 “(2) Sections 2662 and 2802 of this title shall not
11 apply to any improvements or facilities constructed by the
12 covered FFRDC on land leased or conveyed to a covered
13 FFRDC described in subsection (a) or (b).

14 “(e) COMPETITIVE PROCEDURES FOR SELECTION OF
15 CERTAIN LESSEES; EXCEPTION.—If a proposed lease
16 under this section is with respect to a covered FFRDC,
17 the use of competitive procedures for the selection of the
18 lessee is not required and the provisions of chapter 33 of
19 title 41, United States Code, or chapter 221 of title 10,
20 United States Code, and the related provisions of the Fed-
21 eral Acquisition Regulation shall not apply.

22 “(f) COVERED FFRDC DEFINED.—In this section,
23 the term ‘covered FFRDC’ means a federally funded re-
24 search and development center that is sponsored by, and

1 has entered into a contract with, the Department of De-
2 fense.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 159 of title 10, United States Code, is amend-
5 ed by inserting after the item relating to section 2668a
6 and inserting the following new item:

“2669. Transfer of land and facilities to support contracts with federally funded
research and development centers.”.

7 **SEC. 2832. LIMITATION ON USE OF FUNDS PENDING COM-**
8 **PLETION OF MILITARY INSTALLATION RESIL-**
9 **IENCE COMPONENT OF MASTER PLANS FOR**
10 **AT-RISK MAJOR MILITARY INSTALLATIONS.**

11 Of the funds authorized to be appropriated by this
12 Act or otherwise made available for fiscal year 2023 for
13 the Office of the Secretary of Defense for administration
14 and service-wide activities, not more than 50 percent may
15 be obligated or expended until the date on which each Sec-
16 retary of a military department has satisfied the require-
17 ments of section 2833 of the National Defense Authoriza-
18 tion Act for Fiscal Year 2022 (Public Law 117–81; 10
19 U.S.C. 2864 note).

20 **SEC. 2833. PHYSICAL ENTRANCES TO CERTAIN MILITARY**
21 **INSTALLATIONS.**

22 The Secretary of Defense shall ensure that, to the
23 extent practicable that—

1 (1) each military installation in the United
2 States has a designated main entrance that, at all
3 times, is manned by at least one member of the
4 Armed Forces or civilian employee of the Depart-
5 ment of Defense;

6 (2) the location of each such designated main
7 entrance is published on a publicly accessible inter-
8 net website of the Department;

9 (3) in the case of a military installation in the
10 United States that has any additional entrance des-
11 ignated for commercial deliveries to the military in-
12 stallation, the location of such entrance (and any ap-
13 plicable days or hours of operation for such en-
14 trance) is published on the same internet website as
15 the website referred to in paragraph (2); and

16 (4) the information required to be published on
17 the internet website under paragraph (2) is reviewed
18 and, as necessary, updated on a basis that is not
19 less frequent than annually.

20 **Subtitle D—Land Conveyances**

21 **SEC. 2841. EXTENSION OF TIME FRAME FOR LAND CONVEY-** 22 **ANCE, SHARPE ARMY DEPOT, LATHROP, CALI-** 23 **FORNIA.**

24 Section 2833(g) of the William M. (Mac) Thornberry
25 National Defense Authorization Act for Fiscal Year 2021

1 (Public Law 116–283) is amended by striking “one year”
2 and inserting “three years”.

3 **SEC. 2842. LAND CONVEYANCE, JOINT BASE CHARLESTON,**
4 **SOUTH CAROLINA.**

5 (a) CONVEYANCE AUTHORIZED.—The Secretary of
6 the Air Force (in this section referred to as the “Sec-
7 retary”) may convey to the City of North Charleston,
8 South Carolina (in this section referred to as the “City”)
9 all right, title, and interest of the United States in and
10 to a parcel of real property, including any improvements
11 thereon, consisting of approximately 26 acres known as
12 the Old Navy Yard at Joint Base Charleston, South Caro-
13 lina, for the purpose of permitting the City to use the
14 property for economic development.

15 (b) CONSIDERATION.—

16 (1) IN GENERAL.—As consideration for the con-
17 veyance under subsection (a), the City shall pay to
18 the Secretary an amount equal to not less than the
19 fair market value, as determined by the Secretary,
20 based on an appraisal of the property to be conveyed
21 under such subsection, which may consist of cash
22 payment, in-kind consideration as described under
23 paragraph (3), or a combination thereof.

24 (2) SUFFICIENCY OF CONSIDERATION.—

1 (A) IN GENERAL.—Consideration paid to
2 the Secretary under paragraph (1) shall be in
3 an amount sufficient, as determined by the Sec-
4 retary, to provide replacement space for, and
5 for the relocation of, any personnel, furniture,
6 fixtures, equipment, and personal property of
7 any kind belonging to any military department
8 located upon the property to be conveyed under
9 subsection (a).

10 (B) COMPLETION PRIOR TO CONVEY-
11 ANCE.—Any cash consideration shall be paid in
12 full and any in-kind consideration shall be com-
13 plete, useable, and delivered to the satisfaction
14 of the Secretary at or prior to the conveyance
15 under subsection (a).

16 (3) IN-KIND CONSIDERATION.—In-kind consid-
17 eration provided by the City under paragraph (1)
18 may include the acquisition, construction, provision,
19 improvement, maintenance, repair, or restoration
20 (including environmental restoration), or combina-
21 tion thereof, of any facilities or infrastructure with
22 proximity to Joint Base Charleston Weapons Station
23 (South Annex) and located on Joint Base Charles-
24 ton, that the Secretary considers acceptable.

1 (4) TREATMENT OF CASH CONSIDERATION RE-
2 CEIVED.—Any cash consideration received by the
3 Secretary under paragraph (1) shall be deposited in
4 the special account in the Treasury under subpara-
5 graph (A) of section 572(b)(5) of title 40, United
6 States Code, and shall be available in accordance
7 with subparagraph (B)(ii) of such section.

8 (c) PAYMENT OF COSTS OF CONVEYANCE.—

9 (1) PAYMENT REQUIRED.—

10 (A) IN GENERAL.—The Secretary may re-
11 quire the City to cover all costs to be incurred
12 by the Secretary, or to reimburse the Secretary
13 for costs incurred by the Secretary, to carry out
14 the conveyance under subsection (a), including
15 survey costs, appraisal costs, costs related to
16 environmental documentation, and any other
17 administrative costs related to the conveyance.

18 (B) REFUND OF AMOUNTS.—If amounts
19 paid by the City to the Secretary in advance ex-
20 ceed the costs actually incurred by the Sec-
21 retary to carry out the conveyance under sub-
22 section (a), the Secretary shall refund the ex-
23 cess amount to the City.

24 (2) TREATMENT OF AMOUNTS RECEIVED.—

25 Amounts received under paragraph (1) as reim-

1 bursement for costs incurred by the Secretary to
2 carry out the conveyance under subsection (a) shall
3 be credited to the fund or account that was used to
4 cover the costs incurred by the Secretary in carrying
5 out the conveyance or to an appropriate fund or ac-
6 count currently available to the Secretary for the
7 purposes for which the costs were paid. Amounts so
8 credited shall be merged with amounts in such fund
9 or account and shall be available for the same pur-
10 poses, and to the same conditions and limitations, as
11 amounts in such fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the property to be conveyed under
14 subsection (a) shall be determined by a survey satisfactory
15 to the Secretary.

16 (e) CONDITION OF CONVEYANCE.—The conveyance
17 under subsection (a) shall be subject to all valid existing
18 rights and the City shall accept the property (and any im-
19 provements thereon) in its condition at the time of the
20 conveyance (commonly known as a conveyance “as is”).

21 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
22 retary may require such additional terms and conditions
23 in connection with the conveyance under subsection (a) as
24 the Secretary considers appropriate to protect the inter-
25 ests of the United States.

1 (g) OLD NAVY YARD DEFINED.—In this section, the
2 term “Old Navy Yard” includes the facilities used by the
3 Naval Information Warfare Center Atlantic, including
4 buildings 1602, 1603, 1639, 1648, and such other facili-
5 ties, infrastructure, and land along or near the Cooper
6 River waterfront at Joint Base Charleston as the Sec-
7 retary considers appropriate.

8 **SEC. 2843. LAND CONVEYANCE, NAVAL AIR STATION**
9 **OCEANA, DAM NECK ANNEX, VIRGINIA**
10 **BEACH, VIRGINIA.**

11 (a) CONVEYANCE AUTHORIZED.—The Secretary of
12 the Navy may convey to the Hampton Roads Sanitation
13 District (in this section referred to as the “HRSD”) all
14 right, title, and interest of the United States in and to
15 a parcel of installation real property, including any im-
16 provements thereon, consisting of approximately 7.9 acres
17 located at Naval Air Station Oceana in Dam Neck Annex,
18 Virginia Beach, Virginia. The Secretary may void any land
19 use restrictions associated with the property to be con-
20 veyed under this subsection.

21 (b) CONSIDERATION.—

22 (1) AMOUNT AND DETERMINATION.—As consid-
23 eration for the conveyance under subsection (a), the
24 HRSD shall pay to the Secretary of the Navy an
25 amount that is not less than the fair market value

1 of the property conveyed, as determined by the Sec-
2 retary. Such determination of fair market value shall
3 be final. In lieu of all or a portion of cash payment
4 of consideration, the Secretary may accept in-kind
5 consideration.

6 (2) TREATMENT OF CASH CONSIDERATION.—

7 The Secretary of the Navy shall deposit any cash
8 payment received under paragraph (1) in the special
9 account in the Treasury established for the Sec-
10 retary of the Navy under of paragraph (1) of section
11 2667(e) of title 10, United States Code. The entire
12 amount deposited shall be available for use in ac-
13 cordance with subparagraph (D) of such paragraph.

14 (c) PAYMENT OF COSTS OF CONVEYANCE.—

15 (1) PAYMENT REQUIRED.—The Secretary of
16 the Navy shall require the HRSD to cover costs to
17 be incurred by the Secretary, or to reimburse the
18 Secretary for costs incurred by the Secretary, to
19 carry out the conveyance under subsection (a), in-
20 cluding survey costs, costs related to environmental
21 documentation, and any other administrative costs
22 related to the conveyance. If amounts are collected
23 in advance of the Secretary incurring the actual
24 costs, and the amount collected exceeds the costs ac-
25 tually incurred by the Secretary to carry out the

1 conveyance, the Secretary shall refund the excess
2 amount to the HRSD.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—
4 Amounts received as reimbursement under para-
5 graph (1) shall be credited to the fund or account
6 that was used to cover those costs incurred by the
7 Secretary in carrying out the conveyance. Amounts
8 so credited shall be merged with amounts in such
9 fund or account and shall be available for the same
10 purposes, and subject to the same conditions and
11 limitations, as amounts in such fund or account.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the parcel of real property to be
14 conveyed under subsection (a) shall be determined by a
15 survey satisfactory to the Secretary of the Navy.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The
17 Secretary of the Navy may require such additional terms
18 and conditions in connection with the conveyance under
19 subsection (a) as the Secretary considers appropriate to
20 protect the interests of the United States.

21 **SEC. 2844. LAND EXCHANGE, MARINE RESERVE TRAINING**
22 **CENTER, OMAHA, NEBRASKA.**

23 (a) LAND EXCHANGE AUTHORIZED.—The Secretary
24 of the Navy may convey to the Metropolitan Community
25 College Area, a political subdivision of the State of Ne-

1 braska (in this section referred to as the “College”), all
2 right, title, and interest of the United States in and to
3 a parcel of real property, including improvements thereon,
4 known as the Marine Reserve Training Center in Omaha,
5 Nebraska.

6 (b) CONSIDERATION.—As consideration for the con-
7 veyance under subsection (a), the College shall convey to
8 the Secretary of the Navy real property interests, either
9 adjacent or proximate, to Offutt Air Force Base, Ne-
10 braska.

11 (c) LAND EXCHANGE AGREEMENT.—The Secretary
12 of the Navy and the College may enter into a land ex-
13 change agreement to implement this section.

14 (d) VALUATION.—The value of each property interest
15 to be exchanged by the Secretary of the Navy and the Col-
16 lege described in subsections (a) and (b) shall be deter-
17 mined—

18 (1) by an independent appraiser selected by the
19 Secretary; and

20 (2) in accordance with the Uniform Appraisal
21 Standards for Federal Land Acquisitions and the
22 Uniform Standards of Professional Appraisal Prac-
23 tice.

24 (e) CASH EQUALIZATION PAYMENTS.—

1 (1) TO THE SECRETARY.—If the value of the
2 property interests described in subsection (a) is
3 greater than the value of the property interests de-
4 scribed in subsection (b), the values shall be equal-
5 ized through either of the following or a combination
6 thereof:

7 (A) A cash equalization payment from the
8 College to the Department of the Navy.

9 (B) In-kind consideration provided by the
10 College, which may include the acquisition, con-
11 struction, provision, improvement, maintenance,
12 repair, or restoration (including environmental
13 restoration), or combination thereof, of any fa-
14 cilities or infrastructure, or delivery of services
15 relating to the needs of Marine Corps Reserve
16 Training Center Omaha.

17 (2) NO EQUALIZATION.—If the value of the
18 property interests described in subsection (b) is
19 greater than the value of the property interests de-
20 scribed in subsection (a), the Secretary may not
21 make a cash equalization payment to equalize the
22 values.

23 (f) PAYMENT OF COSTS OF CONVEYANCE.—

24 (1) PAYMENT REQUIRED.—The Secretary of
25 the Navy shall require the College to pay all costs

1 to be incurred by the Secretary to carry out the ex-
2 change of property interests under this section, in-
3 cluding such costs related to land survey, environ-
4 mental documentation, real estate due diligence such
5 as appraisals, and any other administrative costs re-
6 lated to the exchange of property interests, including
7 costs incurred preparing and executing a land ex-
8 change agreement authorized under subsection (c).
9 If amounts are collected from the College in advance
10 of the Secretary incurring the actual costs and the
11 amount collected exceeds the costs actually incurred
12 by the Secretary to carry out the exchange of prop-
13 erty interests, the Secretary shall refund the excess
14 amount to the College.

15 (2) TREATMENT OF AMOUNTS RECEIVED.—
16 Amounts received by the Secretary of the Navy
17 under paragraph (1) shall be used in accordance
18 with section 2695(c) of title 10, United States Code.

19 (g) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of the property interests to be ex-
21 changed under this section shall be determined by surveys
22 that are satisfactory to the Secretary of the Navy.

23 (h) CONVEYANCE AGREEMENT.—The exchange of
24 real property interests under this section shall be accom-
25 plished using an appropriate legal instrument and upon

1 terms and conditions mutually satisfactory to the Sec-
2 retary of the Navy and the College, including such addi-
3 tional terms and conditions as the Secretary considers ap-
4 propriate to protect the interests of the United States.

5 (i) EXEMPTION FROM SCREENING REQUIREMENTS
6 FOR ADDITIONAL FEDERAL USE.—The authority under
7 this section is exempt from the screening process required
8 under section 2696(b) of title 10, United States Code.

9 **SEC. 2845. LAND CONVEYANCE, STARKVILLE, MISSISSIPPI.**

10 (a) CONVEYANCE AUTHORIZED.—The Secretary of
11 the Army (in this section referred to as the “Secretary”)
12 may convey to the City of Starkville, Mississippi (in this
13 section referred to as the “City”), all right, title, and in-
14 terest of the United States in and to a parcel of real prop-
15 erty, including improvements thereon, consisting of ap-
16 proximately five acres, located at 343 Highway 12,
17 Starkville, Mississippi 39759, to be used for economic de-
18 velopment purposes.

19 (b) CONSIDERATION.—

20 (1) IN GENERAL.—As consideration for the con-
21 veyance of property under subsection (a), the City
22 shall pay to the United States an amount equal to
23 the fair market value of the property to be conveyed.

24 The Secretary shall determine the fair market value

1 of the property using an independent appraisal
2 based on the highest and best use of the property.

3 (2) DETERMINATION OF FAIR MARKET
4 VALUE.—The Secretary shall determine the fair
5 market value of the property to be conveyed under
6 subsection (a) using an independent appraisal based
7 on the highest and best use of the property.

8 (3) TREATMENT OF CONSIDERATION RE-
9 CEIVED.—Consideration received under paragraph
10 (1) shall be deposited in the special account in the
11 Treasury established under subsection (b) of section
12 572 of title 40, United States Code, and shall be
13 available in accordance with paragraph (5)(B) of
14 such subsection.

15 (c) PAYMENT OF COSTS OF CONVEYANCE.—

16 (1) PAYMENT.—

17 (A) IN GENERAL.—The Secretary may re-
18 quire the City to cover all costs (except costs
19 for environmental remediation of the property
20 under the Comprehensive Environmental Re-
21 sponse, Compensation and Liability Act 1980
22 (42 U.S.C. 9601 et seq.)) to be incurred by the
23 Secretary, or to reimburse the Secretary for
24 costs incurred by the Secretary, to carry out the
25 conveyance under subsection (a), including sur-

1 vey costs, costs for environmental documenta-
2 tion, and any other administrative costs related
3 to the conveyance.

4 (B) REFUND.—If amounts are collected
5 from the City under subparagraph (A) in ad-
6 vance of the Secretary incurring the actual
7 costs, and the amount collected exceeds the
8 costs actually incurred by the Secretary to carry
9 out the conveyance under subsection (a), the
10 Secretary shall refund the excess amount to the
11 City.

12 (2) TREATMENT OF AMOUNTS RECEIVED.—
13 Amounts received under paragraph (1) as reim-
14 bursement for costs incurred by the Secretary to
15 carry out the conveyance under subsection (a) shall
16 be credited to the fund or account that was used to
17 cover the costs incurred by the Secretary in carrying
18 out the conveyance, or to an appropriate fund or ac-
19 count currently available to the Secretary for the
20 purposes for which the costs were paid. Amounts so
21 credited shall be merged with amounts in such fund
22 or account and shall be available for the same pur-
23 poses, and subject to the same conditions and limita-
24 tions, as amounts in such fund or account.

1 (d) DESCRIPTION OF PROPERTY.—The exact acreage
2 and legal description of the property to be conveyed under
3 subsection (a) shall be determined by a survey satisfactory
4 to the Secretary.

5 (e) ADDITIONAL TERMS AND CONDITIONS.—The
6 Secretary may require such additional terms and condi-
7 tions in connection with the conveyance under subsection
8 (a) as the Secretary considers appropriate to protect the
9 interests of the United States.

10 **Subtitle E—Miscellaneous Studies** 11 **and Reports**

12 **SEC. 2851. STUDY ON PRACTICES WITH RESPECT TO DE-** 13 **VELOPMENT OF MILITARY CONSTRUCTION** 14 **PROJECTS.**

15 (a) STUDY REQUIRED.—Not later than 90 days after
16 the date of the enactment of this Act, the Secretary of
17 Defense shall seek to enter into an agreement with a fed-
18 erally funded research and development center for the con-
19 duct of a study on the practices of the Department of De-
20 fense with respect to the development of military construc-
21 tion projects.

22 (b) ELEMENTS.—An agreement under subsection (a)
23 shall specify that the study conducted pursuant to the
24 agreement shall address each of the following:

1 (1) Practices with respect to adoption of Uni-
2 fied Facilities Criteria changes and the inclusion of
3 such changes into advanced planning, Department of
4 Defense Form 1391 documentation, and planning
5 and design.

6 (2) Practices with respect to how sustainable
7 materials, such as mass timber and low carbon con-
8 crete, are assessed and included in advanced plan-
9 ning, Department of Defense Form 1391 docu-
10 mentation, and planning and design.

11 (3) Barriers to incorporating innovative tech-
12 niques, including 3D printed building techniques.

13 (4) Whether the Strategic Environmental Re-
14 search and Development Program (established under
15 section 2901 of title 10, United States Code) or the
16 Environmental Security Technology Certification
17 Program could be used to validate such sustainable
18 materials and innovative techniques to encourage the
19 use of such sustainable materials and innovative
20 techniques by the Army Corps of Engineers and the
21 Naval Facilities Engineering Systems Command.

22 (c) REPORT TO CONGRESS.—Not later than 60 days
23 after the completion of the study described in this section,
24 the Secretary of Defense shall submit to the congressional
25 defense committees a report on the results of the study.

1 **SEC. 2852. REPORT ON CAPACITY OF DEPARTMENT OF DE-**
2 **FENSE TO PROVIDE SURVIVORS OF NATURAL**
3 **DISASTERS WITH EMERGENCY SHORT-TERM**
4 **HOUSING.**

5 Not later than 220 days after the date of the enact-
6 ment of this Act, the Secretary of Defense shall submit
7 to the congressional defense committees a report analyzing
8 the capacity of the Department of Defense to provide sur-
9 vivors of natural disasters with emergency short-term
10 housing.

11 **SEC. 2853. REPORTING ON LEAD SERVICE LINES AND LEAD**
12 **PLUMBING.**

13 (a) INITIAL REPORT.—Not later than January 1,
14 2025, the Under Secretary of Defense for Acquisition and
15 Sustainment shall submit to the congressional defense
16 committees a report that includes—

17 (1) a list of military installations (including
18 Government-owned family housing facilities), mili-
19 tary housing, and privatized military housing
20 projects that, as of the date of the report, are being
21 serviced by lead service lines or lead plumbing for
22 the purposes of receiving drinking water;

23 (2) an evaluation of whether military installa-
24 tions and privatized military housing projects are in
25 compliance with the Lead and Copper Rule and, to

1 the extent that such installations and projects are
2 not in compliance, an identification of—

3 (A) the name and location of each such in-
4 stallation or project that is not in compliance;

5 and

6 (B) the timeline and plan for bringing each
7 such installation or project into compliance; and

8 (3) an identification of steps and resources
9 needed to remove any remaining lead plumbing from
10 military installations and housing.

11 (b) INCLUSION OF INFORMATION IN ANNUAL RE-
12 PORT.—If, after reviewing the initial report required
13 under subsection (a), the Secretary of Defense finds that
14 any military installation or privatized family housing
15 project is not in compliance with the Lead and Copper
16 Rule, the Secretary shall include in the annual report on
17 defense environmental programs required under section
18 2711 of title 10, United States Code, for each year after
19 the year in which the initial report is submitted, an update
20 on the efforts of the Secretary, including negotiations with
21 privatized military family housing providers, to fully com-
22 ply with the Lead and Copper Rule.

1 **SEC. 2854. BRIEFING ON ATTEMPTS TO ACQUIRE LAND**
2 **NEAR UNITED STATES MILITARY INSTALLA-**
3 **TIONS BY THE PEOPLE’S REPUBLIC OF**
4 **CHINA.**

5 The Under Secretary of Defense for Acquisition and
6 Sustainment, in consultation with the head of the Depart-
7 ment of the Air Force Office of Special Investigations,
8 shall provide a briefing to the Committees on Armed Serv-
9 ices of the Senate and the House of Representatives not
10 later than June 1, 2023, that details—

11 (1) attempts by the People’s Republic of China
12 to acquire land that is located in close proximity (as
13 determined by the Secretary of Defense) to a United
14 States military installation; and

15 (2) ongoing Department of Defense efforts to
16 counter such attempts.

17 **Subtitle F—Other Matters**

18 **SEC. 2861. REQUIRED CONSULTATION WITH STATE AND**
19 **LOCAL ENTITIES FOR NOTIFICATIONS RE-**
20 **LATED TO THE BASING DECISION-MAKING**
21 **PROCESS.**

22 Section 483(e) of title 10, United States Code, is
23 amended by adding at the end a new paragraph:

24 “(6) With respect to any decision of the Sec-
25 retary concerned that would result in a significant
26 increase in the number of members of the Armed

1 Forces assigned to a military installation, a descrip-
2 tion of the consultation with appropriate State and
3 local entities regarding the basing decision to ensure
4 consideration of matters affecting the local commu-
5 nity, including requirements for transportation, util-
6 ity infrastructure, housing, education, and family
7 support activities.”.

8 **SEC. 2862. INCLUSION IN DEFENSE COMMUNITY INFRA-**
9 **STRUCTURE PILOT PROGRAM OF CERTAIN**
10 **PROJECTS FOR ROTC TRAINING.**

11 Section 2391 of title 10, United States Code, is fur-
12 ther amended—

13 (1) in subsection (d)(1)(B)—

14 (A) by redesignating clauses (ii) and (iii)
15 as clauses (iii) and (iv), respectively; and

16 (B) by inserting after clause (i) the fol-
17 lowing new clause (ii):

18 “(ii) Projects that will contribute to the train-
19 ing of cadets enrolled in an independent Reserve Of-
20 ficer Training Corps program at a covered edu-
21 cational institution.”; and

22 (2) in subsection (e), by adding at the end the
23 following new paragraph:

24 “(6) The term ‘covered educational institution’
25 means a college or university that is—

1 “(A) a part B institution, as defined in
2 section 322 of the Higher Education Act of
3 1965 (20 U.S.C. 1061);

4 “(B) an 1890 Institution, as defined in
5 section 2 of the Agricultural Research, Exten-
6 sion, and Education Reform Act of 1998 (7
7 U.S.C. 7601);

8 “(C) not affiliated with a consortium; and

9 “(D) located at least 40 miles from a
10 major military installation.”.

11 **SEC. 2863. INCLUSION OF INFRASTRUCTURE IMPROVE-**
12 **MENTS IDENTIFIED IN THE REPORT ON**
13 **STRATEGIC SEAPORTS IN DEFENSE COMMU-**
14 **NITY INFRASTRUCTURE PILOT PROGRAM.**

15 Section 2391(d) of title 10, United States Code, as
16 amended by this Act, is further amended—

17 (1) by redesignating paragraphs (3) and (4) as
18 paragraphs (4) and (5), respectively; and

19 (2) by inserting after paragraph (2) the fol-
20 lowing new paragraph (3):

21 “(3) In selecting community infrastructure projects
22 to receive assistance under this subsection, the Secretary
23 shall consider infrastructure improvements identified in
24 the report on strategic seaports required by section 3515

1 of the National Defense Authorization Act for Fiscal Year
2 2020 (Public Law 116–92; 133 Stat. 1985).”.

3 **SEC. 2864. INCLUSION OF CERTAIN PROPERTY FOR PUR-**
4 **POSES OF DEFENSE COMMUNITY INFRA-**
5 **STRUCTURE PILOT PROGRAM.**

6 Section 2391(e)(4)(A)(i) of title 10, United States
7 Code, as amended by this Act, is further amended by in-
8 serting “or on property under the jurisdiction of a Sec-
9 retary of a military department that is subject to a real
10 estate agreement (including a lease or easement)” after
11 “installation”.

12 **SEC. 2865. EXPANSION OF PILOT PROGRAM ON INCREASED**
13 **USE OF SUSTAINABLE BUILDING MATERIALS**
14 **IN MILITARY CONSTRUCTION TO INCLUDE**
15 **LOCATIONS THROUGHOUT THE UNITED**
16 **STATES.**

17 Section 2861(b)(2) of the National Defense Author-
18 ization Act for Fiscal Year 2022 (Public Law 117–81; 10
19 U.S.C. 2802 note) is amended in the matter preceding
20 subparagraph (A) by striking “continental”.

21 **SEC. 2866. BASING DECISION SCORECARD CONSISTENCY**
22 **AND TRANSPARENCY.**

23 Section 2883(h) of the Military Construction Author-
24 ization Act for Fiscal Year 2021 (Public Law 116–283;
25 10 U.S.C. 1781b note) is amended—

1 (1) by amending paragraph (3) to read as fol-
2 lows:

3 “(3) AVAILABILITY.—

4 “(A) IN GENERAL.—A current version of
5 each scorecard established under this subsection
6 shall be available to the public through an
7 Internet website of the military department
8 concerned.

9 “(B) METHODOLOGY AND CRITERIA.—

10 “(i) AVAILABILITY.—Each Secretary
11 of a military department shall publish on
12 the website described in subparagraph (A)
13 the methodology and criteria each time
14 such Secretary establishes or updates a
15 scorecard.

16 “(ii) PUBLIC COMMENT.—Each Sec-
17 retary of a military department shall estab-
18 lish a 60-day public comment period begin-
19 ning on each date of publication of such
20 methodology and criteria.”; and

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

23 “(4) COORDINATION.—In establishing or updat-
24 ing a scorecard under this subsection, each Sec-
25 retary of the military department concerned shall co-

1 ordinate with the Secretary of Defense to ensure
2 consistency across the military departments.”.

3 **SEC. 2867. TEMPORARY AUTHORITY FOR ACCEPTANCE AND**
4 **USE OF FUNDS FOR CERTAIN CONSTRUCTION**
5 **PROJECTS IN THE REPUBLIC OF KOREA.**

6 Section 2863 of the National Defense Authorization
7 Act for Fiscal Year 2020 (Public Law 116–92; 133 Stat.
8 1899) is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in the matter preceding subpara-
12 graph (A), by striking “cash”; and

13 (ii) in subparagraph (B), by inserting
14 “and construction” after “The design”;
15 and

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

18 “(3) METHOD OF CONTRIBUTION.—Contribu-
19 tions may be accepted under this subsection in any
20 of the forms referred to in section 2350k(c) of title
21 10, United States Code.”; and

22 (2) in subsection (b), by striking “Contribu-
23 tions” and inserting “Cash contributions”.

1 **SEC. 2868. REPEAL OF REQUIREMENT FOR INTERAGENCY**
2 **COORDINATION GROUP OF INSPECTORS GEN-**
3 **ERAL FOR GUAM REALIGNMENT.**

4 Section 2835 of the Military Construction Authoriza-
5 tion Act for Fiscal Year 2010 (division B of Public Law
6 111–84; 10 U.S.C. 2687 note) is repealed.

7 **SEC. 2869. LEASE OR USE AGREEMENT FOR CATEGORY 3**
8 **SUBTERRANEAN TRAINING FACILITY.**

9 (a) **IN GENERAL.**—The Secretary of Defense may
10 seek to enter into a lease or use agreement with a category
11 3 subterranean training facility that—

12 (1) is located in close proximity (as determined
13 by the Secretary of Defense) to the home station of
14 an air assault unit or a special operations force; and

15 (2) has the capacity to—

16 (A) provide brigade or large full-mission
17 profile training;

18 (B) rapidly replicate full-scale underground
19 venues;

20 (C) support helicopter landing zones; and

21 (D) support underground live fire.

22 (b) **USE OF FACILITY.**—A lease or use agreement en-
23 tered into pursuant to subsection (a) shall provide that
24 the category 3 subterranean training facility shall be made
25 available for—

1 (1) hosting of training and testing exercises
2 for—

3 (A) members of the Armed Forces, includ-
4 ing members a special operations force;

5 (B) personnel of combat support agencies,
6 including the Defense Threat Reduction Agen-
7 cy; and

8 (C) such other personnel as the Secretary
9 of Defense determines appropriate; and

10 (2) such other purposes as the Secretary of De-
11 fense determines appropriate.

12 (c) DURATION.—The duration of any lease or use
13 agreement entered into pursuant to subsection (a) shall
14 be for a period of not less than 5 years.

15 (d) CATEGORY 3 SUBTERRANEAN TRAINING FACIL-
16 ITY DEFINED.—In this section, the term “category 3 sub-
17 terranean training facility” means an underground struc-
18 ture designed and built—

19 (1) to be unobserved and to provide maximum
20 protection; and

21 (2) to serve as a command and control, oper-
22 ations, storage, production, and protection facility.

23 (e) CONFORMING REPEAL.—Section 375 of the Na-
24 tional Defense Authorization Act for Fiscal Year 2022

1 (Public Law 117–81; 10 U.S.C. 2001 note prec.) is re-
2 pealed.

3 **SEC. 2870. LIMITATION ON USE OF FUNDS FOR CLOSURE**
4 **OF COMBAT READINESS TRAINING CENTERS.**

5 (a) **LIMITATION.**—None of the funds authorized to
6 be appropriated by this Act or otherwise made available
7 for fiscal year 2023 for the Air Force may be obligated
8 or expended to close, or prepare to close, any combat read-
9 iness training center.

10 (b) **WAIVER.**—The Secretary of the Air Force may
11 waive the limitation under subsection (a) with respect to
12 a combat readiness training center if the Secretary sub-
13 mits to the congressional defense committees the fol-
14 lowing:

15 (1) A certification that—

16 (A) the closure of the center would not be
17 in violation of section 2687 of title 10, United
18 States Code; and

19 (B) the support capabilities provided by
20 the center will not be diminished as a result of
21 the closure of the center.

22 (2) A report that includes—

23 (A) a detailed business case analysis for
24 the closure of the center; and

1 (B) an assessment of the effects the clo-
2 sure of the center would have on training units
3 of the Armed Forces, including any active duty
4 units that may use the center.

5 **SEC. 2871. REQUIRED INVESTMENTS IN IMPROVING CHILD**
6 **DEVELOPMENT CENTERS.**

7 (a) INVESTMENTS IN CHILD DEVELOPMENT CEN-
8 TERS.—Of the total amount authorized to be appropriated
9 for fiscal year 2023 for the Department of Defense for
10 Facilities Sustainment, Restoration, and Modernization
11 activities of a military department, the Secretary of that
12 military department shall reserve an amount greater than
13 or equal to one percent of the estimated replacement cost
14 for fiscal year 2023 of the total inventory of child develop-
15 ment centers under the jurisdiction of that Secretary for
16 the purpose of carrying out projects for the improvement
17 of child development centers.

18 (b) CHILD DEVELOPMENT CENTER DEFINED.—In
19 this section, the term “child development center” has
20 meaning given the term “military child development cen-
21 ter” in section 1800(1) of title 10, United States Code.

22 **SEC. 2872. INTERAGENCY REGIONAL COORDINATOR FOR**
23 **RESILIENCE PILOT PROJECT.**

24 (a) PILOT PROJECT.—The Secretary of Defense shall
25 carry out a pilot program under which the Secretary shall

1 establish within the Department of Defense four Inter-
2 agency Regional Coordinators. Each Interagency Regional
3 Coordinator shall be responsible for improving the resil-
4 ience of a community that supports a military installation
5 and serving as a model for enhancing community resilience
6 before disaster strikes.

7 (b) SELECTION.—Each Interagency Regional Coordi-
8 nator shall support military installations and surrounding
9 communities within a geographic area, with at least one
10 such Coordinator serving each of the East, West, and Gulf
11 coasts. For purposes of the project, the Secretary shall
12 select geographic areas—

13 (1) with significant sea level rise and recurrent
14 flooding that prevents members of the Armed Forces
15 from reaching their posts or jeopardizes military
16 readiness; and

17 (2) where communities have collaborated on
18 multi-jurisdictional climate adaptation planning ef-
19 forts, including such collaboration with the Army
20 Corps of Engineers Civil Works Department and
21 through Joint Land Use Studies.

22 (c) COLLABORATION.—In carrying out the pilot
23 project, the Secretary shall build on existing efforts
24 through collaboration with State and local entities, includ-
25 ing emergency management, transportation, planning,

1 housing, community development, natural resource man-
2 agers, and governing bodies and with the heads of appro-
3 priate Federal departments and agencies.

4 **SEC. 2873. ACCESS TO MILITARY INSTALLATIONS FOR**
5 **HOMELAND SECURITY INVESTIGATIONS PER-**
6 **SONNEL IN GUAM.**

7 The commander of a military installation located in
8 Guam shall grant to an officer or employee of Homeland
9 Security Investigations the same access to such military
10 installation such commander grants to an officer or em-
11 ployee of U.S. Customs and Border Protection or of the
12 Federal Bureau of Investigation.

13 **SEC. 2874. PROHIBITION ON JOINT USE OF HOMESTEAD**
14 **AIR RESERVE BASE WITH CIVIL AVIATION.**

15 On or before September 30, 2026, the Secretary of
16 the Air Force may not enter into an agreement that would
17 provide for or permit the joint use of Homestead Air Re-
18 serve Base, Homestead, Florida, by the Air Force and civil
19 aircraft.

20 **SEC. 2875. ELECTRICAL CHARGING CAPABILITY CON-**
21 **STRUCTION REQUIREMENTS RELATING TO**
22 **PARKING FOR FEDERAL GOVERNMENT**
23 **MOTOR VEHICLES.**

24 (a) IN GENERAL.—If the Secretary concerned devel-
25 ops plans for a project to construct any facility that in-

1 cludes or will include parking for covered motor vehicles,
2 the Secretary concerned shall include in any Department
3 of Defense Form 1391, or successor form, submitted to
4 Congress for that project—

5 (1) the provision of electric vehicle charging ca-
6 pability at the facility adequate to provide electrical
7 charging, concurrently, for not less than 15 percent
8 of all covered motor vehicles planned to be parked
9 at the facility;

10 (2) the inclusion of the cost of constructing
11 such capability in the overall cost of the project; and

12 (3) an analysis of whether a parking structure
13 or lot will be the primary charging area for covered
14 motor vehicles or if another area, such as public
15 works or the motor pool, will be the primary charg-
16 ing area.

17 (b) DEFINITIONS.—In this section:

18 (1) The term “covered motor vehicle” means a
19 Federal Government motor vehicle, including a
20 motor vehicle leased by the Federal Government.

21 (2) The term “Secretary concerned” means—

22 (A) the Secretary of a military department
23 with respect to facilities under the jurisdiction
24 of that Secretary; and

1 (B) the Secretary of Defense with respect
2 to matters concerning the Defense Agencies and
3 facilities of a reserve component owned by a
4 State rather than the United States.

5 **TITLE XXIX—FALLON RANGE**
6 **TRAINING COMPLEX**

Subtitle A—Fallon Range Training Complex

- Sec. 2901. Military land withdrawal for Fallon Range Training Complex.
- Sec. 2902. Numu Newe Special Management Area.
- Sec. 2903. National conservation areas.
- Sec. 2904. Collaboration with State and county.
- Sec. 2905. Wilderness areas in Churchill County, Nevada.
- Sec. 2906. Release of wilderness study areas.
- Sec. 2907. Land conveyances and exchanges.
- Sec. 2908. Checkerboard resolution.

Subtitle B—Lander County Economic Development and Conservation

- Sec. 2911. Definitions.

PART I—LANDER COUNTY PUBLIC PURPOSE LAND CONVEYANCES

- Sec. 2921. Definitions.
- Sec. 2922. Conveyances to Lander County, Nevada.

PART II—LANDER COUNTY WILDERNESS AREAS

- Sec. 2931. Definitions.
- Sec. 2932. Designation of wilderness areas.
- Sec. 2933. Release of wilderness study areas.

7 **Subtitle A—Fallon Range Training**
8 **Complex**

9 **SEC. 2901. MILITARY LAND WITHDRAWAL FOR FALLON**
10 **RANGE TRAINING COMPLEX.**

11 The Military Land Withdrawals Act of 2013 (Public
12 Law 113–66; 127 Stat. 1025) is amended by adding at
13 the end the following:

1 **“Subtitle G—Fallon Range Training**
2 **Complex, Nevada**

3 **“SEC. 2981. WITHDRAWAL AND RESERVATION OF PUBLIC**
4 **LAND.**

5 “(a) WITHDRAWAL.—

6 “(1) BOMBING RANGES.—Subject to valid
7 rights in existence on the date of enactment of this
8 subtitle, and except as otherwise provided in this
9 subtitle, the land established as the B–16, B–17, B–
10 19, and B–20 Ranges, as referred to in subsection
11 (b), and all other areas within the boundary of such
12 land as depicted on the map entitled ‘Churchill
13 County Proposed Fallon Range Training Complex
14 Modernization and Lands Bill’ and dated November
15 30, 2022, which may become subject to the oper-
16 ation of the public land laws, are withdrawn from all
17 forms of—

18 “(A) entry, appropriation, or disposal
19 under the public land laws;

20 “(B) location, entry, and patent under the
21 mining laws; and

22 “(C) disposition under all laws relating to
23 mineral and geothermal leasing or mineral ma-
24 terials.

1 “(2) DIXIE VALLEY TRAINING AREA.—The land
2 and interests in land within the boundaries estab-
3 lished at the Dixie Valley Training Area, as referred
4 to in subsection (b), are withdrawn from all forms
5 of—

6 “(A) entry, appropriation, or disposal
7 under the public land laws; and

8 “(B) location, entry, and patent under the
9 mining laws.

10 “(b) DESCRIPTION OF LAND.—The public land and
11 interests in land withdrawn and reserved by this section
12 comprise approximately 790,825 acres of land in Churchill
13 County, Lyon County, Mineral County, Pershing County,
14 and Nye County, Nevada, as generally depicted as ‘Pro-
15 posed FRTC Modernization’ and ‘Existing Navy With-
16 drawal Areas’ on the map entitled ‘Churchill County Pro-
17 posed Fallon Range Training Complex Modernization and
18 Lands Bill’, dated November 30, 2022, and filed in ac-
19 cordance with section 2912. The ranges in the Fallon
20 Range Training Complex described in this subsection are
21 identified as B–16, B–17, B–19, B–20, Dixie Valley
22 Training Area and the Shoal Site.

23 “(c) PURPOSE OF WITHDRAWAL AND RESERVA-
24 TION.—

1 “(1) BOMBING RANGES.—The land withdrawn
2 by subsection (a)(1) is reserved for use by the Sec-
3 retary of the Navy for—

4 “(A) aerial testing and training, bombing,
5 missile firing, electronic warfare, tactical com-
6 bat maneuvering, and air support;

7 “(B) ground combat tactical maneuvering
8 and firing; and

9 “(C) other defense-related purposes that
10 are—

11 “(i) consistent with the purposes spec-
12 ified in the preceding paragraphs; and

13 “(ii) authorized under section 2914.

14 “(2) DIXIE VALLEY TRAINING AREA.—The land
15 withdrawn by subsection (a)(2) is reserved for use
16 by the Secretary of the Navy for—

17 “(A) aerial testing and training, electronic
18 warfare, tactical combat maneuvering, and air
19 support; and

20 “(B) ground combat tactical maneuvering.

21 “(d) INAPPLICABILITY OF GENERAL PROVISIONS.—
22 Notwithstanding section 2911(a) and except as otherwise
23 provided in this subtitle, sections 2913 and 2914 shall not
24 apply to the land withdrawn by subsection (a)(2).

1 **“SEC. 2982. MANAGEMENT OF WITHDRAWN AND RESERVED**
2 **LAND.**

3 “(a) MANAGEMENT BY THE SECRETARY OF THE
4 NAVY.—During the duration of the withdrawal under sec-
5 tion 2981, the Secretary of the Navy shall manage the
6 land withdrawn and reserved comprising the B–16, B–17,
7 B–19, and B–20 Ranges for the purposes described in sec-
8 tion 2981(c)—

9 “(1) in accordance with—

10 “(A) an integrated natural resources man-
11 agement plan prepared and implemented under
12 title I of the Sikes Act (16 U.S.C. 670a et
13 seq.);

14 “(B) a written agreement between the Sec-
15 retary of the Navy and the Governor of Nevada
16 that provides for a minimum of 15 days annu-
17 ally for big game hunting on portions of the B–
18 17 Range consistent with military training re-
19 quirements;

20 “(C) a programmatic agreement between
21 the Secretary of the Navy and the Nevada
22 State Historic Preservation Officer and other
23 parties, as appropriate, regarding management
24 of historic properties as the properties relate to
25 operation, maintenance, training, and construc-
26 tion at the Fallon Range Training Complex;

1 “(D) written agreements between the Sec-
2 retary of the Navy and affected Indian tribes
3 and other stakeholders to accommodate access
4 by Indian tribes and State and local govern-
5 ments to the B-16, B-17, B-19, and B-20
6 Ranges consistent with military training re-
7 quirements and public safety;

8 “(E) a written agreement entered into by
9 the Secretary of the Navy and affected Indian
10 tribes that provides for regular, guaranteed ac-
11 cess, consisting of a minimum of 4 days per
12 month, for affected Indian tribes; and

13 “(F) any other applicable law; and

14 “(2) in a manner that—

15 “(A) provides that any portion of the land
16 withdrawn by section 2981(a) that is located
17 outside of the Weapons Danger Zone, as deter-
18 mined by the Secretary of the Navy, shall be re-
19 linquished to the Secretary of the Interior and
20 managed under all applicable public land laws;

21 “(B) ensures that the Secretary of the
22 Navy avoids target placement and training
23 within—

24 “(i) biologically sensitive areas, as
25 mapped in the Record of Decision for the

1 Fallon Range Training Complex Mod-
2 ernization Final Environmental Impact
3 Statement dated March 12, 2020; and

4 “(ii) to the maximum extent prac-
5 ticable, areas that have cultural, religious,
6 and archaeological resources of importance
7 to affected Indian tribes;

8 “(C) ensures that access is provided for
9 special events, administrative, cultural, edu-
10 cational, wildlife management, and emergency
11 management purposes; and

12 “(D) provides that within the B–17 Range
13 the placement of air to ground ordnance targets
14 shall be prohibited throughout the entirety of
15 the withdrawal in the areas identified as the
16 ‘Monte Cristo Range Protection Area’ on the
17 map entitled ‘Churchill County Proposed Fallon
18 Range Training Complex Modernization and
19 Lands Bill’ and dated November 30, 2022.

20 “(b) MANAGEMENT BY THE SECRETARY OF THE IN-
21 TERIOR.—

22 “(1) IN GENERAL.—During the duration of the
23 withdrawal under section 2981, the Secretary of the
24 Interior shall manage the land withdrawn and re-
25 served comprising the Dixie Valley Training Area

1 and the Shoal Site for the applicable purposes de-
2 scribed in section 2981(c) in accordance with—

3 “(A) the Federal Land Policy and Manage-
4 ment Act of 1976 (43 U.S.C. 1701 et seq.);

5 “(B) the Record of Decision for the Fallon
6 Range Training Complex Modernization Final
7 Environmental Impact Statement dated March
8 12, 2020;

9 “(C) this subtitle; and

10 “(D) any other applicable law.

11 “(2) CONSULTATION WITH SECRETARY OF THE
12 NAVY.—Prior to authorizing any use of the land
13 comprising the Dixie Valley Training Area or Shoal
14 Site withdrawn and reserved by section 2981, the
15 Secretary of the Interior shall consult with the Sec-
16 retary of the Navy. Such consultation shall in-
17 clude—

18 “(A) informing the Secretary of the Navy
19 of the pending authorization request so that the
20 Secretary of the Navy and the Secretary of the
21 Interior may work together to preserve the
22 training environment; and

23 “(B) prior to authorizing any installation
24 or use of mobile or stationary equipment used
25 to transmit and receive radio signals, obtaining

1 permission from the Secretary of the Navy to
2 authorize the use of such equipment.

3 “(3) AGREEMENT.—The Secretary of the Navy
4 and the Secretary of the Interior shall enter into an
5 agreement describing the roles and responsibilities of
6 each Secretary with respect to the management and
7 use of the Dixie Valley Training Area and Shoal Site
8 to ensure no closure of an existing county road and
9 no restrictions or curtailment on public access for
10 the duration of the withdrawal while preserving the
11 training environment and in accordance with this
12 subsection.

13 “(4) ACCESS.—The land comprising the Dixie
14 Valley Training Area withdrawn and reserved by
15 section 2981(a)(2) shall remain open for public ac-
16 cess for the duration of the withdrawal.

17 “(5) AUTHORIZED USES.—Subject to applicable
18 laws and policy, the following uses are permitted in
19 the Dixie Valley Training Area for the duration of
20 the withdrawal:

21 “(A) Livestock grazing.

22 “(B) Geothermal exploration and develop-
23 ment west of State Route 121, as managed by
24 the Bureau of Land Management in coordina-
25 tion with the Secretary of the Navy.

1 “(C) Exploration and development of sal-
2 able minerals or other fluid or leasable min-
3 erals, as managed by the Bureau of Land Man-
4 agement in coordination with the Secretary of
5 the Navy.

6 “(6) INFRASTRUCTURE.—The Secretary of the
7 Navy and the Secretary of the Interior shall allow
8 water and utility infrastructure within the Dixie Val-
9 ley Training Area withdrawn by section 2981(a)(2)
10 as described in sections 2995(a)(4) and 2996.

11 “(c) LIMITATION ON USE OF LAND PRIOR TO COM-
12 PLETION OF COMMITMENTS.—

13 “(1) IN GENERAL.—The Secretary of the Navy
14 shall not make operational use of the expanded area
15 of the B–16, B–17, or B–20 Ranges, as depicted on
16 the map entitled ‘Churchill County Proposed Fallon
17 Range Training Complex Modernization and Lands
18 Bill’ and dated November 30, 2022, that were not
19 subject to previous withdrawals comprising the
20 Fallon Range Training Complex which are with-
21 drawn and reserved by section 2981 until the Sec-
22 retary of the Navy and the Secretary of the Interior
23 certify in writing to the Committee on Armed Serv-
24 ices, the Committee on Energy and Natural Re-
25 sources, and the Committee on Indian Affairs of the

1 Senate and the Committee on Armed Services and
2 the Committee on Natural Resources of the House
3 of Representatives on the completion of the commit-
4 ments pertaining to each range from the Record of
5 Decision for the Fallon Range Training Complex
6 Modernization Final Environmental Impact State-
7 ment dated March 12, 2020, and the provisions of
8 this subtitle. The Secretary of the Navy and the Sec-
9 retary of the Interior may submit certifications for
10 individual ranges to allow operational use of a spe-
11 cific range prior to completion of commitments re-
12 lated to other ranges.

13 “(2) PUBLIC ACCESS.—Public access to the ex-
14 isting Pole Line Road shall be maintained until com-
15 pletion of construction of an alternate route as speci-
16 fied by section 2991(a)(2)(B).

17 “(3) PAYMENT.—Not later than 1 year after
18 the date of enactment of this subtitle, subject to the
19 availability of appropriations, from amounts appro-
20 priated to the Secretary of the Navy for operation
21 and maintenance, the Secretary of the Navy shall
22 transfer to Churchill County, Nevada, \$20,000,000
23 for deposit in an account designated by Churchill
24 County, Nevada, to resolve the loss of public access
25 and multiple use within Churchill County, Nevada.

1 **“SEC. 2983. ORDNANCE LANDING OUTSIDE TARGET AREAS.**

2 “The Secretary of the Navy, in the administration of
3 an Operational Range Clearance program, shall ensure
4 that tracked ordnance (bombs, missiles, and rockets)
5 known to have landed outside a target area in the B–17
6 and B–20 Ranges is removed within 180 days of the event
7 and, to the extent practicable, tracked ordnance known to
8 have landed within the Monte Cristo Range Protection
9 Area described in section 2982(a)(2)(D) shall be removed
10 within 45 days of the event. The Secretary of the Navy
11 shall report to the Fallon Range Training Complex Inter-
12 governmental Executive Committee directed by section
13 3011(a)(5) of the Military Lands Withdrawal Act of 1999
14 (title XXX of Public Law 106–65; 113 Stat. 885; 134
15 Stat. 4349) not less frequently than annually, instances
16 in which ordnance land outside target areas and the status
17 of efforts to clear such ordnance.

18 **“SEC. 2984. RELATIONSHIP TO OTHER RESERVATIONS.**

19 “(a) B–16 AND B–20 RANGES.—To the extent the
20 withdrawal and reservation made by section 2981 for the
21 B–16 and B–20 Ranges withdraws land currently with-
22 drawn and reserved for use by the Bureau of Reclamation,
23 the reservation made by section 2981 shall be the primary
24 reservation for public safety management actions only,
25 and the existing Bureau of Reclamation reservation shall
26 be the primary reservation for all other management ac-

1 tions. The Secretary of the Navy shall enter into an agree-
2 ment with the Secretary of the Interior to ensure contin-
3 ued access to the B-16 and B-20 Ranges by the Bureau
4 of Reclamation to conduct management activities con-
5 sistent with the purposes for which the Bureau of Rec-
6 lamation withdrawal was established.

7 “(b) SHOAL SITE.—The Secretary of Energy shall re-
8 main responsible and liable for the subsurface estate and
9 all activities of the Secretary of Energy at the Shoal Site
10 withdrawn and reserved by Public Land Order Number
11 2771, as amended by Public Land Order Number 2834.

12 **“SEC. 2985. INTEGRATED NATURAL RESOURCES MANAGE-
13 MENT PLAN.**

14 “(a) PREPARATION REQUIRED.—

15 “(1) PREPARATION; DEADLINE.—Within 2
16 years after the date of enactment of this subtitle,
17 the Secretary of the Navy shall update the current
18 integrated natural resources management plan for
19 the land withdrawn and reserved by section 2981.

20 “(2) COORDINATION.—The Secretary of the
21 Navy shall prepare the integrated natural resources
22 management plan in coordination with the Secretary
23 of the Interior, the State of Nevada, Churchill Coun-
24 ty, Nevada, other impacted counties in the State of
25 Nevada, and affected Indian tribes.

1 “(b) RESOLUTION OF CONFLICTS.—

2 “(1) IN GENERAL.—Any disagreement among
3 the parties referred to in subsection (a) concerning
4 the contents or implementation of the integrated
5 natural resources management plan prepared under
6 that subsection or an amendment to the manage-
7 ment plan shall be resolved by the Secretary of the
8 Navy, the Secretary of the Interior, and the State of
9 Nevada, acting through—

10 “(A) the State Director of the Nevada
11 State Office of the Bureau of Land Manage-
12 ment;

13 “(B) the Commanding Officer of Naval Air
14 Station Fallon, Nevada;

15 “(C) the State Director of the Nevada De-
16 partment of Wildlife;

17 “(D) if appropriate, the Regional Director
18 of the Pacific Southwest Region of the United
19 States Fish and Wildlife Service; and

20 “(E) if appropriate, the Regional Director
21 of the Western Region of the Bureau of Indian
22 Affairs.

23 “(2) CONSULTATION.—Prior to the resolution
24 of any conflict under paragraph (1), the Secretary of
25 the Navy shall consult with the Intergovernmental

1 Executive Committee in accordance with section
2 3011(a)(5) of the Military Lands Withdrawal Act of
3 1999 (title XXX of Public Law 106–65; 113 Stat.
4 885; 134 Stat. 4349).

5 “(c) ELEMENTS OF PLAN.—Subject to subsection
6 (b), the integrated natural resources management plan
7 under subsection (a)—

8 “(1) shall be prepared and implemented in ac-
9 cordance with the Sikes Act (16 U.S.C. 670 et seq.);

10 “(2) shall include provisions for—

11 “(A) proper management and protection of
12 the natural resources of the land; and

13 “(B) sustainable use by the public of such
14 resources to the extent consistent with the mili-
15 tary purposes for which the land is withdrawn
16 and reserved;

17 “(3) shall coordinate access with the Nevada
18 Department of Wildlife to manage hunting, fishing,
19 and trapping on the land where compatible with the
20 military mission;

21 “(4) shall provide for livestock grazing and ag-
22 ricultural out-leasing on the land, if appropriate—

23 “(A) in accordance with section 2667 of
24 title 10, United States Code; and

1 “(B) at the discretion of the Secretary of
2 the Navy;

3 “(5) shall identify current test and target im-
4 pact areas and related buffer or safety zones on the
5 land;

6 “(6) shall provide that the Secretary of the
7 Navy—

8 “(A) shall take necessary actions to pre-
9 vent, suppress, manage, and rehabilitate brush
10 and range fires occurring on land withdrawn or
11 owned within the Fallon Range Training Com-
12 plex and fires resulting from military activities
13 outside the withdrawn or owned land of the
14 Fallon Range Training Complex; and

15 “(B) notwithstanding section 2465 of title
16 10, United States Code—

17 “(i) may obligate funds appropriated
18 or otherwise available to the Secretary of
19 the Navy to enter into memoranda of un-
20 derstanding, cooperative agreements, and
21 contracts for fire management; and

22 “(ii) shall reimburse the Secretary of
23 the Interior for costs incurred under this
24 paragraph;

1 “(7) shall provide that all gates, fences, and
2 barriers constructed after the date of enactment of
3 this subtitle shall be designed and erected, to the
4 maximum extent practicable and consistent with
5 military security, safety, and sound wildlife manage-
6 ment use, to allow for wildlife access;

7 “(8) if determined appropriate by the Secretary
8 of the Navy, the Secretary of the Interior, and the
9 State of Nevada after review of any existing man-
10 agement plans applicable to the land, shall incor-
11 porate the existing management plans;

12 “(9) shall include procedures to ensure that—

13 “(A) the periodic reviews of the integrated
14 natural resources management plan required by
15 the Sikes Act (16 U.S.C. 670 et seq.) are con-
16 ducted jointly by the Secretary of the Navy, the
17 Secretary of the Interior, and the State of Ne-
18 vada; and

19 “(B) affected counties and affected Indian
20 tribes and the public are provided a meaningful
21 opportunity to comment on any substantial re-
22 visions to the plan that may be proposed pursu-
23 ant to such a review;

1 “(10) shall provide procedures to amend the in-
2 tegrated natural resources management plan as nec-
3 essary;

4 “(11) shall allow access to, and ceremonial use
5 of, Tribal sacred sites to the extent consistent with
6 the military purposes for which the land is with-
7 drawn and reserved by section 2981(a); and

8 “(12) shall provide for timely consultation with
9 affected Indian tribes.

10 **“SEC. 2986. USE OF MINERAL MATERIALS.**

11 “Notwithstanding any other provision of this subtitle
12 or of the Act of July 31, 1947 (commonly known as the
13 Materials Act of 1947; 30 U.S.C. 601 et seq.), the Sec-
14 retary of the Navy may use sand, gravel, or similar min-
15 eral materials resources of the type subject to disposition
16 under that Act from land withdrawn and reserved by this
17 subtitle if use of such resources is required for construc-
18 tion needs on the land.

19 **“SEC. 2987. TRIBAL ACCESS AGREEMENT AND CULTURAL**
20 **RESOURCES SURVEY.**

21 “(a) TRIBAL ACCESS AGREEMENT.—

22 “(1) IN GENERAL.—Not later than 120 days
23 after the date of enactment of this subtitle, the Sec-
24 retary of the Navy and the Secretary of the Interior
25 shall enter into an agreement with each affected In-

1 dian tribe for the purpose of establishing continued,
2 regular, and timely access to the land withdrawn
3 and reserved by section 2981, including all land sub-
4 ject to previous withdrawals under section 3011(a)
5 of the Military Lands Withdrawal Act of 1999 (title
6 XXX of Public Law 106–65; 113 Stat. 885), for cul-
7 tural, religious, gathering and ceremonial uses by af-
8 fected Indian tribes.

9 “(2) ACCESS.—The Secretary of the Navy
10 shall—

11 “(A) provide access in accordance with the
12 agreement entered into under paragraph (1);
13 and

14 “(B) to the extent practicable and con-
15 sistent with operational, safety, and security
16 needs, seek to minimize notice from the affected
17 Indian tribe and chaperoning requirements for
18 Tribal access.

19 “(3) RESOLUTION OF CONFLICTS.—If an af-
20 fected Indian tribe provides written comments to the
21 Secretary of the Navy or the Secretary of the Inte-
22 rior proposing changes or additions to the agreement
23 entered into under paragraph (1) and the proposals
24 are not incorporated in the final agreement, the Sec-
25 retary concerned shall—

1 “(A) respond in writing to the affected In-
2 dian tribe explaining a clear, identifiable ration-
3 ale why the proposed change was not incor-
4 porated; and

5 “(B) share the written responses under
6 subparagraph (A) with the Committee on
7 Armed Services of the House of Representa-
8 tives, the Committee on Natural Resources of
9 the House of Representatives, the Committee
10 on Armed Services of the Senate, and the Com-
11 mittee on Indian Affairs of the Senate.

12 “(b) ETHNOGRAPHIC STUDY.—The Secretary of the
13 Navy, in consultation with the State of Nevada and appro-
14 priate Tribal governments, shall conduct an ethnographic
15 study of the expanded Fallon Range Training Complex to
16 assess the importance of that area to Indian tribes and
17 the religious and cultural practices of those Indian tribes.

18 “(c) CULTURAL RESOURCES SURVEY.—

19 “(1) SURVEY.—The Secretary of the Navy,
20 after consultation with affected Indian tribes and re-
21 view of data, studies, and reports in the possession
22 of such Indian tribes, shall conduct a cultural re-
23 sources survey of the land withdrawn and reserved
24 by section 2981 for each of the expanded areas of
25 the B–16, B–17, and B–20 Ranges that were not

1 subject to previous surveys in support of the Record
2 of Decision for the Fallon Range Training Complex
3 Modernization Final Environmental Impact State-
4 ment dated March 12, 2020, and previous with-
5 draws comprising the Fallon Range Training Com-
6 plex that includes pedestrian field surveys and the
7 inventory and identification of specific sites con-
8 taining cultural, religious, and archaeological re-
9 sources of importance to affected Indian tribes.

10 “(2) RESULTS.—Not later than 2 years after
11 the date of enactment of this subtitle, the Secretary
12 of the Navy shall provide the results of the survey
13 conducted under paragraph (1) to affected Indian
14 tribes for review and comment prior to concluding
15 survey activities.

16 “(3) INCLUSION IN AGREEMENT.—The agree-
17 ment under subsection (a) shall include access to the
18 specific sites identified by the survey conducted
19 under paragraph (1) by affected Indian tribes, in-
20 cluding proper disposition or protection of, and any
21 requested access to, any identified burial sites, in ac-
22 cordance with the Native American Graves Protec-
23 tion and Repatriation Act (25 U.S.C. 3001 et seq.).

24 “(4) LIMITATION ON USE OF LAND PRIOR TO
25 COMPLETION OF SURVEY.—The Secretary of the

1 Navy shall not make operational use of the expanded
2 areas of the B-16, B-17, and B-20 Ranges that
3 were not subject to previous withdrawals comprising
4 the Fallon Range Training Complex until the date
5 of completion of the survey required by paragraph
6 (1).

7 “(d) PARTICIPATION OF AFFECTED INDIAN
8 TRIBES.—In conducting an ethnographic study or cultural
9 resources survey under subsection (b) or (c), the Secretary
10 of the Navy shall coordinate with, and provide for the par-
11 ticipation of, each applicable affected Indian tribe.

12 “(e) AGREEMENT TO MITIGATE ADVERSE EF-
13 FECTS.—The Secretary of the Navy, the Secretary of the
14 Interior, and affected Indian tribes shall enter into an
15 agreement consistent with section 306108 of title 54,
16 United States Code, that identifies actions to avoid, mini-
17 mize, or mitigate adverse effects to sites identified in sub-
18 section (c), including adverse effects from noise. Using the
19 results of surveys conducted under subsection (c), the
20 Navy shall, in coordination with affected Indian tribes and
21 to the extent practicable, avoid placing targets or other
22 range infrastructure in culturally sensitive areas. The
23 Navy shall avoid placement of targets in known sensitive
24 habitat, cultural, or historic areas within the Monte Cristo
25 Mountains.

1 “(f) REPORT.—Not later than 1 year after the date
2 on which each of the agreements required under this sec-
3 tion have been entered into and the survey and study re-
4 quired under this section have been completed, the Sec-
5 retary of the Navy and the Secretary of the Interior shall
6 jointly submit to Congress a report describing—

7 “(1) the access protocols established by the
8 agreement under subsection (a);

9 “(2) the results of the ethnographic study con-
10 ducted under subsection (b);

11 “(3) the results of the cultural resources survey
12 under subsection (c); and

13 “(4) actions to be taken to avoid, minimize, or
14 mitigate adverse effects to sites on the land with-
15 drawn and reserved by section 2981.

16 “(g) PUBLIC AVAILABILITY.—Information con-
17 cerning the nature and specific location of a cultural re-
18 source shall be exempt from disclosure under section 552
19 of title 5 and any other law unless the Secretary of the
20 Navy, in consultation with affected Indian tribes, deter-
21 mines that disclosure would—

22 “(1) further the purposes of this section;

23 “(2) not create risk of harm to or theft or de-
24 struction of the cultural resource or the site con-
25 taining the cultural resource; and

1 “(3) be in accordance with other applicable
2 laws.”.

3 **“SEC. 2988. RESOLUTION OF WALKER RIVER PAIUTE TRIBE**
4 **CLAIMS.**

5 “(a) PAYMENT TO TRIBE.—Not later than 1 year
6 after the date of enactment of this subtitle and subject
7 to the availability of appropriations, the Secretary of the
8 Navy shall transfer \$20,000,000 of amounts appropriated
9 to the Secretary of the Navy for operation and mainte-
10 nance to an account designated by the Walker River Pai-
11 ute Tribe (referred to in this section as the ‘Tribe’) to
12 resolve the claims of the Tribe against the United States
13 for the contamination, impairment, and loss of use of ap-
14 proximately 6,000 acres of land that is within the bound-
15 aries of the reservation of the Tribe.

16 “(b) LIMITATION ON USE OF LAND PRIOR TO COM-
17 PLETION OF PAYMENT.—The Secretary of the Navy shall
18 not make operational use of the expanded areas of the B-
19 16, B-17, and B-20 Ranges that were not subject to pre-
20 vious withdrawals comprising the Fallon Range Training
21 Complex and that are withdrawn and reserved by section
22 2981 until the date on which the amount is transferred
23 under subsection (a).

24 “(c) ADDITIONAL TRUST LAND.—

1 “(1) ENVIRONMENTAL SITE ASSESSMENT.—Not
2 later than 1 year after the date of enactment of this
3 subtitle and prior to taking the land described in
4 paragraph (4) into trust for the benefit of the Tribe
5 under paragraph (3)(A), the Director of the Bureau
6 of Indian Affairs (referred to in this subsection as
7 the ‘Director’) shall complete an environmental site
8 assessment to determine with respect to the land—

9 “(A) the likelihood of the presence of haz-
10 arduous substance-related or other environmental
11 liability; and

12 “(B) if the Director determines the pres-
13 ence of hazardous substance-related or other
14 environmental liability is likely under subpara-
15 graph (A)—

16 “(i) the extent of the contamination
17 caused by such hazardous substance or
18 other environmental liability; and

19 “(ii) whether that liability can be re-
20 mediated by the United States.

21 “(2) CONTAMINATED LAND.—

22 “(A) IN GENERAL.—If the Director deter-
23 mines pursuant to the environmental site as-
24 sessment completed under paragraph (1) that
25 there is a likelihood of the presence of haz-

1 arduous substance-related or other environmental
2 liability on the land described in paragraph (4),
3 the Director shall consult with the Tribe on
4 whether the land is still suitable for transfer
5 into trust for the benefit of the Tribe.

6 “(B) DETERMINATION.—If the Tribe de-
7 termines land identified as contaminated under
8 subparagraph (A) is still suitable to take into
9 trust for the benefit of the Tribe, the Director,
10 notwithstanding any other provision of law,
11 shall take the land into trust for the benefit of
12 the Tribe in accordance with paragraph (3).

13 “(3) LAND TO BE HELD IN TRUST FOR THE
14 TRIBE; IDENTIFICATION OF ALTERNATIVE LAND.—

15 “(A) IN GENERAL.—If the Tribe deter-
16 mines pursuant to paragraph (2) that the land
17 described in paragraph (4) should be taken into
18 trust for the benefit of the Tribe (including if
19 such land is determined to be contaminated),
20 subject to valid existing rights, all right, title,
21 and interest of the United States in and to the
22 land shall be—

23 “(i) held in trust by the United States
24 for the benefit of the Tribe; and

1 “(ii) made part of the existing res-
2 ervation of the Tribe.

3 “(B) IDENTIFICATION OF SUITABLE AND
4 COMPARABLE ALTERNATIVE LAND.—If the
5 Tribe determines pursuant to paragraph (2),
6 due to discovered environmental issues that the
7 land described in paragraph (4) is not suitable
8 to be taken into trust for the benefit of the
9 Tribe, not later than 1 year after the date on
10 which the Tribe makes that determination, the
11 Director and the Tribe shall enter into an
12 agreement to identify suitable and comparable
13 alternative land in relative distance and located
14 in the same county as the land described in
15 paragraph (4) to be withdrawn from Federal
16 use and taken into trust for the benefit of the
17 Tribe.

18 “(C) ENVIRONMENTAL LIABILITY.—

19 “(i) IN GENERAL.—Notwithstanding
20 any other provision of law, the United
21 States shall not be liable for any soil, sur-
22 face water, groundwater, or other contami-
23 nation resulting from the disposal, release,
24 or presence of any environmental contami-
25 nation on any portion of the land described

1 in paragraph (4) that occurred on or be-
2 fore the date on which the land was taken
3 into trust for the benefit of the Tribe. The
4 United States shall not fund or take any
5 action to remediate such land after such
6 land has been so taken into trust.

7 “(ii) ENVIRONMENTAL CONTAMINA-
8 TION DESCRIPTION.—An environmental
9 contamination described in clause (i) in-
10 cludes any oil or petroleum products, haz-
11 ardous substances, hazardous materials,
12 hazardous waste, pollutants, toxic sub-
13 stances, solid waste, or any other environ-
14 mental contamination or hazard as defined
15 in any Federal law or law of the State of
16 Nevada.

17 “(4) LAND DESCRIBED.—Subject to paragraph
18 (5), the land to be held in trust for the benefit of
19 the Tribe under paragraph (3)(A) is the approxi-
20 mately 8,170 acres of Bureau of Land Management
21 and Bureau of Reclamation land located in Churchill
22 and Mineral Counties, Nevada, as generally depicted
23 on the map entitled ‘Walker River Paiute Trust
24 Lands’ and dated April 19, 2022, and more particu-
25 larly described as follows:

1 “(A) FERNLEY EAST PARCEL.—The fol-
2 lowing land in Churchill County, Nevada:

3 “(i) All land held by the Bureau of
4 Reclamation in T. 20 N., R. 26 E., sec.
5 28, Mount Diablo Meridian.

6 “(ii) All land held by the Bureau of
7 Reclamation in T. 20 N., R. 26 E., sec.
8 36, Mount Diablo Meridian.

9 “(B) WALKER LAKE PARCEL.—The fol-
10 lowing land in Mineral County, Nevada:

11 “(i) All land held by the Bureau of
12 Land Management in T. 11 N., R. 29 E.,
13 secs. 35 and 36, Mount Diablo Meridian.

14 “(ii) All land held by the Bureau of
15 Reclamation in T. 10 N., R. 30 E., secs.
16 4, 5, 6, 8, 9, 16, 17, 20, 21, 28, 29, 32,
17 and 33, Mount Diablo Meridian.

18 “(iii) All land held by the Bureau of
19 Land Management in T. 10.5 N., R. 30
20 E., secs. 31 and 32, Mount Diablo Merid-
21 ian.

22 “(5) ADMINISTRATION.—

23 “(A) SURVEY.—Not later than 180 days
24 after the date of enactment of this subtitle, the
25 Secretary of the Interior (referred to in this

1 paragraph as the ‘Secretary’) shall complete a
2 survey to fully describe, and adequately define
3 the boundaries of, the land described in para-
4 graph (4).

5 “(B) LEGAL DESCRIPTION.—

6 “(i) IN GENERAL.—Upon completion
7 of the survey required under subparagraph
8 (A), the Secretary shall publish in the Fed-
9 eral Register a legal description of the land
10 described in paragraph (4).

11 “(ii) TECHNICAL CORRECTIONS.—Be-
12 fore the date of publication of the legal de-
13 scription under this subparagraph, the
14 Secretary may correct any technical or
15 clerical errors in the legal description as
16 the Secretary determines appropriate.

17 “(iii) EFFECT.—Effective beginning
18 on the date of publication of the legal de-
19 scription under this subparagraph, the
20 legal description shall be considered to be
21 the official legal description of the land to
22 be held in trust for the benefit of the Tribe
23 under paragraph (3)(A).

24 “(6) USE OF TRUST LAND.—The land taken
25 into trust under paragraph (3)(A) shall not be eligi-

1 ble, or considered to have been taken into trust, for
2 class II gaming or class III gaming (as those terms
3 are defined in section 4 of the Indian Gaming Regu-
4 latory Act (25 U.S.C. 2703)).

5 “(d) ELIGIBILITY FOR FEDERAL AND FEDERALLY
6 FUNDED PROGRAMS.—Funds paid to the Tribe pursuant
7 to this section, including any interest or investment in-
8 come earned, may not be treated as income or resources
9 or otherwise used as the basis for denying or reducing the
10 basis for Federal financial assistance or other Federal
11 benefit (including under the Social Security Act (42
12 U.S.C. 301 et seq.)) to which the Tribe, a member of the
13 Tribe, or a household would otherwise be entitled.

14 **“SEC. 2989. LAND TO BE HELD IN TRUST FOR THE FALLON**
15 **PAIUTE SHOSHONE TRIBE.**

16 “(a) LAND TO BE HELD IN TRUST.—

17 “(1) IN GENERAL.—Subject to valid existing
18 rights, all right, title, and interest of the United
19 States in and to the land described in paragraph (2)
20 shall be—

21 “(A) held in trust by the United States for
22 the benefit of the Fallon Paiute Shoshone
23 Tribe; and

24 “(B) made part of the reservation of the
25 Fallon Paiute Shoshone Tribe.

1 “(2) DESCRIPTION OF LAND.—The land re-
2 ferred to in paragraph (1) is the approximately
3 10,000 acres of land administered by the Bureau of
4 Land Management and the Bureau of Reclamation,
5 as generally depicted as ‘Reservation Expansion
6 Land’ on the map entitled ‘Churchill County Pro-
7 posed Fallon Range Training Complex Moderniza-
8 tion and Lands Bill’ and dated November 30, 2022.

9 “(3) SURVEY.—Not later than 180 days after
10 the date of enactment of this subtitle, the Secretary
11 of the Interior shall complete a survey of the bound-
12 ary lines to establish the boundaries of the land
13 taken into trust under paragraph (1).

14 “(4) USE OF TRUST LAND.—The land taken
15 into trust under this section shall not be eligible, or
16 considered to have been taken into trust, for class II
17 gaming or class III gaming (as those terms are de-
18 fined in section 4 of the Indian Gaming Regulatory
19 Act (25 U.S.C. 2703)).

20 “(5) COOPERATIVE AGREEMENT.—On request
21 by the Fallon Paiute Shoshone Tribe, the Secretary
22 of the Interior shall enter into a cooperative agree-
23 ment with the Fallon Paiute Shoshone Tribe to pro-
24 vide assistance in the management of the land taken

1 into trust under this section for cultural protection
2 and conservation management purposes.

3 **“SEC. 2990. NUMU NEWE CULTURAL CENTER.**

4 “(a) IN GENERAL.—Subject to the availability of ap-
5 propriations from amounts appropriated to the Secretary
6 of the Navy for operation and maintenance, the Secretary
7 of the Navy shall provide financial assistance to a cultural
8 center established and operated by the Fallon Paiute Sho-
9 shone Tribe and located on the Reservation of the Fallon
10 Paiute Shoshone Tribe, the purpose of which is to help
11 sustain Numu Newe knowledge, culture, language, and
12 identity associated with aboriginal land and traditional
13 ways of life for the Fallon Paiute Shoshone Tribe and
14 other affected Indian tribes (referred to in this section as
15 the ‘Center’).

16 “(b) STUDIES AND INVENTORIES.—The Center shall
17 integrate information developed in the cultural resources
18 inventories and ethnographic studies carried out under
19 section 2987.

20 “(c) TRANSFER.—Not later than 1 year after the
21 date of enactment of this subtitle and subject to the avail-
22 ability of appropriations, the Secretary of the Navy shall
23 transfer to an account designated by the Fallon Paiute
24 Shoshone Tribe—

1 “(1) \$10,000,000 for the development and con-
2 struction of the Center; and

3 “(2) \$10,000,000 to endow operations of the
4 Center.

5 “(d) LIMITATION ON USE OF LAND PRIOR TO COM-
6 PLETION OF PAYMENT.—The Secretary of the Navy shall
7 not make operational use of the expanded areas of the B-
8 16, B-17, and B-20 Ranges that were not subject to pre-
9 vious withdrawals comprising the Fallon Range Training
10 Complex and that are withdrawn and reserved by section
11 2981 until the date on which the amounts are transferred
12 under subsection (c).

13 **“SEC. 2991. ROAD RECONSTRUCTION AND TREATMENT OF**
14 **EXISTING ROADS AND RIGHTS-OF-WAY.**

15 “(a) ROAD RECONSTRUCTION.—Subject to the avail-
16 ability of appropriations, the Secretary of the Navy shall
17 be responsible for the timely—

18 “(1) reconstruction of—

19 “(A) Lone Tree Road leading to the B-16
20 Range; and

21 “(B) State Highway 361; and

22 “(2) relocation of—

23 “(A) Sand Canyon and Red Mountain
24 Roads, consistent with alternative 2A, as de-

1 scribed in the Final FRTC Road Realignment
2 Study dated March 14, 2022; and

3 “(B) Pole Line Road, consistent with alter-
4 native 3B, as described in the Final FRTC
5 Road Realignment Study dated March 14,
6 2022.

7 “(b) LIMITATION ON USE OF LAND PRIOR TO COM-
8 PLETION OF REQUIREMENTS.—In accordance with section
9 2982(c)(1), the Secretary of the Navy shall not make
10 operational use of the expanded areas of the B–16, B–
11 17, and B–20 Ranges that were not subject to previous
12 withdrawals comprising the Fallon Range Training Com-
13 plex and that are withdrawn and reserved by section 2981
14 until the date on which the Secretary of the Navy deter-
15 mines that each of the requirements of subsection (a) have
16 been met.

17 “(c) EXISTING ROADS AND RIGHTS-OF-WAY; AC-
18 CESS.—

19 “(1) IN GENERAL.—The withdrawal and res-
20 ervation of land made by section 2981 shall not be
21 construed to affect the following roads and associ-
22 ated rights-of-way:

23 “(A) United States Highways 50 and 95.

24 “(B) State Routes 121 and 839.

1 “(C) The Churchill County, Nevada, roads
2 identified as Simpson Road, East County Road,
3 Earthquake Fault Road, and Fairview Peak
4 Road.

5 “(2) ACCESS.—Any road identified on the map
6 described in section 2981(b) as an existing minor
7 county road shall be available for managed access
8 consistent with the purposes of the withdrawal.

9 “(d) NEW RIGHTS-OF-WAY.—The Secretary of the
10 Navy, in coordination with the Secretary of the Interior,
11 shall be responsible for the timely grant of new rights-
12 of-way for Sand Canyon and Red Mountain Road, Pole
13 Line Road, and East County Road to the appropriate
14 County.

15 “(e) I–11 CORRIDORS.—The Secretary of the Interior
16 shall manage the land located within the ‘Churchill County
17 Preferred I–11 Corridor’ and ‘NDOT I–11 Corridor’ as
18 depicted on the map entitled ‘Churchill County Proposed
19 Fallon Range Training Complex Modernization and Lands
20 Bill’ and dated November 30, 2022, in accordance with
21 this section.

22 “(f) PUBLIC AVAILABILITY OF MAP.—A copy of the
23 map described in section 2981(b) shall be on file and avail-
24 able for public inspection in the appropriate offices of the
25 Bureau of Land Management.

1 “(g) WITHDRAWAL OF LAND.—Subject to any valid
2 rights in existence on the date of enactment of this sub-
3 title, the land located within the corridors depicted as
4 ‘Utility and Infrastructure Corridors’ on the map entitled
5 ‘Churchill County Proposed Fallon Range Training Com-
6 plex Modernization and Lands Bill’ and dated November
7 30, 2022, is withdrawn from—

8 “(1) location and entry under the mining laws;
9 and

10 “(2) disposition under all laws pertaining to
11 mineral and geothermal leasing or mineral materials.

12 “(h) TERMINATION OF WITHDRAWAL.—A with-
13 drawal under subsection (g) shall terminate on the date
14 on which—

15 “(1) the Secretary of the Interior, in coordina-
16 tion with Churchill County, Nevada, terminates the
17 withdrawal; or

18 “(2) the applicable corridor or land is patented.

19 “(i) REVISED STATUTES SECTION 2477 CLAIMS.—
20 The withdrawal and reservation of land by section 2981
21 shall not affect the ability of Churchill County, Nevada,
22 to seek adjudication of claims under section 2477 of the
23 Revised Statutes (43 U.S.C. 932), as in effect prior to
24 being repealed by section 706(a) of the Federal Land Pol-

1 icy and Management Act of 1976 (Public Law 94–579;
2 90 Stat. 2793).

3 “(j) TREATMENT OF THE WEST-WIDE ENERGY COR-
4 RIDOR.—

5 “(1) IN GENERAL.—Nothing in section 2981
6 shall be construed to restrict the development of
7 high voltage electrical power utility lines within the
8 portion of the designated West-Wide Energy Cor-
9 ridor that is located outside of the B–16 Range.

10 “(2) TRANSMISSION LINE.—The Secretary of
11 the Navy shall allow 1 transmission line within that
12 portion of the designated West-Wide Energy Cor-
13 ridor that is located within the B–16 Range nearest
14 the existing transmission line adjacent to the west-
15 ern boundary of the B–16 Range.

16 “(3) FUTURE TRANSMISSION LINE.—If the Sec-
17 retary of the Navy and the Secretary of the Interior
18 determine that additional transmission lines cannot
19 be accommodated outside of the B–16 Range, to the
20 extent practicable, the Secretary of the Navy shall
21 allow the construction of a new transmission line as
22 close as practicable to the existing transmission line.

23 **“SEC. 2992. SAGE GROUSE STUDY.**

24 “(a) IN GENERAL.—The Secretary of the Navy, in
25 consultation with the Secretary of the Interior and the

1 State of Nevada, shall conduct a study to further assess
2 greater sage grouse reactions to military overflights within
3 the Fallon Range Training Complex.

4 “(b) DETERMINATION.—If the Secretary of the Navy
5 determines under the study under subsection (a) that
6 greater sage grouse in the Fallon Range Training Complex
7 are significantly impacted by aircraft overflights, the Sec-
8 retary of the Navy shall implement adaptive management
9 activities, in coordination with the State of Nevada and
10 the United States Fish and Wildlife Service.

11 **“SEC. 2993. TREATMENT OF LIVESTOCK GRAZING PERMITS.**

12 “(a) IN GENERAL.—The Secretary of the Navy shall
13 notify holders of grazing allotments impacted by the with-
14 drawal and reservation of land by section 2981 and, if
15 practicable, assist the holders of the grazing allotments
16 in obtaining replacement forage.

17 “(b) REVISIONS TO ALLOTMENT PLANS.—The Sec-
18 retary of the Navy shall reimburse the Secretary of the
19 Interior for grazing program-related administrative costs
20 reasonably incurred by the Bureau of Land Management
21 due to the withdrawal and reservation of land by section
22 2981.

23 “(c) ALTERNATIVE TO REPLACEMENT FORAGE.—If
24 replacement forage cannot be identified under subsection
25 (a), the Secretary of the Navy shall make full and com-

1 plete payments to Federal grazing permit holders for all
2 losses suffered by the permit holders as a result of the
3 withdrawal or other use of former Federal grazing land
4 for national defense purposes pursuant to the Act of June
5 28, 1934 (commonly known as the ‘Taylor Grazing Act’)
6 (48 Stat. 1269, chapter 865; 43 U.S.C. 315 et seq.).

7 “(d) NOTIFICATION AND PAYMENT.—The Secretary
8 of the Navy shall—

9 “(1) notify, by certified mail, holders of grazing
10 allotments that are terminated; and

11 “(2) compensate the holders of grazing allot-
12 ments described in paragraph (1) for authorized per-
13 manent improvements associated with the allot-
14 ments.

15 “(e) PAYMENT.—For purposes of calculating and
16 making a payment to a Federal grazing permit holder
17 under this section (including the conduct of any appraisals
18 required to calculate the amount of the payment)—

19 “(1) the Secretary of the Navy shall consider
20 the permanent loss of the applicable Federal grazing
21 permit; and

22 “(2) the amount of the payment shall not be
23 limited to the remaining term of the existing Federal
24 grazing permit.

1 **“SEC. 2994. TRANSFER OF LAND UNDER THE ADMINISTRA-**
2 **TIVE JURISDICTION OF THE DEPARTMENT**
3 **OF THE NAVY.**

4 “(a) TRANSFER REQUIRED.—Subject to subsection
5 (b), the Secretary of the Navy shall transfer to the Sec-
6 retary of the Interior, at no cost, administrative jurisdic-
7 tion of the approximately 86 acres of a noncontiguous par-
8 cel of land as depicted on the map entitled ‘Churchill
9 County Proposed Fallon Range Training Complex Mod-
10 ernization and Lands Bill’ and dated November 30, 2022,
11 acquired by the Department of the Navy in Churchill
12 County, Nevada, for inclusion in the Sand Mountain
13 Recreation Area.

14 “(b) CERTIFICATION WITH RESPECT TO ENVIRON-
15 MENTAL HAZARDS.—Prior to transferring land under sub-
16 section (a), the Secretary of the Navy shall certify that
17 the land to be transferred under that subsection is free
18 from environmental hazards.

19 **“SEC. 2995. REDUCTION OF IMPACT OF FALLON RANGE**
20 **TRAINING COMPLEX MODERNIZATION.**

21 “(a) IN GENERAL.—Consistent with the Record of
22 Decision for the Fallon Range Training Complex Mod-
23 ernization Final Environmental Impact Statement dated
24 March 12, 2020, the Secretary of the Navy shall carry
25 out the following additional mitigations and other meas-
26 ures not otherwise included in other sections of this Act

1 to reduce the impact of the modernization of the Fallon
2 Range Training Complex by the Secretary of the Navy on
3 the land and local community:

4 “(1) Develop Memoranda of Agreement or
5 other binding protocols, in coordination with agen-
6 cies, affected Indian tribes, and other stakeholders,
7 for—

8 “(A) management of that portion of Bu-
9 reau of Reclamation infrastructure in the B-16
10 and B-20 Ranges that will be closed to public
11 access but will continue to be managed for flood
12 control; and

13 “(B) access for research, resource manage-
14 ment, and other activities within the B-16, B-
15 17, B-19, and B-20 Ranges.

16 “(2) Establish wildlife-friendly configured four-
17 wire fencing, on coordination with the Nevada De-
18 partment of Wildlife, to restrict access to the small-
19 est possible area necessary to ensure public safety
20 and to minimize impacts on wildlife from fencing.

21 “(3) Subject to the availability of appropria-
22 tions—

23 “(A) purchase the impacted portion of the
24 Great Basin Transmission Company (formerly

1 named the ‘Paiute Pipeline Company’) pipeline
2 within the B–17 Range; and

3 “(B) pay for the relocation of the pipeline
4 acquired under subparagraph (A) to a location
5 south of the B–17 Range.

6 “(4) Accommodate permitting and construction
7 of additional utility and infrastructure projects with-
8 in 3 corridors running parallel to the existing north-
9 south power line in proximity to Nevada Route 121,
10 existing east-west power line north of Highway 50,
11 and the area immediately north of Highway 50 as
12 shown on the map entitled ‘Churchill County Pro-
13 posed Fallon Range Training Complex Moderniza-
14 tion and Lands Bill’ and dated November 30, 2022,
15 subject to the requirement that any project author-
16 ized under this paragraph shall complete appropriate
17 Federal and State permitting requirements prior to
18 the accommodation under this paragraph.

19 “(5)(A) Notify holders of mining claims im-
20 pacted by the modernization by certified mail.

21 “(B) Make payments to the holders of
22 mining claims described in subparagraph (A),
23 subject to the availability of appropriations.

24 “(6) Allow a right-of-way to accommodate I–11
25 (which could also include a transmission line) if a

1 route is chosen by Churchill County, Nevada, or the
2 State of Nevada that overlaps the northeast corner
3 of the withdrawal area for the B-16 Range.

4 “(7) Revise the applicable range operations
5 manual—

6 “(A) to include Crescent Valley and Eureka
7 as noise-sensitive areas; and

8 “(B) to implement a 5-nautical-mile buffer
9 around the towns of Crescent Valley and Eureka.
10 ka.

11 “(8) Implement a 3-nautical-mile airspace ex-
12 clusion zone over the Gabbs, Eureka, and Crescent
13 Valley airports.

14 “(9) Extend the Visual Flight Rules airspace
15 corridor through the newly established Military Op-
16 erations Areas on the east side of the Dixie Valley
17 Training Area.

18 “(10) Notify affected water rights holders by
19 certified mail and, if water rights are adversely af-
20 fected by the modernization and cannot be otherwise
21 mitigated, acquire existing and valid State water
22 rights.

23 “(11) Allow Nevada Department of Wildlife ac-
24 cess for spring and wildlife guzzler monitoring and
25 maintenance.

1 “(12) Implement management practices and
2 mitigation measures specifically designed to reduce
3 or avoid potential impacts on surface water and
4 groundwater, such as placing targets outside of
5 washes.

6 “(13) Develop and implement a wildland fire
7 management plan with the State of Nevada to en-
8 sure wildland fire prevention, suppression, and res-
9 toration activities are addressed, as appropriate, for
10 the entire expanded range complex.

11 “(14) To the maximum extent practicable and
12 if compatible with mission training requirements,
13 avoid placing targets in biologically sensitive areas
14 identified by the Nevada Department of Wildlife.

15 “(15) Fund 2 conservation law enforcement of-
16 ficer positions at Naval Air Station Fallon.

17 “(16) Post signs warning the public of any con-
18 tamination, harm, or risk associated with entry into
19 the withdrawal land.

20 “(17) Enter into an agreement for compensa-
21 tion from the Secretary of the Navy to Churchill
22 County, Nevada, and the counties of Lyon, Nye,
23 Mineral, and Pershing in the State of Nevada to off-
24 set any reductions made in payments in lieu of
25 taxes.

1 “(18) Review, in consultation with affected In-
2 dian tribes, and disclose any impacts caused by the
3 activities of the Secretary of the Navy at Fox Peak,
4 Medicine Rock, and Fairview Mountain.

5 “(19) Consult with affected Indian tribes to
6 mitigate, to the maximum extent practicable, any
7 impacts disclosed under paragraph (18).

8 “(b) LIMITATION ON USE OF LAND PRIOR TO COM-
9 PLETION OF REQUIREMENTS.—In accordance with section
10 2982(c)(1), the Secretary of the Navy shall not make
11 operational use of the expanded areas of the B–16, B–
12 17, and B–20 Ranges that were not subject to previous
13 withdrawals comprising the Fallon Range Training Com-
14 plex and that are withdrawn and reserved by section 2981
15 until the date on which the Secretary of the Navy deter-
16 mines that each of the requirements of subsection (a) have
17 been met.

18 **“SEC. 2996. DIXIE VALLEY WATER PROJECT.**

19 “(a) CONTINUATION OF PROJECT.—The withdrawal
20 of land authorized by section 2981(a)(2) shall not inter-
21 fere with the Churchill County Dixie Valley Water Project.

22 “(b) PERMITTING.—On application by Churchill
23 County, Nevada, the Secretary of the Navy shall concur
24 with the Churchill County Dixie Valley Water Project and,
25 in collaboration with the Secretary of the Interior, com-

1 plete any permitting necessary for the Dixie Valley Water
2 Project, subject to the public land laws and environmental
3 review, including regulations.

4 “(c) COMPENSATION.—Subject to the availability of
5 appropriations, the Secretary of the Navy shall com-
6 pensate Churchill County, Nevada, for any cost increases
7 for the Dixie Valley Water Project that result from any
8 design features required by the Secretary of the Navy to
9 be included in the Dixie Valley Water Project.

10 **“SEC. 2997. EXPANSION OF INTERGOVERNMENTAL EXECU-**
11 **TIVE COMMITTEE ON JOINT USE BY DEPART-**
12 **MENT OF THE NAVY AND DEPARTMENT OF**
13 **THE INTERIOR OF FALLON RANGE TRAINING**
14 **COMPLEX.**

15 “The Secretary of the Navy and the Secretary of the
16 Interior shall expand the membership of the Fallon Range
17 Training Complex Intergovernmental Executive Com-
18 mittee directed by section 3011(a)(5) of the Military
19 Lands Withdrawal Act of 1999 (title XXX of Public Law
20 106–65; 113 Stat. 885; 134 Stat. 4349) relating to the
21 management of the natural and cultural resources of the
22 withdrawal land to include representatives of Eureka
23 County, Nevada, the Nevada Department of Agriculture,
24 and the Nevada Division of Minerals.

1 **“SEC. 2998. TRIBAL LIAISON OFFICE.**

2 “The Secretary of the Navy shall establish and main-
3 tain a dedicated Tribal liaison position at Naval Air Sta-
4 tion Fallon.

5 **“SEC. 2999. TERMINATION OF PRIOR WITHDRAWAL.**

6 “Notwithstanding section 2842 of the William M.
7 (Mac) Thornberry National Defense Authorization Act for
8 Fiscal Year 2021 (Public Law 116–283) and section 3015
9 of the Military Lands Withdrawal Act of 1999 (title XXX
10 of Public Law 106–65), the withdrawal and reservation
11 under section 3011(a) of that Act is terminated.

12 **“SEC. 2999A. DURATION OF WITHDRAWAL AND RESERVA-
13 TION.**

14 “The withdrawal and reservation of public land by
15 section 2981 shall terminate on November 6, 2047.”.

16 **SEC. 2902. NUMU NEWE SPECIAL MANAGEMENT AREA.**

17 (a) DEFINITIONS.—In this section:

18 (1) MANAGEMENT PLAN.—The term “manage-
19 ment plan” means the management plan for the
20 Special Management Area developed under sub-
21 section (d).

22 (2) SECRETARY.—The term “Secretary” means
23 the Secretary of the Interior.

24 (3) SPECIAL MANAGEMENT AREA.—The term
25 “Special Management Area” means the Numu Newe

1 Special Management Area established by subsection
2 (b).

3 (b) ESTABLISHMENT.—To protect, conserve, and en-
4 hance the unique and nationally important historic, cul-
5 tural, archaeological, natural, and educational resources of
6 the Numu Newe traditional homeland, subject to valid ex-
7 isting rights, there is established in Churchill and Mineral
8 Counties, Nevada, the Numu Newe Special Management
9 Area, to be administered by the Secretary.

10 (c) AREA INCLUDED.—The Special Management
11 Area shall consist of the approximately 217,845 acres of
12 public land in Churchill and Mineral Counties, Nevada,
13 administered by the Bureau of Land Management, as de-
14 picted on the map entitled “Churchill County Proposed
15 Fallon Range Training Complex Modernization and Lands
16 Bill” and dated November 30, 2022.

17 (d) MANAGEMENT PLAN.—

18 (1) IN GENERAL.—Not later than 2 years after
19 the date of enactment of this Act, the Secretary
20 shall develop a comprehensive management plan for
21 the long-term management of the Special Manage-
22 ment Area.

23 (2) CONSULTATION.—In developing and imple-
24 menting the management plan, the Secretary shall
25 consult with—

1 (A) appropriate Federal, Tribal, State, and
2 local governmental entities; and

3 (B) interested members of the public.

4 (3) REQUIREMENTS.—The management plan
5 shall—

6 (A) describe the appropriate uses of the
7 Special Management Area;

8 (B) with respect to any land within the
9 Special Management Area that is withdrawn
10 and reserved for military uses, ensure that
11 management of the Special Management Area
12 is consistent with the purposes under section
13 2981(c)(2) of the Military Land Withdrawals
14 Act of 2013 (as added by section 2901 of this
15 title) for which the land is withdrawn and re-
16 served;

17 (C) authorize the use of motor vehicles in
18 the Special Management Area, where appro-
19 priate, including providing for the maintenance
20 of existing roads;

21 (D) incorporate any provision of an appli-
22 cable land and resource management plan that
23 the Secretary considers to be appropriate;

24 (E) ensure, to the maximum extent prac-
25 ticable, the protection and preservation of tradi-

1 tional cultural and religious sites within the
2 Special Management Area;

3 (F) to the maximum extent practicable,
4 carefully and fully integrate the traditional and
5 historical knowledge and special expertise of the
6 Fallon Paiute Shoshone Tribe and other af-
7 fected Indian tribes;

8 (G) consistent with subparagraph (D), en-
9 sure public access to Federal land within the
10 Special Management Area for hunting, fishing,
11 and other recreational purposes;

12 (H) not affect the allocation, ownership,
13 interest, or control, as in existence on the date
14 of enactment of this Act, of any water, water
15 right, or any other valid existing right; and

16 (I) be reviewed not less frequently than an-
17 nually by the Secretary to ensure the manage-
18 ment plan is meeting the requirements of this
19 section.

20 (e) **MILITARY OVERFLIGHTS.**—Nothing in this sec-
21 tion restricts or precludes—

22 (1) low-level overflights of military aircraft over
23 the Special Management Area, including military
24 overflights that can be seen or heard within the Spe-
25 cial Management Area;

- 1 (2) flight testing and evaluation; or
- 2 (3) the designation or creation of new units of
- 3 special use airspace, or the establishment of military
- 4 flight training routes, over the Special Management
- 5 Area.

6 **SEC. 2903. NATIONAL CONSERVATION AREAS.**

7 (a) NUMUNAA NOBE NATIONAL CONSERVATION

8 AREA.—

9 (1) DEFINITIONS.—In this subsection:

10 (A) CONSERVATION AREA.—The term

11 “Conservation Area” means the Numunaa

12 Nobe National Conservation Area established

13 by paragraph (2).

14 (B) MANAGEMENT PLAN.—The term

15 “management plan” means the management

16 plan for the Conservation Area developed under

17 paragraph (3)(B).

18 (C) SECRETARY.—The term “Secretary”

19 means the Secretary of the Interior.

20 (2) ESTABLISHMENT.—

21 (A) IN GENERAL.—To conserve, protect,

22 and enhance for the benefit and enjoyment of

23 present and future generations the cultural, ar-

24 chaeological, natural, wilderness, scientific, geo-

25 logical, historical, biological, wildlife, edu-

1 cational, recreational, and scenic resources of
2 the Conservation Area, subject to valid existing
3 rights, there is established the Numunaa Nobe
4 National Conservation Area in the State of Ne-
5 vada, to be administered by the Secretary.

6 (B) AREA INCLUDED.—

7 (i) IN GENERAL.—The Conservation
8 Area shall consist of approximately
9 160,224 acres of public land in Churchill
10 County, Nevada, as generally depicted on
11 the map entitled “Churchill County Pro-
12 posed Fallon Range Training Complex
13 Modernization and Lands Bill” and dated
14 November 30, 2022.

15 (ii) AVAILABILITY OF MAP.—The map
16 described in clause (i) shall be on file and
17 available for public inspection in the appro-
18 priate offices of the Bureau of Land Man-
19 agement.

20 (3) MANAGEMENT.—

21 (A) IN GENERAL.—The Secretary shall ad-
22 minister the Conservation Area in a manner
23 that conserves, protects, and enhances the re-
24 sources of the Conservation Area—

25 (i) in accordance with—

- 1 (I) this subsection;
- 2 (II) the Federal Land Policy and
- 3 Management Act of 1976 (43 U.S.C.
- 4 1701 et seq.); and
- 5 (III) any other applicable law;
- 6 and

7 (ii) as a component of the National
8 Landscape Conservation System.

9 (B) MANAGEMENT PLAN.—

10 (i) IN GENERAL.—Not later than 2
11 years after the date of enactment of this
12 Act, the Secretary shall develop a manage-
13 ment plan for the Conservation Area.

14 (ii) CONSULTATION.—In developing
15 the management plan, the Secretary shall
16 consult with—

17 (I) appropriate Federal, State,
18 Tribal, and local governmental enti-
19 ties; and

20 (II) members of the public.

21 (iii) REQUIREMENTS.—The manage-
22 ment plan shall—

23 (I) describe the appropriate uses
24 of the Conservation Area;

1 (II) in accordance with para-
2 graph (5), authorize the use of motor
3 vehicles in the Conservation Area,
4 where appropriate, including for the
5 maintenance of existing roads; and

6 (III) incorporate any provision of
7 an applicable land and resource man-
8 agement plan that the Secretary con-
9 siders to be appropriate, to include
10 the Search and Rescue Training Co-
11 operative Agreement between the Bu-
12 reau of Land Management and the
13 Naval Strike and Air Warfare Train-
14 ing Center dated July 6, 1998, and
15 the Carson City District BLM Admin-
16 istrative Guide to Military Activities
17 on and Over the Public Lands dated
18 January 25, 2012.

19 (4) USES.—The Secretary shall allow only those
20 uses of the Conservation Area that the Secretary de-
21 termines would further the purposes of the Con-
22 servation Area.

23 (5) MOTORIZED VEHICLES.—Except as needed
24 for administrative purposes, planned military activi-
25 ties authorized by paragraph (3)(B)(iii)(III), or to

1 respond to an emergency, the use of motorized vehi-
2 cles in the Conservation Area shall be permitted only
3 on roads and trails designated for the use of motor-
4 ized vehicles by the management plan.

5 (6) WITHDRAWAL.—

6 (A) IN GENERAL.—Subject to valid exist-
7 ing rights, all public land in the Conservation
8 Area is withdrawn from—

9 (i) all forms of entry, appropriation,
10 and disposal under the public land laws;

11 (ii) location, entry, and patent under
12 the mining laws; and

13 (iii) disposition under all laws relating
14 to mineral and geothermal leasing or min-
15 eral materials.

16 (B) ADDITIONAL LAND.—If the Secretary
17 acquires mineral or other interests in a parcel
18 of land within the Conservation Area after the
19 date of enactment of this Act, the parcel is
20 withdrawn from operation of the laws referred
21 to in subparagraph (A) on the date of acqui-
22 sition of the parcel.

23 (7) HUNTING, FISHING, AND TRAPPING.—

24 (A) IN GENERAL.—Subject to subpara-
25 graph (B), nothing in this subsection affects

1 the jurisdiction of the State of Nevada with re-
2 spect to fish and wildlife, including hunting,
3 fishing, and trapping in the Conservation Area.

4 (B) LIMITATIONS.—

5 (i) REGULATIONS.—The Secretary
6 may designate by regulation areas in
7 which, and establish periods during which,
8 no hunting, fishing, or trapping will be
9 permitted in the Conservation Area, for
10 reasons of public safety, administration, or
11 compliance with applicable laws.

12 (ii) CONSULTATION REQUIRED.—Ex-
13 cept in an emergency, the Secretary shall
14 consult with the appropriate State agency
15 and notify the public before taking any ac-
16 tion under clause (i).

17 (8) GRAZING.—In the case of land included in
18 the Conservation Area on which the Secretary per-
19 mitted, as of the date of enactment of this Act, live-
20 stock grazing, the livestock grazing shall be allowed
21 to continue, subject to applicable laws (including
22 regulations).

23 (9) NO BUFFER ZONES.—

1 (A) IN GENERAL.—Nothing in this sub-
2 section creates a protective perimeter or buffer
3 zone around the Conservation Area.

4 (B) ACTIVITIES OUTSIDE CONSERVATION
5 AREA.—The fact that an activity or use on land
6 outside the Conservation Area can be seen or
7 heard within the Conservation Area shall not
8 preclude the activity or use outside the bound-
9 ary of the Conservation Area.

10 (10) MILITARY OVERFLIGHTS.—Nothing in this
11 subsection restricts or precludes—

12 (A) low-level overflights of military aircraft
13 over the Conservation Area, including military
14 overflights that can be seen or heard within the
15 Conservation Area;

16 (B) flight testing and evaluation; or

17 (C) the designation or creation of new
18 units of special use airspace, or the establish-
19 ment of military flight training routes, over the
20 Conservation Area.

21 (10) EFFECT ON WATER RIGHTS.—Nothing in
22 this subsection constitutes an express or implied res-
23 ervation of any water rights with respect to the Con-
24 servation Area.

1 (b) PISTONE-BLACK MOUNTAIN NATIONAL CON-
2 SERVATION AREA.—

3 (1) DEFINITIONS.—In this subsection:

4 (A) CONSERVATION AREA.—The term
5 “Conservation Area” means the Pistone-Black
6 Mountain National Conservation Area estab-
7 lished by paragraph (2)(A).

8 (B) SECRETARY.—The term “Secretary”
9 means the Secretary of the Interior.

10 (C) TRIBE.—The term “Tribe” means the
11 Walker River Paiute Tribe.

12 (2) ESTABLISHMENT.—

13 (A) IN GENERAL.—To protect, conserve,
14 and enhance the unique and nationally impor-
15 tant historic, cultural, archaeological, natural,
16 and educational resources of the Pistone Site on
17 Black Mountain, subject to valid existing rights,
18 there is established in Mineral County, Nevada,
19 the Pistone-Black Mountain National Conserva-
20 tion Area.

21 (B) AREA INCLUDED.—

22 (i) IN GENERAL.—The Conservation
23 Area shall consist of the approximately
24 3,415 acres of public land in Mineral
25 County, Nevada, administered by the Bu-

1 reau of Land Management, as depicted on
2 the map entitled “Black Mountain/Pistone
3 Archaeological District” and dated May
4 12, 2020.

5 (ii) AVAILABILITY OF MAP.—The map
6 described in clause (i) shall be on file and
7 available for public inspection in the appro-
8 priate offices of the Bureau of Land Man-
9 agement.

10 (3) MANAGEMENT.—

11 (A) IN GENERAL.—The Secretary shall
12 manage the Conservation Area—

13 (i) in a manner that conserves, pro-
14 tects, and enhances the resources and val-
15 ues of the Conservation Area, including the
16 resources and values described in para-
17 graph (2)(A);

18 (ii) in accordance with—

19 (I) this subsection;

20 (II) the Federal Land Policy and
21 Management Act of 1976 (43 U.S.C.
22 1701 et seq.); and

23 (III) any other applicable law;

24 and

1 (iii) as a component of the National
2 Landscape Conservation System.

3 (B) USES.—The Secretary shall allow only
4 those uses of the Conservation Area that the
5 Secretary determines would further the pur-
6 poses of the Conservation Area.

7 (C) TRIBAL CULTURAL RESOURCES.—In
8 administering the Conservation Area, the Sec-
9 retary shall provide for—

10 (i) access to and use of cultural re-
11 sources by the Tribe at the Conservation
12 Area; and

13 (ii) the protection from disturbance of
14 the cultural resources and burial sites of
15 the Tribe located in the Conservation Area.

16 (D) COOPERATIVE AGREEMENTS.—The
17 Secretary may, in a manner consistent with this
18 subsection, enter into cooperative agreements
19 with the State of Nevada, affected Indian
20 tribes, and institutions and organizations to
21 carry out the purposes of this subsection, sub-
22 ject to the requirement that the Tribe shall be
23 a party to any cooperative agreement entered
24 into under this subparagraph.

25 (4) MANAGEMENT PLAN.—

1 (A) IN GENERAL.—Not later than 2 years
2 after the date of enactment of this Act, the Sec-
3 retary shall develop a management plan for the
4 Conservation Area.

5 (B) CONSULTATION.—In developing the
6 management plan required under subparagraph
7 (A), the Secretary shall consult with—

8 (i) appropriate State, Tribal, and local
9 governmental entities; and

10 (ii) members of the public.

11 (C) REQUIREMENTS.—The management
12 plan developed under subparagraph (A) shall—

13 (i) describe the appropriate uses and
14 management of the Conservation Area;

15 (ii) incorporate, as appropriate, deci-
16 sions contained in any other management
17 or activity plan for the land in or adjacent
18 to the Conservation Area;

19 (iii) take into consideration any infor-
20 mation developed in studies of the land
21 and resources in or adjacent to the Con-
22 servation Area; and

23 (iv) provide for a cooperative agree-
24 ment with the Tribe to address the histor-

1 ical, archaeological, and cultural values of
2 the Conservation Area.

3 (5) WITHDRAWAL.—

4 (A) IN GENERAL.—Subject to valid exist-
5 ing rights, all public land in the Conservation
6 Area is withdrawn from—

7 (i) all forms of entry, appropriation,
8 and disposal under the public land laws;

9 (ii) location, entry, and patent under
10 the mining laws; and

11 (iii) disposition under all laws relating
12 to mineral and geothermal leasing or min-
13 eral materials.

14 (B) ADDITIONAL LAND.—If the Secretary
15 acquires mineral or other interests in a parcel
16 of land within the Conservation Area after the
17 date of enactment of this Act, the parcel is
18 withdrawn from operation of the laws referred
19 to in subparagraph (A) on the date of acqui-
20 sition of the parcel.

21 (6) HUNTING, FISHING, AND TRAPPING.—

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), nothing in this subsection affects
24 the jurisdiction of the State of Nevada with re-

1 spect to fish and wildlife, including hunting,
2 fishing, and trapping in the Conservation Area.

3 (B) LIMITATIONS.—

4 (i) REGULATIONS.—The Secretary
5 may designate by regulation areas in
6 which, and establish periods during which,
7 no hunting, fishing, or trapping will be
8 permitted in the Conservation Area, for
9 reasons of public safety, administration, or
10 compliance with applicable laws.

11 (ii) CONSULTATION REQUIRED.—Ex-
12 cept in an emergency, the Secretary shall
13 consult with the appropriate State agency
14 and notify the public before taking any ac-
15 tion under clause (i).

16 (7) GRAZING.—In the case of land included in
17 the Conservation Area on which the Secretary per-
18 mitted, as of the date of enactment of this Act, live-
19 stock grazing, the livestock grazing shall be allowed
20 to continue, subject to applicable laws (including
21 regulations).

22 (8) NO BUFFER ZONES.—

23 (A) IN GENERAL.—Nothing in this sub-
24 section creates a protective perimeter or buffer
25 zone around the Conservation Area.

1 (B) ACTIVITIES OUTSIDE CONSERVATION
2 AREA.—The fact that an activity or use on land
3 outside the Conservation Area can be seen or
4 heard within the Conservation Area shall not
5 preclude the activity or use outside the bound-
6 ary of the Conservation Area.

7 (9) MILITARY OVERFLIGHTS.—Nothing in this
8 subsection restricts or precludes—

9 (A) low-level overflights of military aircraft
10 over the Conservation Area, including military
11 overflights that can be seen or heard within the
12 Conservation Area;

13 (B) flight testing and evaluation; or

14 (C) the designation or creation of new
15 units of special use airspace, or the establish-
16 ment of military flight training routes, over the
17 Conservation Area.

18 (10) EFFECT ON WATER RIGHTS.—Nothing in
19 this subsection constitutes an express or implied res-
20 ervation of any water rights with respect to the Con-
21 servation Area.

22 **SEC. 2904. COLLABORATION WITH STATE AND COUNTY.**

23 It is the sense of Congress that the Secretary of the
24 Navy and Secretary of the Interior should collaborate with
25 the State of Nevada, Churchill County, Nevada, the city

1 of Fallon, Nevada, and affected Indian tribes with the goal
2 of preventing catastrophic wildfire and resource damage
3 in the land withdrawn or owned within the Fallon Range
4 Training Complex.

5 **SEC. 2905. WILDERNESS AREAS IN CHURCHILL COUNTY,**
6 **NEVADA.**

7 (a) DEFINITIONS.—In this section:

8 (1) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (2) WILDERNESS AREA.—The term “wilderness
11 area” means a wilderness area designated by sub-
12 section (b)(1).

13 (b) ADDITIONS TO NATIONAL WILDERNESS PRESER-
14 VATION SYSTEM.—

15 (1) ADDITIONS.—In accordance with the Wil-
16 derness Act (16 U.S.C. 1131 et seq.), the following
17 parcels of Federal land in Churchill County, Nevada,
18 are designated as wilderness and as components of
19 the National Wilderness Preservation System:

20 (A) CLAN ALPINE MOUNTAINS WILDER-
21 NESS.—Certain Federal land managed by the
22 Bureau of Land Management, comprising ap-
23 proximately 128,362 acres, as generally de-
24 picted on the map entitled “Churchill County
25 Proposed Fallon Range Training Complex Mod-

1 ernization and Lands Bill” and dated Novem-
2 ber 30, 2022, which shall be known as the
3 “Clan Alpine Mountains Wilderness”.

4 (B) DESATOYA MOUNTAINS WILDER-
5 NESS.—Certain Federal land managed by the
6 Bureau of Land Management, comprising ap-
7 proximately 32,537 acres, as generally depicted
8 on the map entitled “Churchill County Pro-
9 posed Fallon Range Training Complex Mod-
10 ernization and Lands Bill” and dated Novem-
11 ber 30, 2022, which shall be known as the
12 “Desatoya Mountains Wilderness”.

13 (C) CAIN MOUNTAIN WILDERNESS.—Cer-
14 tain Federal land managed by the Bureau of
15 Land Management, comprising approximately
16 7,664 acres, as generally depicted on the map
17 entitled “Churchill County Proposed Fallon
18 Range Training Complex Modernization and
19 Lands Bill” and dated November 30, 2022,
20 which shall be known as the “Cain Mountain
21 Wilderness”.

22 (2) BOUNDARY.—The boundary of any portion
23 of a wilderness area that is bordered by a road shall
24 be at least 150 feet from the edge of the road.

25 (3) MAP AND LEGAL DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable
2 after the date of enactment of this Act, the Sec-
3 retary shall prepare a map and legal description
4 of each wilderness area.

5 (B) EFFECT.—Each map and legal de-
6 scription prepared under subparagraph (A)
7 shall have the same force and effect as if in-
8 cluded in this section, except that the Secretary
9 may correct clerical and typographical errors in
10 the map or legal description.

11 (C) AVAILABILITY.—Each map and legal
12 description prepared under subparagraph (A)
13 shall be on file and available for public inspec-
14 tion in the appropriate offices of the Bureau of
15 Land Management.

16 (4) WITHDRAWAL.—Subject to valid existing
17 rights, each wilderness area is withdrawn from—

18 (A) all forms of entry, appropriation, and
19 disposal under the public land laws;

20 (B) location, entry, and patent under the
21 mining laws; and

22 (C) operation of the mineral leasing and
23 geothermal leasing laws.

24 (c) MANAGEMENT.—Subject to valid existing rights,
25 each wilderness area shall be administered by the Sec-

1 retary in accordance with the Wilderness Act (16 U.S.C.
2 1131 et seq.), except that—

3 (1) any reference in that Act to the effective
4 date of that Act shall be considered to be a reference
5 to the date of enactment of this Act; and

6 (2) any reference in that Act to the Secretary
7 of Agriculture shall be considered to be a reference
8 to the Secretary of the Interior.

9 (d) LIVESTOCK.—The grazing of livestock in a wil-
10 derness area administered by the Bureau of Land Man-
11 agement, if established as of the date of enactment of this
12 Act, shall be allowed to continue, subject to such reason-
13 able regulations, policies, and practices as the Secretary
14 considers necessary, in accordance with—

15 (1) section 4(d)(4) of the Wilderness Act (16
16 U.S.C. 1133(d)(4)); and

17 (2) the guidelines set forth in Appendix A of
18 the report of the Committee on Interior and Insular
19 Affairs of the House of Representatives accom-
20 panying H.R. 2570 of the 101st Congress (House
21 Report 101–405).

22 (e) INCORPORATION OF ACQUIRED LAND AND INTER-
23 ESTS.—Any land or interest in land within the boundaries
24 of a wilderness area that is acquired by the United States
25 after the date of enactment of this Act shall be added to

1 and administered as part of the wilderness area within
2 which the acquired land or interest is located.

3 (f) WATER RIGHTS.—

4 (1) FINDINGS.—Congress finds that—

5 (A) the wilderness areas—

6 (i) are located in the semiarid region
7 of the Great Basin region; and

8 (ii) include ephemeral and perennial
9 streams;

10 (B) the hydrology of the wilderness areas
11 is predominantly characterized by complex flow
12 patterns and alluvial fans with impermanent
13 channels;

14 (C) the subsurface hydrogeology of the re-
15 gion in which the wilderness areas are located
16 is characterized by—

17 (i) groundwater subject to local and
18 regional flow gradients; and

19 (ii) unconfined and artesian condi-
20 tions;

21 (D) the wilderness areas are generally not
22 suitable for use or development of new water re-
23 source facilities; and

24 (E) because of the unique nature and hy-
25 drology of the desert land in the wilderness

1 areas, it is possible to provide for proper man-
2 agement and protection of the wilderness areas
3 and other values of land in ways different from
4 those used in other laws.

5 (2) STATUTORY CONSTRUCTION.—Nothing in
6 this subsection—

7 (A) constitutes an express or implied res-
8 ervation by the United States of any water or
9 water rights with respect to the wilderness
10 areas;

11 (B) affects any water rights in the State of
12 Nevada (including any water rights held by the
13 United States) in existence on the date of en-
14 actment of this Act;

15 (C) establishes a precedent with regard to
16 any future wilderness designations;

17 (D) affects the interpretation of, or any
18 designation made under, any other Act; or

19 (E) limits, alters, modifies, or amends any
20 interstate compact or equitable apportionment
21 decree that apportions water among and be-
22 tween the State of Nevada and other States.

23 (3) NEVADA WATER LAW.—The Secretary shall
24 follow the procedural and substantive requirements
25 of Nevada State law in order to obtain and hold any

1 water rights not in existence on the date of enact-
2 ment of this Act with respect to the wilderness
3 areas.

4 (4) NEW PROJECTS.—

5 (A) DEFINITION OF WATER RESOURCE FA-
6 CILITY.—

7 (i) IN GENERAL.—In this paragraph,
8 the term “water resource facility” means
9 irrigation and pumping facilities, res-
10 ervoirs, water conservation works, aque-
11 ducts, canals, ditches, pipelines, wells, hy-
12 dropower projects, transmission and other
13 ancillary facilities, and other water diver-
14 sion, storage, and carriage structures.

15 (ii) EXCLUSION.—In this paragraph,
16 the term “water resource facility” does not
17 include wildlife guzzlers.

18 (B) RESTRICTION ON NEW WATER RE-
19 SOURCE FACILITIES.—Except as otherwise pro-
20 vided in this section, on and after the date of
21 enactment of this Act, neither the President nor
22 any other officer, employee, or agent of the
23 United States shall fund, assist, authorize, or
24 issue a license or permit for the development of

1 any new water resource facility within a wilder-
2 ness area.

3 (g) WILDFIRE, INSECTS, AND DISEASE.—In accord-
4 ance with section 4(d)(1) of the Wilderness Act (16 U.S.C.
5 1133(d)(1)), the Secretary may take such measures in a
6 wilderness area as are necessary for the control of fire,
7 insects, and diseases (including, as the Secretary deter-
8 mines to be appropriate, the coordination of the activities
9 with a State or local agency).

10 (h) DATA COLLECTION.—Subject to such terms and
11 conditions as the Secretary may prescribe, nothing in this
12 section precludes the installation and maintenance of hy-
13 drologic, meteorological, or climatological collection de-
14 vices in a wilderness area, if the Secretary determines that
15 the devices and access to the devices are essential to flood
16 warning, flood control, or water reservoir operation activi-
17 ties.

18 (i) MILITARY OVERFLIGHTS.—Nothing in this sec-
19 tion restricts or precludes—

20 (1) low-level overflights of military aircraft over
21 a wilderness area, including military overflights that
22 can be seen or heard within a wilderness area;

23 (2) flight testing and evaluation; or

1 (3) the designation or creation of new units of
2 special use airspace, or the establishment of military
3 flight training routes, over a wilderness area.

4 (j) WILDLIFE MANAGEMENT.—

5 (1) IN GENERAL.—In accordance with section
6 4(d)(7) of the Wilderness Act (16 U.S.C.
7 1133(d)(7)), nothing in this chapter affects or di-
8 minishes the jurisdiction of the State of Nevada with
9 respect to fish and wildlife management, including
10 the regulation of hunting, fishing, and trapping, in
11 the wilderness areas.

12 (2) MANAGEMENT ACTIVITIES.—In furtherance
13 of the purposes and principles of the Wilderness Act
14 (16 U.S.C. 1131 et seq.), the Secretary may conduct
15 any management activities in the wilderness areas
16 that are necessary to maintain or restore fish and
17 wildlife populations and the habitats to support the
18 populations, if the activities are carried out—

19 (A) consistent with relevant wilderness
20 management plans; and

21 (B) in accordance with—

22 (i) the Wilderness Act (16 U.S.C.
23 1131 et seq.); and

24 (ii) appropriate policies, such as those
25 set forth in Appendix B of the report of

1 the Committee on Interior and Insular Af-
2 fairs of the House of Representatives ac-
3 companying H.R. 2570 of the 101st Con-
4 gress (House Report 101–405), including
5 the occasional and temporary use of motor-
6 ized vehicles, if the use, as determined by
7 the Secretary, would promote healthy, via-
8 ble, and more naturally distributed wildlife
9 populations that would enhance wilderness
10 values with the minimal impact necessary
11 to reasonably accomplish those tasks.

12 (3) EXISTING ACTIVITIES.—In accordance with
13 section 4(d)(1) of the Wilderness Act (16 U.S.C.
14 1133(d)(1)) and in accordance with appropriate poli-
15 cies such as those set forth in Appendix B of the
16 Committee on Interior and Insular Affairs of the
17 House of Representatives accompanying H.R. 2570
18 of the 101st Congress (House Report 101–405), the
19 State may continue to use aircraft (including heli-
20 copters) to survey, capture, transplant, monitor, and
21 provide water for wildlife populations.

22 (4) WILDLIFE WATER DEVELOPMENT
23 PROJECTS.—Subject to subsection (f), the Secretary
24 shall authorize structures and facilities, including ex-
25 isting structures and facilities, for wildlife water de-

1 development projects, including guzzlers, in the wilder-
2 ness areas if—

3 (A) the structures and facilities would, as
4 determined by the Secretary, enhance wilder-
5 ness values by promoting healthy, viable, and
6 more naturally distributed wildlife populations;
7 and

8 (B) the visual impacts of the structures
9 and facilities on the wilderness areas can rea-
10 sonably be minimized.

11 (5) HUNTING, FISHING, AND TRAPPING.—

12 (A) IN GENERAL.—The Secretary may des-
13 ignate areas in which, and establish periods
14 during which, for reasons of public safety, ad-
15 ministration, or compliance with applicable
16 laws, no hunting, fishing, or trapping will be
17 permitted in the wilderness areas.

18 (B) CONSULTATION.—Except in emer-
19 gencies, the Secretary shall consult with the ap-
20 propriate State agency and notify the public be-
21 fore taking any action under subparagraph (A).

22 (6) COOPERATIVE AGREEMENT.—

23 (A) IN GENERAL.—The State of Nevada,
24 including a designee of the State, may conduct

1 wildlife management activities in the wilderness
2 areas—

3 (i) in accordance with the terms and
4 conditions specified in the cooperative
5 agreement between the Secretary and the
6 State entitled “Memorandum of Under-
7 standing between the Bureau of Land
8 Management and the Nevada Department
9 of Wildlife Supplement No. 9” and signed
10 November and December 2003, including
11 any amendments to the cooperative agree-
12 ment agreed to by the Secretary and the
13 State of Nevada; and

14 (ii) subject to all applicable laws (in-
15 cluding regulations).

16 (B) REFERENCES.—For the purposes of
17 this subsection, any references to Clark County,
18 Nevada, in the cooperative agreement described
19 this paragraph shall be considered to be a ref-
20 erence to Churchill or Lander County, Nevada,
21 as applicable.

22 **SEC. 2906. RELEASE OF WILDERNESS STUDY AREAS.**

23 (a) FINDING.—Congress finds that, for the purposes
24 of section 603(c) of the Federal Land Policy and Manage-
25 ment Act of 1976 (43 U.S.C. 1782(c)), the public land

1 in Churchill County, Nevada, that is administered by the
2 Bureau of Land Management in the following areas has
3 been adequately studied for wilderness designation:

4 (1) The Stillwater Range Wilderness Study
5 Area.

6 (2) The Job Peak Wilderness Study Area.

7 (3) The Clan Alpine Mountains Wilderness
8 Study Area.

9 (4) That portion of the Augusta Mountains
10 Wilderness Study Area located in Churchill County,
11 Nevada.

12 (5) That portion of the Desatoya Mountains
13 Wilderness Study Area located in Churchill County,
14 Nevada.

15 (6) Any portion of any other wilderness study
16 area located in Churchill County, Nevada, that is
17 not a wilderness area.

18 (b) RELEASE.—The portions of the public land de-
19 scribed in subsection (a) not designated as wilderness by
20 section 2905(b)—

21 (1) are no longer subject to section 603(c) of
22 the Federal Land Policy and Management Act of
23 1976 (43 U.S.C. 1782(c)); and

24 (2) shall be managed in accordance with—

1 (A) land management plans adopted under
2 section 202 of that Act (43 U.S.C. 1712); and

3 (B) existing cooperative conservation
4 agreements.

5 **SEC. 2907. LAND CONVEYANCES AND EXCHANGES.**

6 (a) DEFINITIONS.—In this section:

7 (1) CITY.—The term “City” means the city of
8 Fallon, Nevada.

9 (2) PUBLIC PURPOSE.—The term “public pur-
10 pose” includes any of the following:

11 (A) The construction and operation of a
12 new fire station for Churchill County, Nevada.

13 (B) The operation or expansion of an ex-
14 isting wastewater treatment facility for Church-
15 ill County, Nevada.

16 (C) The operation or expansion of existing
17 gravel pits and rock quarries of Churchill Coun-
18 ty, Nevada.

19 (D) The operation or expansion of an ex-
20 isting City landfill.

21 (b) PUBLIC PURPOSE CONVEYANCES.—

22 (1) IN GENERAL.—Notwithstanding section 202
23 of the Federal Land Policy and Management Act of
24 1976 (43 U.S.C. 1712), the Secretary of the Interior
25 shall convey, subject to valid existing rights and

1 paragraph (2), for no consideration, all right, title,
2 and interest of the United States in approximately
3 6,892 acres of Federal land to Churchill County,
4 Nevada, and 212 acres of land to the City identified
5 as “Public Purpose Conveyances to Churchill County
6 and City of Fallon” on the map entitled “Churchill
7 County Proposed Fallon Range Training Complex
8 Modernization and Lands Bill” and dated November
9 30, 2022.

10 (2) USE.—Churchill County, Nevada, and the
11 City shall use the Federal land conveyed under para-
12 graph (1) for public purposes and the construction
13 and operation of public recreational facilities.

14 (3) REVERSIONARY INTEREST.—If a parcel of
15 Federal land conveyed to Churchill County, Nevada,
16 under paragraph (1) ceases to be used for public
17 recreation or other public purposes consistent with
18 the Act of June 14, 1926 (commonly known as the
19 “Recreation and Public Purposes Act”; 43 U.S.C.
20 869 et seq.), the parcel of Federal land shall, at the
21 discretion of the Secretary of the Interior, revert to
22 the United States.

23 (4) GRAVEL PIT AND ROCK QUARRY ACCESS.—
24 Churchill County, Nevada, shall provide at no cost
25 to the Department of the Interior access to and use

1 of any existing gravel pits and rock quarries con-
2 veyed to Churchill County, Nevada, under this sec-
3 tion.

4 (c) EXCHANGE.—The Secretary of the Interior shall
5 seek to enter into an agreement for an exchange with
6 Churchill County, Nevada, for the land identified as
7 “Churchill County Conveyance to the Department of Inte-
8 rior” in exchange for the land administered by the Sec-
9 retary of the Interior identified as “Department of Inte-
10 rior Conveyance to Churchill County” on the map entitled
11 “Churchill County Proposed Fallon Range Training Com-
12 plex Modernization and Lands Bill” and dated November
13 30, 2022.

14 **SEC. 2908. CHECKERBOARD RESOLUTION.**

15 (a) IN GENERAL.—The Secretary of the Interior, in
16 consultation with Churchill County, Nevada, and land-
17 owners in Churchill County, Nevada, and after providing
18 an opportunity for public comment, shall seek to consoli-
19 date Federal land and non-Federal land ownership in
20 Churchill County, Nevada.

21 (b) LAND EXCHANGES.—

22 (1) LAND EXCHANGE AUTHORITY.—To the ex-
23 tent practicable, the Secretary of the Interior shall
24 offer to exchange land identified for exchange under
25 paragraph (3) for private land in Churchill County,

1 Nevada, that is adjacent to Federal land in Church-
2 ill County, Nevada, if the exchange would consoli-
3 date land ownership and facilitate improved land
4 management in Churchill County, Nevada, as deter-
5 mined by the Secretary of the Interior.

6 (2) APPLICABLE LAW.—Except as otherwise
7 provided in this section, a land exchange under this
8 section shall be conducted in accordance with—

9 (A) section 206 of the Federal Land Policy
10 and Management Act of 1976 (43 U.S.C.
11 1716); and

12 (B) any other applicable law.

13 (3) IDENTIFICATION OF FEDERAL LAND FOR
14 EXCHANGE.—The Secretary of the Interior shall
15 identify appropriate Federal land in Churchill Coun-
16 ty, Nevada, to offer for exchange from Federal land
17 identified as potentially suitable for disposal in an
18 applicable resource management plan and managed
19 by—

20 (A) the Commissioner of Reclamation; or

21 (B) the Director of the Bureau of Land
22 Management.

23 (c) EQUAL VALUE LAND EXCHANGES.—

1 (1) IN GENERAL.—Land to be exchanged under
2 this section shall be of equal value, based on ap-
3 praisals prepared in accordance with—

4 (A) the Uniform Standards for Profes-
5 sional Land Acquisitions; and

6 (B) the Uniform Standards of Professional
7 Appraisal Practice.

8 (2) USE OF MASS APPRAISALS.—

9 (A) IN GENERAL.—Subject to subpara-
10 graph (B), the Secretary of the Interior may
11 use a mass appraisal to determine the value of
12 land to be exchanged under this section, if the
13 Secretary of the Interior determines that the
14 land to be subject to the mass appraisal is of
15 similar character and value.

16 (B) EXCLUSION.—The Secretary of the In-
17 terior shall exclude from a mass appraisal
18 under subparagraph (A) any land, the value of
19 which is likely to exceed \$250 per acre, as de-
20 termined by the Secretary of the Interior.

21 (C) AVAILABILITY.—The Secretary of the
22 Interior shall make the results of a mass ap-
23 praisal conducted under subparagraph (A)
24 available to the public.

1 (d) FUNDING ELIGIBILITY.—Section 4(e)(3)(A) of
2 the Southern Nevada Public Land Management Act of
3 1998 (Public Law 105–263; 31 U.S.C. 6901 note) is
4 amended—

5 (1) in clause (iv) by inserting “Churchill,” after
6 “Lincoln,”;

7 (2) in clause (x) by striking “Nevada; and” and
8 inserting “Nevada;”;

9 (3) in clause (xi) by striking “paragraph
10 (2)(A).” and inserting “paragraph (2)(A); and”;

11 (4) by adding at the end the following:

12 “(xii) reimbursement of costs incurred
13 by the Secretary in the identification, im-
14 plementation, and consolidation of Federal
15 and non-Federal lands in Churchill County
16 in accordance with section 2908 of division
17 B of the James M. Inhofe National De-
18 fense Authorization Act for Fiscal Year
19 2023.”.

20 **Subtitle B—Lander County Eco-**
21 **nomic Development and Con-**
22 **servation**

23 **SEC. 2911. DEFINITIONS.**

24 In this subtitle:

1 (1) COUNTY.—The term “County” means
2 Lander County, Nevada.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 (3) STATE.—The term “State” means the State
6 of Nevada.

7 **PART I—LANDER COUNTY PUBLIC PURPOSE**

8 **LAND CONVEYANCES**

9 **SEC. 2921. DEFINITIONS.**

10 In this part:

11 (1) MAP.—The term “Map” means the map en-
12 titled “Lander County Selected Lands” and dated
13 August 4, 2020.

14 (2) SECRETARY CONCERNED.—The term “Sec-
15 retary concerned” means—

16 (A) the Secretary, with respect to land
17 under the jurisdiction of the Secretary; and

18 (B) the Secretary of Agriculture, acting
19 through the Chief of the Forest Service, with
20 respect to National Forest System land.

21 **SEC. 2922. CONVEYANCES TO LANDER COUNTY, NEVADA.**

22 (a) CONVEYANCE FOR WATERSHED PROTECTION,
23 RECREATION, AND PARKS.—Notwithstanding the land use
24 planning requirements of sections 202 and 203 of the Fed-
25 eral Land Policy and Management Act of 1976 (43 U.S.C.

1 1712, 1713), not later than 60 days after the date on
2 which the County identifies and selects the parcels of Fed-
3 eral land for conveyance to the County from among the
4 parcels identified on the Map as “Lander County Parcels
5 BLM and USFS” and dated August 4, 2020, the Sec-
6 retary concerned shall convey to the County, subject to
7 valid existing rights and for no consideration, all right,
8 title, and interest of the United States in and to the identi-
9 fied parcels of Federal land (including mineral rights) for
10 use by the County for watershed protection, recreation,
11 and parks.

12 (b) CONVEYANCE FOR AIRPORT FACILITY.—

13 (1) IN GENERAL.—Notwithstanding the land
14 use planning requirements of sections 202 and 203
15 of the Federal Land Policy and Management Act of
16 1976 (43 U.S.C. 1712, 1713), the Secretary con-
17 cerned shall convey to the County, subject to valid
18 existing rights, including mineral rights, all right,
19 title, and interest of the United States in and to the
20 parcels of Federal land identified on the Map as
21 “Kingston Airport” for the purpose of improving the
22 relevant airport facility and related infrastructure.

23 (2) COSTS.—The only costs for the conveyance
24 to be paid by the County under paragraph (1) shall
25 be the survey costs relating to the conveyance.

1 (c) SURVEY.—The exact acreage and legal descrip-
2 tion of any parcel of Federal land to be conveyed under
3 subsection (a) or (b) shall be determined by a survey satis-
4 factory to the Secretary concerned and the County.

5 (d) REVERSIONARY INTEREST.—If a parcel of Fed-
6 eral land conveyed to the County under subsections (a)
7 or (b) ceases to be used for public recreation or other pub-
8 lic purposes consistent with the Act of June 14, 1926
9 (commonly known as the “Recreation and Public Purposes
10 Act”; 43 U.S.C. 869 et seq.), the parcel of Federal land
11 shall, at the discretion of the Secretary of the Interior,
12 revert to the United States.

13 (e) MAP, ACREAGE ESTIMATES, AND LEGAL DE-
14 SCRIPTIONS.—

15 (1) MINOR ERRORS.—The Secretary concerned
16 and the County may, by mutual agreement—

17 (A) make minor boundary adjustments to
18 the parcels of Federal land to be conveyed
19 under subsection (a) or (b); and

20 (B) correct any minor errors in—

21 (i) the Map; or

22 (ii) an acreage estimate or legal de-
23 scription of any parcel of Federal land con-
24 veyed under subsection (a) or (b).

1 (2) CONFLICT.—If there is a conflict between
2 the Map, an acreage estimate, or a legal description
3 of Federal land conveyed under subsection (a) or
4 (b), the Map shall control unless the Secretary con-
5 cerned and the County mutually agree otherwise.

6 (3) AVAILABILITY.—The Secretary shall make
7 the Map available for public inspection in—

8 (A) the Office of the Nevada State Direc-
9 tor of the Bureau of Land Management; and

10 (B) the Bureau of Land Management Bat-
11 tle Mountain Field Office.

12 **PART II—LANDER COUNTY WILDERNESS AREAS**

13 **SEC. 2931. DEFINITIONS.**

14 In this part:

15 (1) MAP.—The term “Map” means the map en-
16 titled “Lander County Wilderness Areas Proposal”
17 and dated April 19, 2021.

18 (2) WILDERNESS AREA.—The term “wilderness
19 area” means a wilderness area designated by section
20 2932(a).

21 **SEC. 2932. DESIGNATION OF WILDERNESS AREAS.**

22 (a) IN GENERAL.—In accordance with the Wilderness
23 Act (16 U.S.C. 1131 et seq.), the following land in the
24 State of Nevada is designated as wilderness and as compo-
25 nents of the National Wilderness Preservation System:

1 (1) CAIN MOUNTAIN WILDERNESS.—Certain
2 Federal land managed by the Director of the Bureau
3 of Land Management, comprising approximately
4 6,386 acres, generally depicted as “Cain Mountain
5 Wilderness” on the Map, which shall be part of the
6 Cain Mountain Wilderness designated by section
7 2905(b) of this title.

8 (2) DESATOYA MOUNTAINS WILDERNESS.—Cer-
9 tain Federal land managed by the Director of the
10 Bureau of Land Management, comprising approxi-
11 mately 7,766 acres, generally depicted as “Desatoya
12 Mountains Wilderness” on the Map, which shall be
13 part of the Desatoya Mountains Wilderness des-
14 ignated by section 2905(b) of this title.

15 (b) MAP AND LEGAL DESCRIPTION.—

16 (1) IN GENERAL.—As soon as practicable after
17 the date of enactment of this Act, the Secretary
18 shall file with, and make available for inspection in,
19 the appropriate offices of the Bureau of Land Man-
20 agement, a map and legal description of each wilder-
21 ness area.

22 (2) EFFECT.—Each map and legal description
23 filed under paragraph (1) shall have the same force
24 and effect as if included in this chapter, except that

1 the Secretary may correct clerical and typographical
2 errors in the map or legal description.

3 (c) ADMINISTRATION OF WILDERNESS AREAS.—The
4 wilderness areas designated in subsection (a) shall be ad-
5 ministered in accordance with the Wilderness Act (16
6 U.S.C. 1131 et seq.) and the wilderness management pro-
7 visions in section 2905 of this title.

8 **SEC. 2933. RELEASE OF WILDERNESS STUDY AREAS.**

9 (a) FINDING.—Congress finds that, for the purposes
10 of section 603(e) of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1782(c)), the following pub-
12 lic land in the County has been adequately studied for wil-
13 derness designation:

14 (1) The approximately 10,777 acres of the Au-
15 gusta Mountain Wilderness Study Area within the
16 County that has not been designated as wilderness
17 by section 2902(a) of this title.

18 (2) The approximately 1,088 acres of the
19 Desatoya Wilderness Study Area within the County
20 that has not been designated as wilderness by sec-
21 tion 2902(a) of this title.

22 (b) RELEASE.—The public land described in sub-
23 section (a)—

1 (1) is no longer subject to section 603(c) of the
2 Federal Land Policy and Management Act of 1976
3 (43 U.S.C. 1782(c)); and

4 (2) shall be managed in accordance with the ap-
5 plicable land use plans adopted under section 202 of
6 the Federal Land Policy and Management Act of
7 1976 (43 U.S.C. 1712).

8 **DIVISION C—DEPARTMENT OF**
9 **ENERGY NATIONAL SECURITY**
10 **AUTHORIZATIONS AND**
11 **OTHER AUTHORIZATIONS**
12 **TITLE XXXI—DEPARTMENT OF**
13 **ENERGY NATIONAL SECURITY**
14 **PROGRAMS**

Subtitle A—National Security Programs and Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Nuclear energy.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Requirements for specific request for new or modified nuclear weapons.
- Sec. 3112. Modifications to long-term plan for meeting national security requirements for unencumbered uranium.
- Sec. 3113. Modification of minor construction threshold for plant projects.
- Sec. 3114. Update to plan for deactivation and decommissioning of non-operational defense nuclear facilities.
- Sec. 3115. Use of alternative technologies to eliminate proliferation threats at vulnerable sites.
- Sec. 3116. Unavailability for overhead costs of amounts specified for laboratory-directed research and development.
- Sec. 3117. Workforce enhancement for National Nuclear Security Administration.
- Sec. 3118. Modification of cost baselines for certain projects.
- Sec. 3119. Purchase of real property options.

- Sec. 3120. Prohibition on availability of funds to reconvert or retire W76–2 warheads.
- Sec. 3121. Acceleration of depleted uranium manufacturing processes.
- Sec. 3122. Assistance by the National Nuclear Security Administration to the Air Force for the development of the Mark 21A fuse.
- Sec. 3123. Determination of standardized indirect cost elements.
- Sec. 3124. Certification of completion of milestones with respect to plutonium pit aging.
- Sec. 3125. National Nuclear Security Administration facility advanced manufacturing development.
- Sec. 3126. Authorization of workforce development and training partnership programs within National Nuclear Security Administration.

Subtitle C—Reports and Other Matters

- Sec. 3131. Modification to certain reporting requirements.
- Sec. 3132. Repeal of obsolete provisions of the Atomic Energy Defense Act and other provisions.

1 **Subtitle A—National Security**
2 **Programs and Authorizations**

3 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
4 **TION.**

5 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
6 are hereby authorized to be appropriated to the Depart-
7 ment of Energy for fiscal year 2023 for the activities of
8 the National Nuclear Security Administration in carrying
9 out programs as specified in the funding table in section
10 4701.

11 (b) **AUTHORIZATION OF NEW PLANT PROJECTS.**—
12 From funds referred to in subsection (a) that are available
13 for carrying out plant projects, the Secretary of Energy
14 may carry out new plant projects for the National Nuclear
15 Security Administration as follows:

1 Project 23–D–516, Energetic Materials Charac-
2 terization Facility, Los Alamos National Laboratory,
3 Los Alamos, New Mexico, \$19,000,000.

4 Project 23–D–517, Electrical Power Capacity
5 Upgrade, Los Alamos National Laboratory, Los Ala-
6 mos, New Mexico, \$24,000,000.

7 Project 23–D–518, Plutonium Modernization
8 Operations & Waste Management Office Building,
9 Los Alamos National Laboratory, Los Alamos, New
10 Mexico, \$48,500,000.

11 Project 23–D–519, Special Materials Facility,
12 Y–12 National Security Complex, Oak Ridge, Ten-
13 nessee, \$49,500,000.

14 Project 23–D–533, Component Test Complex
15 Project, Bettis Atomic Power Laboratory, West
16 Mifflin, Pennsylvania, \$57,420,000.

17 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
19 are hereby authorized to be appropriated to the Depart-
20 ment of Energy for fiscal year 2023 for defense environ-
21 mental cleanup activities in carrying out programs as
22 specified in the funding table in section 4701.

23 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—
24 From funds referred to in subsection (a) that are available
25 for carrying out plant projects, the Secretary of Energy

1 may carry out, for defense environmental cleanup activi-
2 ties, the following new plant projects:

3 Project 23–D–402, Calcine Construction, Idaho
4 National Laboratory, Idaho Falls, Idaho,
5 \$10,000,000.

6 Project 23–D–403, Hanford 200 West Area
7 Tank Farms Risk Management Project, Office of
8 River Protection, Richland, Washington, \$4,408,000.

9 Project 23–D–404, 181D Export Water System
10 Reconfiguration and Upgrade, Hanford Site, Rich-
11 land, Washington, \$6,770,000.

12 Project 23–D–405, 181B Export Water System
13 Reconfiguration and Upgrade, Hanford Site, Rich-
14 land, Washington, \$480,000.

15 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

16 Funds are hereby authorized to be appropriated to
17 the Department of Energy for fiscal year 2023 for other
18 defense activities in carrying out programs as specified in
19 the funding table in section 4701.

20 **SEC. 3104. NUCLEAR ENERGY.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 2023 for nuclear
23 energy as specified in the funding table in section 4701.

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

4 **SEC. 3111. REQUIREMENTS FOR SPECIFIC REQUEST FOR**
5 **NEW OR MODIFIED NUCLEAR WEAPONS.**

6 Section 4209 of the Atomic Energy Defense Act (50
7 U.S.C. 2529) is amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1), by inserting “beyond
10 phase 1 or phase 6.1 (as the case may be) of
11 the nuclear weapon acquisition process” after
12 “modified nuclear weapon”; and

13 (B) in paragraph (2), by striking “research
14 and development which could lead to the pro-
15 duction” both places it appears and inserting
16 “research and development for the production”;

17 (2) by striking subsection (b) and inserting the
18 following new subsection:

19 “(b) BUDGET REQUEST FORMAT.—In a request for
20 funds under subsection (a), the Secretary shall include a
21 dedicated line item for each activity described in sub-
22 section (a)(2) for a new nuclear weapon or modified nu-
23 clear weapon that is in phase 2 or higher or phase 6.2
24 or higher (as the case may be) of the nuclear weapon ac-
25 quisition process.”; and

1 (3) by striking subsection (c) and inserting the
2 following new subsection:

3 “(c) NOTIFICATION AND BRIEFING OF NONCOVERED
4 ACTIVITIES.—In any fiscal year after fiscal year 2022, the
5 Secretary of Energy, acting through the Administrator, in
6 conjunction with the annual submission of the budget of
7 the President to Congress pursuant to section 1105 of title
8 31, United States Code, shall notify the congressional de-
9 fense committees of—

10 “(1) any activities described in subsection
11 (a)(2) relating to the development of a new nuclear
12 weapon or modified nuclear weapon that, during the
13 calendar year prior to the budget submission, were
14 carried out prior to phase 2 or phase 6.2 (as the
15 case may be) of the nuclear weapon acquisition proc-
16 ess; and

17 “(2) any plans to carry out, prior to phase 2 or
18 phase 6.2 (as the case may be) of the nuclear weap-
19 on acquisition process, activities described in sub-
20 section (a)(2) relating to the development of a new
21 nuclear weapon or modified nuclear weapon during
22 the fiscal year covered by that budget.”.

1 **SEC. 3112. MODIFICATIONS TO LONG-TERM PLAN FOR**
2 **MEETING NATIONAL SECURITY REQUIRE-**
3 **MENTS FOR UNENCUMBERED URANIUM.**

4 (a) **TIMING.**—Subsection (a) of section 4221 of the
5 Atomic Energy Defense Act (50 U.S.C. 2538c) is amend-
6 ed—

7 (1) by striking “each even-numbered year
8 through 2026” and inserting “each odd-numbered
9 year through 2031”; and

10 (2) by striking “2065” and inserting “2070”.

11 (b) **PLAN REQUIREMENTS.**—Subsection (b) of such
12 section is amended—

13 (1) in paragraph (3), by inserting “through
14 2070” after “unencumbered uranium”;

15 (2) by redesignating paragraphs (4) through
16 (8) as paragraphs (5) through (9), respectively;

17 (3) by inserting after paragraph (3) the fol-
18 lowing new paragraph (4):

19 “(4) An assessment of current and projected
20 unencumbered uranium production by private indus-
21 try in the United States that could support future
22 defense requirements.”; and

23 (4) by striking paragraphs (8) and (9), as so
24 redesignated, and inserting the following new para-
25 graphs:

26 “(8) An assessment of—

1 “(A) when additional enrichment of ura-
2 nium will be required to meet national security
3 requirements; and

4 “(B) the options the Secretary is consid-
5 ering to meet such requirements, including an
6 estimated cost and timeline for each option and
7 a description of any changes to policy or law
8 that the Secretary determines would be required
9 for each option.

10 “(9) An assessment of how options to provide
11 additional enriched uranium to meet national secu-
12 rity requirements could, as an additional benefit,
13 contribute to the establishment of a sustained do-
14 mestic enrichment capacity and allow the commer-
15 cial sector of the United States to reduce reliance on
16 importing uranium from adversary countries.”.

17 (c) COMPTROLLER GENERAL REVIEW.—Such section
18 is further amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e); and

21 (2) by inserting after subsection (c) the fol-
22 lowing new subsection:

23 “(d) COMPTROLLER GENERAL BRIEFING.—Not later
24 than 180 days after the date on which the congressional
25 defense committees receive each plan under subsection (a),

1 the Comptroller General of the United States shall provide
2 to the Committees on Armed Services of the House of
3 Representatives and the Senate a briefing that includes
4 an assessment of the plan.”.

5 **SEC. 3113. MODIFICATION OF MINOR CONSTRUCTION**
6 **THRESHOLD FOR PLANT PROJECTS.**

7 (a) **THRESHOLD.**—Paragraph (2) of section 4701 of
8 the Atomic Energy Defense Act (50 U.S.C. 2741(2)) is
9 amended to read as follows:

10 “(2)(A) Except as provided by subparagraphs
11 (B) and (C), the term ‘minor construction threshold’
12 means \$30,000,000.

13 “(B) During the period beginning on the date
14 of the enactment of the National Defense Authoriza-
15 tion Act for Fiscal Year 2023 and ending on Novem-
16 ber 30, 2025, the Administrator may calculate the
17 amount specified in subparagraph (A) based on fis-
18 cal year 2022 constant dollars if the Adminis-
19 trator—

20 “(i) submits to the congressional defense
21 committees a report on the method used by the
22 Administrator to calculate the adjustment;

23 “(ii) a period of 30 days elapses following
24 the date of such submission; and

1 “(iii) publishes the adjusted amount in the
2 Federal Register.

3 “(C) Beginning on December 1, 2025, the term
4 ‘minor construction threshold’ means—

5 “(i) \$30,000,000; or

6 “(ii) if the Administrator calculated a dif-
7 ferent amount pursuant to subparagraph (B),
8 the last such calculated amount as published in
9 the Federal Register under clause (iii) of such
10 subparagraph.”.

11 (b) REPORTS.—Section 4703(b) of such Act (50
12 U.S.C. 2743) is amended by adding at the end the fol-
13 lowing: “The report shall include with respect to each
14 project the following:”

15 “(1) The estimated original total project cost
16 and the estimated original date of completion.

17 “(2) The percentage of the project that is com-
18 plete.

19 “(3) The current estimated total project cost
20 and estimated date of completion.”.

21 **SEC. 3114. UPDATE TO PLAN FOR DEACTIVATION AND DE-**
22 **COMMISSIONING OF NONOPERATIONAL DE-**
23 **ENSE NUCLEAR FACILITIES.**

24 Section 4423 of the Atomic Energy Defense Act (50
25 U.S.C. 2603) is amended—

1 (1) in subsection (a), by striking “during each
2 even-numbered year beginning in 2016”; and insert-
3 ing “every four years beginning in 2025”;

4 (2) in subsection (c)—

5 (A) by striking “2016” and inserting
6 “2025”;

7 (B) by striking “2019” and inserting
8 “2029”; and

9 (C) by striking “determines—” and all
10 that follows and inserting “determines are non-
11 operational as of September 30, 2024.”;

12 (3) in subsection (d)—

13 (A) by striking “Not later than March 31
14 of each even-numbered year beginning in 2016”
15 and inserting “Not later than March 31, 2025,
16 and every four years thereafter,”;

17 (B) by striking “submitting during 2016”
18 and inserting “submitted during 2025”; and

19 (C) by striking paragraph (4) and insert-
20 ing the following new paragraph:

21 “(4) a description of the deactivation and de-
22 commissioning actions taken at each nonoperational
23 defense nuclear facility during the period following
24 the date on which the previous report required by
25 this section was submitted.”; and

1 (4) in subsection (e), by striking “2026” and
2 inserting “2033”.

3 **SEC. 3115. USE OF ALTERNATIVE TECHNOLOGIES TO ELIMI-**
4 **NATE PROLIFERATION THREATS AT VULNER-**
5 **ABLE SITES.**

6 Section 4306B of the Atomic Energy Defense Act (50
7 U.S.C. 2569) is amended—

8 (1) in subsection (c)(1)(M)(ii), by inserting
9 “(including through the use of alternative tech-
10 nologies)” after “convert”; and

11 (2) in subsection (g), by adding at the end the
12 following new paragraph:

13 “(7) The term ‘alternative technologies’ means
14 technologies, such as accelerator-based equipment,
15 that do not use radiological materials.”.

16 **SEC. 3116. UNAVAILABILITY FOR OVERHEAD COSTS OF**
17 **AMOUNTS SPECIFIED FOR LABORATORY-DI-**
18 **RECTED RESEARCH AND DEVELOPMENT.**

19 (a) IN GENERAL.—Section 4812 of the Atomic En-
20 ergy Defense Act (50 U.S.C. 2792) is amended by adding
21 at the end the following new subsection:

22 “(c) LIMITATION ON USE OF FUNDS FOR OVER-
23 HEAD.—A national security laboratory may not use funds
24 made available under section 4811(c) to cover the costs

1 of general and administrative overhead for the labora-
2 tory.”.

3 (b) REPEAL OF PILOT PROGRAM.—Section 3119 of
4 the National Defense Authorization Act for Fiscal Year
5 2017 (Public Law 114–328; 50 U.S.C. 2791 note) is re-
6 pealed.

7 **SEC. 3117. WORKFORCE ENHANCEMENT FOR NATIONAL NU-**
8 **CLEAR SECURITY ADMINISTRATION.**

9 (a) ELIMINATION OF CAP ON FULL-TIME EQUIVA-
10 LENT EMPLOYEES OF THE NATIONAL NUCLEAR SECU-
11 RITY ADMINISTRATION.—Section 3241A of the National
12 Nuclear Security Administration Act (50 U.S.C. 2441a)
13 is amended—

14 (1) by striking subsections (a) and (e);

15 (2) by redesignating subsections (d), (e), and
16 (f) as subsections (a), (b), and (c), respectively; and

17 (3) by redesignating the first subsection (b) as
18 subsection (d) and moving the subsection so as to
19 appear after subsection (c), as redesignated by para-
20 graph (2).

21 (b) ANNUAL BRIEFING.—Subsection (c) of such sec-
22 tion, as so redesignated, is amended to read as follows:

23 “(c) ANNUAL BRIEFING.—In conjunction with the
24 submission of the budget of the President to Congress
25 pursuant to section 1105 of title 31, United States Code,

1 the Administrator shall provide to the congressional de-
2 fense committees a briefing containing the following infor-
3 mation:

4 “(1) A projection of the expected number of
5 employees of the Office of the Administrator, as
6 counted under subsection (d), for the fiscal year cov-
7 ered by the budget and the four subsequent fiscal
8 years, broken down by the office in which the em-
9 ployees are projected to be assigned.

10 “(2) With respect to the most recent fiscal year
11 for which data is available—

12 “(A) the number of service support con-
13 tracts of the Administration and whether such
14 contracts are funded using program or program
15 direction funds;

16 “(B) the number of full-time equivalent
17 contractor employees working under each con-
18 tract identified under subparagraph (A);

19 “(C) the number of full-time equivalent
20 contractor employees described in subparagraph
21 (B) that have been employed under such a con-
22 tract for a period greater than two years;

23 “(D) with respect to each contract identi-
24 fied under subparagraph (A)—

1 “(i) identification of each appropria-
2 tions account that supports the contract;
3 and

4 “(ii) the amount obligated under the
5 contract during the fiscal year, listed by
6 each such account; and

7 “(E) with respect to each appropriations
8 account identified under subparagraph (D)(i),
9 the total amount obligated for contracts identi-
10 fied under subparagraph (A).”.

11 (c) CONFORMING AMENDMENT.—Subsection (d) of
12 such section, as redesignated by subsection (a), is amend-
13 ed by striking “under subsection (a)” each place it ap-
14 pears and inserting “under subsection (c)”.

15 **SEC. 3118. MODIFICATION OF COST BASELINES FOR CER-**
16 **TAIN PROJECTS.**

17 Section 4713(a) of the Atomic Energy Defense Act
18 (50 U.S.C. 2753(a)) is amended—

19 (1) in paragraph (2)(D), by striking
20 “\$750,000,000” and inserting “\$800,000,000”;

21 (2) in paragraph (3)(A)(i), by striking
22 “\$50,000,000” and inserting “\$65,000,000”; and

23 (3) in paragraph (4)(A)(i), by striking
24 “\$50,000,000” and inserting “\$65,000,000”.

1 **SEC. 3119. PURCHASE OF REAL PROPERTY OPTIONS.**

2 Subtitle E of the National Nuclear Security Adminis-
3 tration Act (50 U.S.C. 2461 et seq.) is amended by adding
4 at the end the following new section (and conforming the
5 table of contents at the beginning of such Act accord-
6 ingly):

7 **“SEC. 3265. USE OF FUNDS FOR THE PURCHASE OF OP-**
8 **TIONS TO PURCHASE REAL PROPERTY.**

9 “(a) **AUTHORITY.**—Subject to the limitation in sub-
10 section (b), funds authorized to be appropriated for the
11 Administration for the purchase of real property may be
12 expended to purchase options for the purchase of real
13 property.

14 “(b) **LIMITATION ON PRICE OF OPTIONS.**—The price
15 of any option purchased pursuant to subsection (a) may
16 not exceed the minor construction threshold (as defined
17 in section 4701 of the Atomic Energy Defense Act (50
18 U.S.C. 2741)).

19 “(c) **NOTICE.**—Not later than 14 days after the date
20 an option is purchased pursuant to subsection (a), the Ad-
21 ministrator shall submit to the congressional defense com-
22 mittees—

23 “(1) a notification of such purchase; and

24 “(2) a summary of the rationale for such pur-
25 chase.”.

1 **SEC. 3120. PROHIBITION ON AVAILABILITY OF FUNDS TO**
2 **RECONVERT OR RETIRE W76-2 WARHEADS.**

3 (a) PROHIBITION.—Except as provided in subsection
4 (b), none of the funds authorized to be appropriated by
5 this Act or otherwise made available for fiscal year 2023
6 for the National Nuclear Security Administration may be
7 obligated or expended to reconvert or retire a W76-2 war-
8 head.

9 (b) WAIVER.—The Administrator for Nuclear Secu-
10 rity may waive the prohibition in subsection (a) if the Ad-
11 ministrator, in consultation with the Secretary of Defense
12 and the Chairman of the Joint Chiefs of Staff, certifies
13 in writing to the congressional defense committees—

14 (1) that Russia and China do not possess naval
15 capabilities similar to the W76-2 warhead in the ac-
16 tive stockpiles of the respective country; and

17 (2) that the Department of Defense does not
18 have a valid military requirement for the W76-2
19 warhead.

20 **SEC. 3121. ACCELERATION OF DEPLETED URANIUM MANU-**
21 **FACTURING PROCESSES.**

22 (a) ACCELERATION OF MANUFACTURING.—The Ad-
23 ministrator for Nuclear Security shall require the nuclear
24 security enterprise to accelerate the modernization of
25 manufacturing processes for depleted uranium by 2030 so
26 that the nuclear security enterprise—

1 (1) demonstrates bulk cold hearth melting of
2 depleted uranium alloys to augment existing capa-
3 bilities on an operational basis for war reserve com-
4 ponents;

5 (2) manufactures, on a repeatable and ongoing
6 basis, war reserve depleted uranium alloy compo-
7 nents using net shape casting;

8 (3) demonstrates, if possible, a production facil-
9 ity to conduct routine operations for manufacturing
10 depleted uranium alloy components outside of the
11 current perimeter security fencing of the Y-12 Na-
12 tional Security Complex, Oak Ridge, Tennessee; and

13 (4) has available high purity depleted uranium
14 for the production of war reserve components.

15 (b) ANNUAL BRIEFING.—Not later than March 31,
16 2023, and annually thereafter through 2030, the Adminis-
17 trator shall provide to the congressional defense commit-
18 tees a briefing on—

19 (1) progress made in carrying out subsection
20 (a);

21 (2) the cost of activities conducted under such
22 subsection during the preceding fiscal year; and

23 (3) the ability of the nuclear security enterprise
24 to convert depleted uranium fluoride hexafluoride to
25 depleted uranium tetrafluoride.

1 (c) NUCLEAR SECURITY ENTERPRISE DEFINED.—In
2 this section, the term “nuclear security enterprise” has
3 the meaning given that term in section 4002 of the Atomic
4 Energy Defense Act (50 U.S.C. 2501).

5 **SEC. 3122. ASSISTANCE BY THE NATIONAL NUCLEAR SECU-**
6 **RITY ADMINISTRATION TO THE AIR FORCE**
7 **FOR THE DEVELOPMENT OF THE MARK 21A**
8 **FUSE.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of the enactment of this Act, the Administrator for
11 Nuclear Security shall enter into an agreement with the
12 Secretary of the Air Force under which the Administrator
13 shall support the Air Force by reviewing and validating
14 the development and sustainment of a fuse for the Mark
15 21A reentry vehicle to support the W87–1 warhead over
16 the projected lifetime of the warhead, including by—

17 (1) acting as an external reviewer of the Mark
18 21A fuse, including by reviewing—

19 (A) the design of the fuse;

20 (B) the quality of manufacturing and
21 parts; and

22 (C) the life availability of components;

23 (2) advising and supporting the Air Force on
24 strategies to mitigate technical and schedule fuse
25 risks; and

1 (3) otherwise ensuring the expertise of the Na-
2 tional Nuclear Security Administration in fuse and
3 warhead design and manufacturing is available to
4 support successful development and sustainment of
5 the fuse over its lifetime.

6 (b) BUDGET REQUEST.—The Administrator shall in-
7 clude, in the budget justification materials submitted to
8 Congress in support of the budget of the Department of
9 Energy for fiscal year 2024 (as submitted with the budget
10 of the President under section 1105(a) of title 31, United
11 States Code), a request for amounts sufficient to ensure
12 that the assistance provided to the Air Force under the
13 agreement under subsection (a) does not negatively affect
14 ongoing nuclear modernization programs of the Adminis-
15 tration.

16 (c) NUCLEAR WEAPONS COUNCIL REVIEW.—During
17 the life of the agreement under subsection (a), the Nuclear
18 Weapons Council established under section 179 of title 10,
19 United States Code, shall review the agreement as part
20 of the annual review by the Council of the budget of the
21 National Nuclear Security Administration and ensure that
22 assistance provided under such agreement aligns with on-
23 going programs of record between the Department of De-
24 fense and the National Nuclear Security Administration.

1 (d) TRANSMITTAL OF AGREEMENT.—Not later than
2 120 days after the date of the enactment of this Act, the
3 Nuclear Weapons Council shall transmit to the congress-
4 sional defense committees the agreement under subsection
5 (a) and any comments that the Council considers appro-
6 priate.

7 **SEC. 3123. DETERMINATION OF STANDARDIZED INDIRECT**
8 **COST ELEMENTS.**

9 (a) IN GENERAL.—Not later than March 31, 2025,
10 the Deputy Chief Financial Officer of the Department of
11 Energy shall, in consultation with the Administrator for
12 Nuclear Security and the Director of the Office of Science,
13 determine standardized indirect cost elements to be re-
14 ported by contractors to the Administrator.

15 (b) REPORT.—Not later than 90 days after the date
16 that the determination required by subsection (a) is made,
17 the Deputy Chief Financial Officer shall, in coordination
18 with the Administrator and the Director, submit to the
19 congressional defense committees a report describing the
20 standardized indirect cost elements determined under sub-
21 section (a) and a plan to require contractors to report,
22 beginning in fiscal year 2026, such standardized indirect
23 cost elements to the Administrator.

24 (c) STANDARDIZED INDIRECT COST ELEMENTS DE-
25 FINED.—In this section, the term “standardized indirect

1 cost elements” means the categories of indirect costs in-
2 curred by management and operating contractors that re-
3 ceive funds to perform work for the National Nuclear Se-
4 curity Administration.

5 **SEC. 3124. CERTIFICATION OF COMPLETION OF MILE-**
6 **STONES WITH RESPECT TO PLUTONIUM PIT**
7 **AGING.**

8 (a) REQUIREMENT.—The Administrator for Nuclear
9 Security shall complete the milestones on plutonium pit
10 aging identified in the report entitled “Research Program
11 Plan for Plutonium and Pit Aging”, published by the Na-
12 tional Nuclear Security Administration in September
13 2021.

14 (b) ASSESSMENTS.—The Administrator shall—

15 (1) acting through the Defense Programs Advi-
16 sory Committee, conduct biennial reviews during the
17 period beginning not later than one year after the
18 date of the enactment of this Act and ending De-
19 cember 31, 2030, regarding the progress achieved
20 toward completing the milestones described in sub-
21 section (a); and

22 (2) seek to enter into an arrangement with the
23 private scientific advisory group known as JASON
24 to conduct, not later than 2030, an assessment of
25 plutonium pit aging.

1 (c) BRIEFINGS.—During the period beginning not
2 later than one year after the date of the enactment of this
3 Act and ending December 31, 2030, the Administrator
4 shall provide to the congressional defense committees bien-
5 nial briefings on—

6 (1) the progress achieved toward completing the
7 milestones described in subsection (a); and

8 (2) the results of the assessments described in
9 subsection (b).

10 (d) CERTIFICATION OF COMPLETION OF MILE-
11 STONES.—Not later than October 1, 2031, the Adminis-
12 trator shall—

13 (1) certify to the congressional defense commit-
14 tees whether the milestones described in subsection
15 (a) have been achieved; and

16 (2) if the milestones have not been achieved,
17 submit to such committees a report—

18 (A) describing the reasons such milestones
19 have not been achieved;

20 (B) including, if the Administrator deter-
21 mines the Administration will not be able to
22 meet one of such milestones, an explanation for
23 that determination; and

1 (C) specifying new dates for the completion
2 of the milestones the Administrator anticipates
3 the Administration will meet.

4 **SEC. 3125. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
5 **TION FACILITY ADVANCED MANUFACTURING**
6 **DEVELOPMENT.**

7 (a) IN GENERAL.—Of the funds authorized to be ap-
8 propriated by this Act for fiscal year 2023 for the Na-
9 tional Nuclear Security Administration for nuclear weap-
10 ons production facilities, the Administrator for Nuclear
11 Security may authorize an amount, not to exceed 5 per-
12 cent of such funds, to be used by the director of each such
13 facility to engage in research, development, and dem-
14 onstration activities in order to maintain and enhance the
15 engineering and manufacturing capabilities at such facil-
16 ity.

17 (b) NUCLEAR WEAPONS PRODUCTION FACILITY DE-
18 FINED.—In this section, the term “nuclear weapons pro-
19 duction facility” has the meaning given that term in sec-
20 tion 4002 of the Atomic Energy Defense Act (50 U.S.C.
21 2501).

1 **SEC. 3126. AUTHORIZATION OF WORKFORCE DEVELOP-**
2 **MENT AND TRAINING PARTNERSHIP PRO-**
3 **GRAMS WITHIN NATIONAL NUCLEAR SECUR-**
4 **RITY ADMINISTRATION.**

5 (a) **AUTHORITY.**—The Administrator for Nuclear Se-
6 curity may authorize management and operating contrac-
7 tors at covered facilities to develop and implement work-
8 force development and training partnership programs to
9 further the education and training of employees or pro-
10 spective employees of such management and operating
11 contractors to meet the requirements of section 4219 of
12 the Atomic Energy Defense Act (50 U.S.C. 2538a).

13 (b) **CAPACITY.**—To carry out subsection (a), a man-
14 agement and operating contractor at a covered facility
15 may provide funding through grants or other means to
16 cover the costs of the development and implementation of
17 a workforce development and training partnership pro-
18 gram authorized under such subsection, including costs re-
19 lating to curriculum development, hiring of teachers, pro-
20 curement of equipment and machinery, use of facilities or
21 other properties, and provision of scholarships and fellow-
22 ships.

23 (c) **DEFINITIONS.**—In this section:

24 (1) The term “covered facility” means—

25 (A) Los Alamos National Laboratory, Los
26 Alamos, New Mexico; or

1 (B) the Savannah River Site, Aiken, South
2 Carolina.

3 (2) The term “prospective employee” means an
4 individual who has applied (or who, based on their
5 field of study and experience, is likely to apply) for
6 a position of employment with a management and
7 operating contractor to support plutonium pit pro-
8 duction at a covered facility.

9 **Subtitle C—Reports and Other**
10 **Matters**

11 **SEC. 3131. MODIFICATION TO CERTAIN REPORTING RE-**
12 **QUIREMENTS.**

13 (a) REPORTS ON NUCLEAR WARHEAD ACQUISITION
14 PROCESS.—Section 4223 of the Atomic Energy Defense
15 Act (50 U.S.C. 2538e) is amended—

16 (1) in subsection (a)(2)(A), by striking “submit
17 to the congressional defense committees a plan” and
18 inserting “provide to the congressional defense com-
19 mittees a briefing on a plan”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1), by striking “certify
22 to the congressional defense committees that”
23 and inserting “provide to the congressional de-
24 fense committees a briefing that includes cer-
25 tifications that—”; and

1 (B) in paragraph (2)—

2 (i) by inserting “, or provide to such
3 committees a briefing on,” after “a report
4 containing”; and

5 (ii) by inserting “or briefing, as the
6 case may be” after “date of the report”.

7 (b) REPORTS ON TRANSFERS OF CIVIL NUCLEAR
8 TECHNOLOGY.—Section 3136 of the National Defense
9 Authorization Act for Fiscal Year 2016 (42 U.S.C. 2077a)
10 is amended—

11 (1) by redesignating subsection (i) as subsection
12 (j); and

13 (2) by inserting after subsection (h) the fol-
14 lowing new subsection:

15 “(i) COMBINATION OF REPORTS.—The Secretary of
16 Energy may submit the annual reports required by sub-
17 sections (a), (d), and (e) as a single annual report, includ-
18 ing by providing portions of the information so required
19 as an annex to the single annual report.”.

20 (c) CONFORMING AMENDMENT.—Section 161 n. of
21 the Atomic Energy Act of 1954 (50 U.S.C. 2201(n)) is
22 amended by striking “section 3136(i) of the National De-
23 fense Authorization Act for Fiscal Year 2016 (42 U.S.C.
24 2077a(i))” and inserting “section 3136 of the National

1 Defense Authorization Act for Fiscal Year 2016 (42
2 U.S.C. 2077a))”.

3 **SEC. 3132. REPEAL OF OBSOLETE PROVISIONS OF THE**
4 **ATOMIC ENERGY DEFENSE ACT AND OTHER**
5 **PROVISIONS.**

6 (a) REPEAL OF PROVISIONS OF THE ATOMIC EN-
7 ERGY DEFENSE ACT.—

8 (1) IN GENERAL.—The Atomic Energy Defense
9 Act (50 U.S.C. 2501 et seq.) is amended—

10 (A) in title XLII—

11 (i) in subtitle A, by striking section
12 4215; and

13 (ii) in subtitle B, by striking section
14 4235; and

15 (B) in title XLIV—

16 (i) in subtitle A, by striking section
17 4403;

18 (ii) in subtitle C, by striking sections
19 4444, 4445, and 4446; and

20 (iii) in subtitle D, by striking section
21 4454.

22 (2) CLERICAL AMENDMENT.—The table of con-
23 tents for the Atomic Energy Defense Act is amended
24 by striking the items relating to sections 4215,
25 4235, 4403, 4444, 4445, 4446, and 4454.

1 (b) REPEAL OF OTHER PROVISIONS.—

2 (1) AUTHORITY TO USE INTERNATIONAL NU-
3 CLEAR MATERIALS PROTECTION AND COOPERATION
4 PROGRAM FUNDS OUTSIDE THE FORMER SOVIET
5 UNION.—Section 3124 of the National Defense Au-
6 thorization Act for Fiscal Year 2004 (50 U.S.C.
7 2568) is repealed.

8 (2) SILK ROAD INITIATIVE; NUCLEAR NON-
9 PROLIFERATION FELLOWSHIPS.—Sections 3133 and
10 3134 of the Ronald W. Reagan National Defense
11 Authorization Act for Fiscal Year 2005 (50 U.S.C.
12 2570, 2571) are repealed.

13 (3) REQUIREMENT FOR RESEARCH AND DEVEL-
14 OPMENT PLAN AND REPORT WITH RESPECT TO NU-
15 CLEAR FORENSICS CAPABILITIES.—Section 3114 of
16 the Duncan Hunter National Defense Authorization
17 Act for Fiscal Year 2009 (50 U.S.C. 2574) is re-
18 pealed.

19 **TITLE XXXII—DEFENSE NU-**
20 **CLEAR FACILITIES SAFETY**
21 **BOARD**

Sec. 3201. Authorization.

Sec. 3202. Continuation of functions and powers during loss of quorum.

22 **SEC. 3201. AUTHORIZATION.**

23 There are authorized to be appropriated for fiscal
24 year 2023, \$41,401,400 for the operation of the Defense

1 Nuclear Facilities Safety Board under chapter 21 of the
2 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

3 **SECTION 3202. CONTINUATION OF FUNCTIONS AND POW-**
4 **ERS DURING LOSS OF QUORUM.**

5 Section 311(e) of the Atomic Energy Act of 1954 (42
6 U.S.C. 2286(e)) is amended—

7 (1) by striking “Three members” and inserting
8 “(1) Three members”; and

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

11 “(2) In accordance with paragraph (4), during a cov-
12 ered period, the Chairperson, in consultation with an eligi-
13 ble member, may carry out the functions and powers of
14 the Board under sections 312 through 316, notwith-
15 standing that a quorum does not exist.

16 “(3) Not later than 30 days after a covered period
17 begins, the Chairperson shall notify the congressional de-
18 fense committees that a quorum does not exist.

19 “(4) The Chairperson may make recommendations to
20 the Secretary of Energy and initiate investigations into de-
21 fense nuclear facilities under section 312 pursuant to
22 paragraph (2) only if—

23 “(A) a period of 30 days elapses following the
24 date on which the Chairperson submits the notifica-
25 tion required under paragraph (3);

1 “(B) not later than 30 days after making any
2 such recommendation or initiating any such inves-
3 tigation, the Chairperson notifies the congressional
4 defense committees of such recommendation or in-
5 vestigation; and

6 “(C) any eligible member concurs with such
7 recommendation or investigation.

8 “(5) In this subsection:

9 “(A) The term ‘congressional defense commit-
10 tees’ has the meaning given such term in section
11 101(a) of title 10, United States Code.

12 “(B) The term ‘covered period’ means a period
13 beginning on the date on which a quorum specified
14 in paragraph (1) does not exist by reason of either
15 or both a vacancy in the membership of the Board
16 or the incapacity of a member of the Board and end-
17 ing on the earlier of—

18 “(i) the date that is one year after such
19 beginning date; or

20 “(ii) the date on which a quorum exists.

21 “(C) The term ‘eligible member’ means a mem-
22 ber of the Board, other than the Chairperson, serv-
23 ing during a covered period and who is not incapaci-
24 tated.”.

1 **TITLE XXXIV—NAVAL**
2 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

3 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) AMOUNT.—There are hereby authorized to be ap-
5 propriated to the Secretary of Energy \$13,004,000 for fis-
6 cal year 2023 for the purpose of carrying out activities
7 under chapter 869 of title 10, United States Code, relating
8 to the naval petroleum reserves.

9 (b) PERIOD OF AVAILABILITY.—Funds appropriated
10 pursuant to the authorization of appropriations in sub-
11 section (a) shall remain available until expended.

12 **TITLE XXXV—MARITIME**
13 **ADMINISTRATION**

Subtitle A—Maritime Administration

Sec. 3501. Authorization of appropriations for the Maritime Administration.
Sec. 3502. Secretary of Transportation responsibility with respect to cargoes
procured, furnished, or financed by other Federal departments
and agencies.

Subtitle B—Merchant Marine Academy

Sec. 3511. Exemption of certain students from requirement to obtain merchant
mariner license.
Sec. 3512. Board of Visitors.
Sec. 3513. Protection of cadets from sexual assault onboard vessels.
Sec. 3514. Service academy faculty parity of use of United States Government
works.
Sec. 3515. Reports on matters relating to the United States Merchant Marine
Academy.
Sec. 3516. Study on Capital Improvement Program at the USMMA.
Sec. 3517. Requirements relating to training of Merchant Marine Academy ca-
dets on certain vessels.

Subtitle C—Maritime Infrastructure

Sec. 3521. United States marine highway program.
Sec. 3522. Port infrastructure development grants.

- Sec. 3523. Project selection criteria for port infrastructure development program.
- Sec. 3524. Infrastructure improvements identified in the report on strategic seaports.
- Sec. 3525. GAO review of Government efforts to promote growth and modernization of United States Merchant Fleet.
- Sec. 3526. GAO review of Federal efforts to enhance port infrastructure resiliency and disaster preparedness.
- Sec. 3527. Study on foreign investment in shipping.
- Sec. 3528. Report on alternate marine fuel bunkering facilities at ports.
- Sec. 3529. Study of cybersecurity and national security threats posed by foreign manufactured cranes at United States ports.

Subtitle D—Maritime Workforce

- Sec. 3531. Improving Protections for Midshipmen.
- Sec. 3532. Maritime Technical Advancement Act.
- Sec. 3533. Ensuring diverse mariner recruitment.
- Sec. 3534. Low emissions vessels training.

Subtitle E—Other Matters

- Sec. 3541. Waiver of navigation and vessel inspection laws.
- Sec. 3542. National maritime strategy.
- Sec. 3543. Maritime Environmental and Technical Assistance Program.
- Sec. 3544. Definition of qualified vessel.
- Sec. 3545. Establishing a capital construction fund.
- Sec. 3546. Recapitalization of National Defense Reserve Fleet.
- Sec. 3547. Sense of Congress on Merchant Marine.
- Sec. 3548. Analysis of effects of chemicals in stormwater runoff on Pacific salmon and steelhead.
- Sec. 3549. Report on effective vessel quieting measures.

1 **Subtitle A—Maritime**
2 **Administration**
3 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR THE**
4 **MARITIME ADMINISTRATION.**

5 (a) MARITIME ADMINISTRATION.—There are author-
6 ized to be appropriated to the Department of Transpor-
7 tation for fiscal year 2023, for programs associated with
8 maintaining the United States Merchant Marine, the fol-
9 lowing amounts:

1 (1) For expenses necessary to support the
2 United States Merchant Marine Academy,
3 \$112,848,000, of which—

4 (A) \$87,848,000 shall be for Academy op-
5 erations;

6 (B) \$22,000,000 shall be for facilities
7 maintenance and repair and equipment; and

8 (C) \$3,000,000 shall be for training, staff-
9 ing, retention, recruiting, and contract manage-
10 ment for United States Merchant Marine Acad-
11 emy capital improvement projects.

12 (2) For expenses necessary to support the State
13 maritime academies, \$53,780,000, of which—

14 (A) \$2,400,000 shall be for the Student
15 Incentive Program;

16 (B) \$6,000,000 shall be for direct pay-
17 ments for State maritime academies;

18 (C) \$6,800,000 shall be for training ship
19 fuel assistance;

20 (D) \$8,080,000 shall be for offsetting the
21 costs of training ship sharing; and

22 (E) \$30,500,000 shall be for maintenance
23 and repair of State maritime academy training
24 vessels.

1 (3) For expenses necessary to support the Na-
2 tional Security Multi-Mission Vessel Program, in-
3 cluding funds for construction and necessary ex-
4 penses to construct shoreside infrastructure to sup-
5 port such vessels, \$75,000,000.

6 (4) For expenses necessary to support Maritime
7 Administration operations and programs,
8 \$131,433,000, of which—

9 (A) \$15,000,000 shall be for the Maritime
10 Environmental and Technical Assistance pro-
11 gram authorized under section 50307 of title
12 46, United States Code;

13 (B) \$30,000,000 shall be for shall be for
14 the Maritime Centers of Excellence, including
15 to make grants authorized under Section 51706
16 of title 46, United States Code;

17 (C) \$15,000,000 shall be for the Marine
18 Highways Program, including to make grants
19 as authorized under section 55601 of title 46,
20 United States Code;

21 (D) \$67,433,000 shall be for headquarters
22 operations expenses;

23 (E) \$2,000,000 shall be for expenses nec-
24 essary to provide for sealift contested environ-
25 ment evaluation;

1 (F) \$800,000 shall be for expenses nec-
2 essary to provide for National Defense Reserve
3 Fleet resiliency; and

4 (G) \$1,200,000 shall be for expenses nec-
5 essary to provide for a comprehensive evalua-
6 tion to assess the requirements for the training
7 ship State of Michigan.

8 (5) For expenses necessary for the disposal of
9 obsolete vessels in the National Defense Reserve
10 Fleet of the Maritime Administration, \$6,000,000.

11 (6) For expenses necessary to maintain and
12 preserve a United States flag merchant marine to
13 serve the national security needs of the United
14 States under chapter 531 of title 46, United States
15 Code, \$318,000,000.

16 (7) For expenses necessary for the loan guar-
17 antee program authorized under chapter 537 of title
18 46, United States Code, \$33,000,000, of which—

19 (A) \$30,000,000 may be for the cost (as
20 defined in section 502(5) of the Federal Credit
21 Reform Act of 1990 (2 U.S.C. 661a(5))) of
22 loan guarantees under the program; and

23 (B) \$3,000,000 may be used for adminis-
24 trative expenses relating to loan guarantee com-
25 mitments under the program.

1 (8) For expenses necessary to provide assist-
2 ance to small shipyards and for maritime training
3 programs authorized under section 54101 of title 46,
4 United States Code, \$30,000,000.

5 (9) For expenses necessary to implement the
6 Port Infrastructure Development Program, as au-
7 thorized under section 54301 of title 46, United
8 States Code, \$750,000,000, to remain available until
9 expended, except that no such funds authorized
10 under this title for this program may be used to pro-
11 vide a grant to purchase fully automated cargo han-
12 dling equipment that is remotely operated or re-
13 motely monitored with or without the exercise of
14 human intervention or control, if the Secretary of
15 Transportation determines such equipment would re-
16 sult in a net loss of jobs within a port or port ter-
17 minal. If such a determination is made, the data and
18 analysis for such determination shall be reported to
19 the Committee on Commerce, Science, and Trans-
20 portation of the Senate and the Committee on
21 Transportation and Infrastructure of the House of
22 Representatives not later than 3 days after the date
23 of the determination.

24 (b) TANKER SECURITY PROGRAM.—

1 (1) FUNDING.—Section 53411 of title 46,
2 United States Code, is amended by striking
3 “through 2035” and inserting “and 2023, and
4 \$120,000,000 for fiscal years 2024 through 2035”.

5 (2) INCREASE IN NUMBER OF VESSELS.—Sec-
6 tion 53403(e) of title 46, United States Code, is
7 amended—

8 (A) by striking “For any fiscal year, the
9 Secretary” and inserting “The Secretary”;

10 (B) by striking “more than 10 vessels”
11 and inserting “more than—”; and

12 (C) by adding at the end the following new
13 paragraphs:

14 “(1) for each of fiscal years 2022 and 2023, 10
15 vessels; and

16 “(2) for any subsequent fiscal year, 20 ves-
17 sels.”.

18 (c) REPORT.—Not later than June 30, 2023, the
19 Maritime Administrator shall prepare and submit to the
20 Committees on Armed Services of the House of Represent-
21 atives and of the Senate, to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives,
23 and to the Committee on Commerce, Science, and Trans-
24 formation of the Senate a report that includes the fol-
25 lowing:

1 (1) An assessment of industry capacity to sup-
2 port an expansion of the Tanker Security Program
3 pursuant to section 53411 of title 46, United States
4 Code, as amended by subsection (b)(1), and section
5 53403(c) of title 46, United States Code, as amend-
6 ed by subsection (b)(2).

7 (2) An implementation timeline for entering 10-
8 vessels into the Tanker Security Program not later
9 than September 30, 2023, including all vessel con-
10 version requirements, and crew training require-
11 ments.

12 (3) An implementation timeline for entering 20-
13 vessels into the Tanker Security Program not later
14 than September 30, 2024, including all vessel con-
15 version requirements, and crew training require-
16 ments.

17 (4) An assessment of whether the \$6,000,000
18 per-vessel stipend meets requirements to attract and
19 sustain the full 20-vessel requirement for the Tanker
20 Security Program.

21 (5) An assessment of the need for additional
22 authorities to offset the costs associated with con-
23 verting vessels into CONSOL-capable vessels, and to
24 offset the costs associated with training the crews to
25 operate such vessels.

1 (6) Other matters the Administrator deems ap-
2 propriate.

3 **SEC. 3502. SECRETARY OF TRANSPORTATION RESPONSIB-**
4 **ILITY WITH RESPECT TO CARGOES PRO-**
5 **CURED, FURNISHED, OR FINANCED BY**
6 **OTHER FEDERAL DEPARTMENTS AND AGEN-**
7 **CIES.**

8 (a) IN GENERAL.—Not later than 270 days after the
9 date of the enactment of this Act, the Administrator of
10 the Maritime Administration shall issue a final rule to im-
11 plement and enforce section 55305(d) of title 46, United
12 States Code.

13 (b) PROGRAMS OF OTHER AGENCIES.—Section
14 55305(d)(2)(A) of title 46, United States Code, is amend-
15 ed by inserting after “section” the following: “and annu-
16 ally submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate a report on the administration of such programs”.

1 **Subtitle B—Merchant Marine**
2 **Academy**

3 **SEC. 3511. EXEMPTION OF CERTAIN STUDENTS FROM RE-**
4 **QUIREMENT TO OBTAIN MERCHANT MAR-**
5 **INER LICENSE.**

6 Section 51309 of title 46, United States Code, is
7 amended—

8 (1) in subsection (a)(2)—

9 (A) by inserting “able or” before “al-
10 lowed”;

11 (B) by striking “only because of physical
12 disqualification may” and inserting “solely due
13 to a documented medical or psychological condi-
14 tion shall”; and

15 (C) in the paragraph heading, by inserting
16 “OR PSYCHOLOGICAL” after “PHYSICAL”; and

17 (2) by adding at the end the following new sub-
18 section:

19 “(d) **DEFINITION OF DOCUMENTED MEDICAL OR**
20 **PSYCHOLOGICAL CONDITION.**—In this section the term
21 ‘documented medical or psychological condition’ means,
22 with respect to an individual, a physical disqualification
23 or psychological condition, including a mental health con-
24 dition arising from sexual assault or sexual harassment,

1 for which the individual has been treated or is being treat-
2 ed by a medical or psychological provider.”.

3 **SEC. 3512. BOARD OF VISITORS.**

4 Section 51312 of title 46, United States Code, is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (2)—

8 (i) by redesignating subparagraph (C)
9 as subparagraph (D);

10 (ii) in subparagraph (D), as so reded-
11 igned, by striking “flag-rank who” and
12 inserting “flag-rank”;

13 (iii) in subparagraph (B), by striking
14 “and” after the semicolon; and

15 (iv) by inserting after subparagraph
16 (B) the following:

17 “(C) at least 1 shall be a representative of
18 a maritime labor organization; and”;

19 (B) in paragraph (3), by adding at the end
20 the following:

21 “(C) REPLACEMENT.—If a member of the
22 Board is replaced, not later than 60 days after
23 the date of the replacement, the Designated
24 Federal Officer selected under subsection (g)(2)
25 shall notify that member.”;

1 (2) in subsection (d)—

2 (A) in paragraph (1), by inserting “and 2
3 additional meetings, which may be held in per-
4 son or virtually” after “Academy”; and

5 (B) by adding at the end the following:

6 “(3) SCHEDULING; NOTIFICATION.—When
7 scheduling a meeting of the Board, the Designated
8 Federal Officer shall coordinate, to the greatest ex-
9 tent practicable, with the members of the Board to
10 determine the date and time of the meeting. Mem-
11 bers of the Board shall be notified of the date of
12 each meeting not less than 30 days prior to the
13 meeting date.”;

14 (3) in subsection (e), by adding at the end the
15 following:

16 “(4) STAFF.—One or more staff of each mem-
17 ber of the Board may accompany them on Academy
18 visits.

19 “(5) SCHEDULING; NOTIFICATION.—When
20 scheduling a visit to the Academy, the Designated
21 Federal Officer shall coordinate, to the greatest ex-
22 tent practicable, with the members of the Board to
23 determine the date and time of the visit. Members
24 of the Board shall be notified of the date of each

1 visit not less than 30 days prior to the visit date.”;

2 and

3 (4) in subsection (h)—

4 (A) by inserting “and ranking member”

5 after “chairman” each place the term appears;

6 and

7 (B) by adding at the end the following:

8 “Such staff may attend meetings and may visit

9 the Academy.”.

10 **SEC. 3513. PROTECTION OF CADETS FROM SEXUAL AS-**

11 **SAULT ONBOARD VESSELS.**

12 (a) IN GENERAL.—Section 51322 of title 46, United

13 States Code, is amended—

14 (1) by striking subsection (a) and inserting the

15 following:

16 “(a) SAFETY CRITERIA.—The Maritime Adminis-

17 trator, after consulting with the Commandant of the Coast

18 Guard, shall establish—

19 “(1) criteria, to which an owner or operator of

20 a vessel engaged in commercial service shall adhere

21 prior to carrying a cadet performing their Sea Year

22 service from the United States Merchant Marine

23 Academy, that addresses prevention of, and response

24 to, sexual harassment, dating violence, domestic vio-

25 lence, sexual assault, and stalking; and

1 “(2) a process for collecting pertinent informa-
2 tion from such owners or operators and verifying
3 their compliance with the criteria.

4 “(b) MINIMUM STANDARDS.—At a minimum, the cri-
5 teria established under subsection (a) shall require the
6 vessel owners or operators to have policies that address—

7 “(1) communication between a cadet and an in-
8 dividual ashore who is trained in responding to inci-
9 dents of sexual harassment, dating violence, domes-
10 tic violence, sexual assault, and stalking;

11 “(2) the safety and security of cadet staterooms
12 while a cadet is onboard the vessel;

13 “(3) requirements for crew to report complaints
14 or incidents of sexual assault, sexual harassment,
15 dating violence, domestic violence, and stalking con-
16 sistent with the requirements in section 10104;

17 “(4) the maintenance of records of reports of
18 sexual harassment, dating violence, domestic vio-
19 lence, sexual assault, and stalking onboard a vessel
20 carrying a cadet;

21 “(5) the maintenance of records of sexual har-
22 assment, dating violence, domestic violence, sexual
23 assault, and stalking training as required under sub-
24 section (f);

1 “(6) a requirement for the owner or operator
2 provide each cadet a copy of the policies and proce-
3 dures related to sexual harassment, dating violence,
4 domestic violence, sexual assault, and stalking poli-
5 cies that pertain to the vessel on which they will be
6 employed; and

7 “(7) any other issues the Maritime Adminis-
8 trator determines necessary to ensure the safety of
9 cadets during Sea Year training.

10 “(c) SELF-CERTIFICATION BY OWNERS OR OPERA-
11 TORS.—The Maritime Administrator shall require the
12 owner or operator of any commercial vessel that is car-
13 rying a cadet from the United States Merchant Marine
14 Academy to annually certify that—

15 “(1) the vessel owner or operator is in compli-
16 ance with the criteria established under subsection
17 (a); and

18 “(2) the vessel is in compliance with the Inter-
19 national Convention of Safety of Life at Sea, 1974
20 (32 UST 47) and sections 8106 and 70103(c).

21 “(d) INFORMATION, TRAINING, AND RESOURCES.—
22 The Maritime Administrator shall ensure that a cadet par-
23 ticipating in Sea Year—

24 “(1) receives training specific to vessel safety,
25 including sexual harassment, dating violence, domes-

1 tic violence, sexual assault, and stalking prevention
2 and response training, prior to the cadet boarding a
3 vessel for Sea Year training;

4 “(2) is equipped with an appropriate means of
5 communication and has been trained on its use;

6 “(3) has access to a helpline to report incidents
7 of sexual harassment, dating violence, domestic vio-
8 lence, sexual assault, or stalking that is monitored
9 by trained personnel; and

10 “(4) is informed of the legal requirements for
11 vessel owners and operators to provide for the secu-
12 rity of individuals onboard, including requirements
13 under section 70103(c) and chapter 81.”;

14 (2) by redesignating subsections (b) through (d)
15 as subsections (e) through (g), respectively;

16 (3) in subsection (e), as so redesignated, by
17 striking paragraph (2) and inserting the following
18 new paragraphs:

19 “(2) ACCESS TO INFORMATION.—The vessel op-
20 erator shall make available to staff conducting a ves-
21 sel check such information as the Maritime Adminis-
22 trator determines is necessary to determine whether
23 the vessel is being operated in compliance with the
24 criteria established under subsection (a).

1 “(3) REMOVAL OF STUDENTS.—If staff of the
2 Academy or staff of the Maritime Administration de-
3 termine that a commercial vessel is not in compli-
4 ance with the criteria established under subsection
5 (a), the staff—

6 “(A) may remove a cadet of the Academy
7 from the vessel; and

8 “(B) shall report such determination of
9 non-compliance to the owner or operator of the
10 vessel.”;

11 (4) in subsection (f), as so redesignated, by
12 striking “or the seafarer union” and inserting “and
13 the seafarer union”; and

14 (5) by adding at the end the following:

15 “(h) NONCOMMERCIAL VESSELS.—

16 “(1) IN GENERAL.—A public vessel (as defined
17 in section 2101) shall not be subject to the require-
18 ments of this section.

19 “(2) REQUIREMENTS FOR PARTICIPATION.—

20 The Maritime Administrator may establish criteria
21 and requirements that the operators of public vessels
22 shall meet to participate in the Sea Year program of
23 the United States Merchant Marine Academy that
24 addresses prevention of, and response to, sexual har-

1 assessment, dating violence, domestic violence, sexual
2 assault, and stalking.

3 “(i) SHARING OF BEST PRACTICES.—The Maritime
4 Administrator shall share with State maritime academies
5 best practices for, and lessons learned with respect to, the
6 prevention of, and response to, sexual harassment, dating
7 violence, domestic violence, sexual assault, and stalking.”.

8 (b) REGULATIONS.—

9 (1) IN GENERAL.—The Maritime Administrator
10 may prescribe rules necessary to carry out the
11 amendments made by this section.

12 (2) INTERIM RULES.—The Maritime Adminis-
13 trator may prescribe interim rules necessary to carry
14 out the amendments made by this section. For this
15 purpose, the Maritime Administrator in prescribing
16 rules under paragraph (1) is excepted from compli-
17 ance with the notice and comment requirements of
18 section 553 of title 5, United States Code. All rules
19 prescribed under the authority of the amendments
20 made by this section shall remain in effect until su-
21 perseded by a final rule.

22 (c) CONFORMING AMENDMENTS.—

23 (1) SEA YEAR COMPLIANCE.—Section 3514 of
24 the National Defense Authorization Act for Fiscal
25 Year 2017 (46 U.S.C. 51318 note) is repealed.

1 (2) ACCESS OF ACADEMY CADETS TO DOD SAFE
2 OR EQUIVALENT HELPLINE.—Section 3515 of the
3 National Defense Authorization Act for Fiscal Year
4 2018 (46 U.S.C. 51518 note) is amended by striking
5 subsection (b) and redesignating subsection (c) as
6 subsection (b).

7 **SEC. 3514. SERVICE ACADEMY FACULTY PARITY OF USE OF**
8 **UNITED STATES GOVERNMENT WORKS.**

9 Section 105 of title 17, United States Code, is
10 amended—

11 (1) in the heading of subsection (b), by striking
12 “CERTAIN OF WORKS ” and inserting “CERTAIN
13 WORKS”;

14 (2) in the first subsection (c) (relating to “Use
15 by Federal Government”) by striking “The Sec-
16 retary of Defense” and inserting “A covered Sec-
17 retary”;

18 (3) by redesignating the second subsection (c)
19 (relating to “Definitions”) as subsection (d); and

20 (4) in subsection (d), as redesignated by para-
21 graph (3),

22 (A) in paragraph (2), by adding at the end
23 the following:

24 “(M) United States Merchant Marine
25 Academy.”;

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

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

5 “(3) The term ‘covered Secretary’ means—

6 “(A) the Secretary of Transportation, with
7 respect to the United States Merchant Marine
8 Academy;

9 “(B) the Secretary of Homeland Security,
10 with respect to the United States Coast Guard
11 Academy; or

12 “(C) the Secretary of Defense, with respect
13 to any other covered institution under para-
14 graph (2).”.

15 **SEC. 3515. REPORTS ON MATTERS RELATING TO THE**
16 **UNITED STATES MERCHANT MARINE ACAD-**
17 **EMY.**

18 (a) REPORT ON IMPLEMENTATION OF NAPA REC-
19 OMMENDATIONS.—

20 (1) IN GENERAL.—In accordance with para-
21 graph (3), the Secretary of Transportation shall sub-
22 mit to the appropriate congressional committees re-
23 ports on the status of the implementation of the rec-
24 ommendations specified in paragraph (4).

1 (2) ELEMENTS.—Each report under paragraph
2 (1) shall include the following:

3 (A) A description of the status of the im-
4 plementation of each recommendation specified
5 in paragraph (4), including whether the Sec-
6 retary—

7 (i) concurs with the recommendation;

8 (ii) partially concurs with the rec-
9 ommendation;

10 (iii) does not concur with the rec-
11 ommendation; or

12 (iv) determines the recommendation is
13 not applicable to the Department of Trans-
14 portation.

15 (B) An explanation of—

16 (i) with respect to a recommendation
17 with which the Secretary concurs, the ac-
18 tions the Secretary intends to take to im-
19 plement such recommendation, including—

20 (I) any rules, regulations, poli-
21 cies, or other guidance that have been
22 issued, revised, changed, or cancelled
23 as a result of the implementation of
24 the recommendation; and

1 (II) any impediments to the im-
2 plementation of the recommendation;

3 (ii) with respect to a recommendation
4 with which the Secretary partially concurs,
5 the actions the Secretary intends to take to
6 implement the portion of such rec-
7 ommendation with which the Secretary
8 concurs, including—

9 (I) intermediate actions, mile-
10 stone dates, and the expected comple-
11 tion date for the implementation of
12 the portion of the recommendation;
13 and

14 (II) any rules, regulations, poli-
15 cies, or other guidance that are ex-
16 pected to be issued, revised, changed,
17 or cancelled as a result of the imple-
18 mentation of the portion of the rec-
19 ommendation;

20 (iii) with respect to a recommendation
21 with which the Secretary does not concur,
22 an explanation of why the Secretary does
23 not concur with such recommendation;

24 (iv) with respect to a recommendation
25 that the Secretary determines is not appli-

1 cable to the Department of Transportation,
2 an explanation of the reasons for the deter-
3 mination; and

4 (v) any statutory changes that may be
5 necessary—

6 (I) to fully implement the rec-
7 ommendations specified in paragraph
8 (4) with which the Secretary concurs;
9 or

10 (II) to partially implement the
11 recommendations specified in such
12 paragraph with which the Secretary
13 partially concurs.

14 (C) A visual depiction of the status of the
15 completion of the recommendations specified in
16 paragraph (4).

17 (3) TIMING OF REPORTS.—The Secretary of
18 Transportation shall submit an initial report under
19 paragraph (1) not later than 180 days after the date
20 of the enactment of this Act. Following the sub-
21 mittal of the initial report, the Secretary shall sub-
22 mit updated versions of the report not less fre-
23 quently than once every 180 days until the date on
24 which the Secretary submits to the appropriate con-

1 gressional committees a certification that each rec-
2 ommendation specified in paragraph (4)—

3 (A) with which the Secretary concurs—

4 (i) has been fully implemented; or

5 (ii) cannot be fully implemented, in-
6 cluding an explanation of why; and

7 (B) with which the Secretary partially con-
8 curs—

9 (i) has been partially implemented; or

10 (ii) cannot be partially implemented,
11 including an explanation of why.

12 (4) RECOMMENDATIONS SPECIFIED.—The rec-
13 ommendations specified in this paragraph are the
14 recommendations set forth in the report prepared by
15 a panel of the National Academy of Public Adminis-
16 tration pursuant to section 3513 of the National De-
17 fense Authorization Act for Fiscal Year 2020 (Pub-
18 lic Law 116–92; 133 Stat. 1979) titled “Organiza-
19 tional Assessment of the U.S. Merchant Marine
20 Academy: A Path Forward”, dated November 2021.

21 (b) REPORT ON IMPLEMENTATION OF POLICY RE-
22 LATING TO SEXUAL HARASSMENT AND OTHER MAT-
23 TERS.—Not later than one year after the date of the en-
24 actment of this Act, the Secretary of Transportation shall
25 submit to the appropriate congressional committees a re-

1 port on the status of the implementation of the policy on
2 sexual harassment, dating violence, domestic violence, sex-
3 ual assault, and stalking at the United States Merchant
4 Marine Academy, as required under section 51318 of title
5 46, United States Code.

6 (c) INSPECTOR GENERAL AUDIT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the In-
9 spector General of the Department of Transpor-
10 tation shall initiate an audit of the actions taken by
11 the Maritime Administration to address only the fol-
12 lowing recommendations identified by a National
13 Academy of Public Administration panel in the No-
14 vember 2021 report titled “Organizational Assess-
15 ment of the United States Merchant Marine Acad-
16 emy: A Path Forward”:

17 (A) Recommendations 4.1 through 4.3.

18 (B) Recommendations 4.7 through 4.11.

19 (C) Recommendations 5.1 through 5.4.

20 (D) Recommendations 5.6, 5.7, 5.11, 5.14,
21 5.15, 5.16, 6.6, and 6.7.

22 (E) Recommendations 6.1 through 6.4.

23 (2) REPORT.—After the completion of the audit
24 required under paragraph (1), the Inspector General
25 shall submit to the appropriate congressional com-

1 mittees, and make publicly available, a report con-
2 taining the results of the audit.

3 (d) IMPLEMENTATION OF RECOMMENDATIONS FROM
4 THE NATIONAL ACADEMY OF PUBLIC ADMINISTRA-
5 TION.—

6 (1) AGREEMENT FOR STUDY BY NATIONAL
7 ACADEMY OF PUBLIC ADMINISTRATION.—

8 (A) IN GENERAL.—Not later than 30 days
9 after the date of enactment of this Act, the Sec-
10 retary of Transportation shall seek to enter into
11 an agreement with the National Academy of
12 Public Administration (referred to in this sec-
13 tion as the “Academy”) under which the Acad-
14 emy shall provide support for—

15 (i) prioritizing and addressing the rec-
16 ommendations referred to subsection (c)(1)
17 and establishing a process for prioritizing
18 other recommendations in the future;

19 (ii) the development of—

20 (I) long-term processes and a
21 timeframe for long-term process im-
22 provements; and

23 (II) corrective actions and best
24 practice criteria that can be imple-

1 mented in the medium- and near-
2 term;

3 (iii) the establishment of a clear as-
4 signment of responsibility for the imple-
5 mentation of each recommendation re-
6 ferred to in subsection (c)(1), and a strat-
7 egy for assigning other recommendations
8 in the future; and

9 (iv) a performance measurement sys-
10 tem, including data collection and tracking
11 and evaluating progress toward goals of
12 the Merchant Marine Academy.

13 (B) REPORT OF PROGRESS.—Not later
14 than one year after the date of an agreement
15 entered into pursuant to subparagraph (A), the
16 Secretary of Transportation, in consultation
17 with the Administrator of the Merchant Marine
18 Academy, shall submit to the Maritime Admin-
19 istrator and the appropriate congressional com-
20 mittees a report on the progress made in imple-
21 menting the recommendations referred to in
22 subsection (c)(1).

23 (2) PRIORITIZATION AND IMPLEMENTATION
24 PLAN.—

1 (A) IN GENERAL.—Not later than one year
2 after the date of enactment of this Act, the
3 Maritime Administrator shall submit to the
4 Committee on Commerce, Science, and Trans-
5 portation of the Senate and the Committee on
6 Armed Services of the House of Representatives
7 a prioritization and implementation plan to as-
8 sess, prioritize, and address the recommenda-
9 tions identified by the National Academy of
10 Public Administration panel in the November
11 2021 report titled “Organizational Assessment
12 of the United States Merchant Marine Acad-
13 emy: A Path Forward” that Superintendent of
14 the Merchant Marine Academy determines are
15 relevant to the Maritime Administration, includ-
16 ing the recommendations referred to in sub-
17 section (c)(1). The prioritization and implemen-
18 tation plan shall—

19 (i) be developed using the strategies,
20 processes, and systems developed pursuant
21 to an agreement entered into under para-
22 graph (1);

23 (ii) include estimated timelines and
24 cost estimates for the implementation of
25 priority goals;

1 (iii) include summaries of stakeholder
2 and interagency engagement used to assess
3 goals and timelines;

4 (iv) with respect to any recommenda-
5 tion the Superintendent determines is not
6 relevant to the Maritime Administration,
7 include an explanation for the determina-
8 tion; and

9 (v) submitted to the Inspector General
10 of the Department of Transportation and
11 the appropriate congressional committees
12 and made publicly available.

13 (B) AUDIT AND REPORT.—The Inspector
14 General of the Department of Transportation
15 shall—

16 (i) not later than 180 days after the
17 date on which the prioritization and imple-
18 mentation plan described in subparagraph
19 (A) is made publicly available, initiate an
20 audit of the actions taken by the Maritime
21 Administration to address such plan;

22 (ii) monitor the actions taken by the
23 Maritime Administration to implement rec-
24 ommendations contained in the audit re-
25 quired under clause (i) and in prior audits

1 of the Maritime Administration's imple-
2 mentation of National Academy of Public
3 Administration recommendations and peri-
4 odically initiate subsequent audits of the
5 continued actions taken by the Maritime
6 Administration to address the
7 prioritization and implementation plan, as
8 the Inspector General determines nec-
9 essary; and

10 (iii) after the completion of the audit
11 required under clause (i), submit to the
12 Administrator of the Maritime Administra-
13 tion and the appropriate congressional
14 committees, and make publicly available, a
15 report containing the results of the audit.

16 (C) REPORT OF PROGRESS.—Not later
17 than 180 days after the date on which the re-
18 port required under clause (ii) is made publicly
19 available, and annually thereafter, the Adminis-
20 trator of the Maritime Administration shall
21 submit to the Inspector General of the Depart-
22 ment of Transportation and the appropriate
23 congressional committees a report that includes
24 a description of—

1 (i) the actions planned to be taken by
2 the Maritime Administration, and esti-
3 mated timeframes, to implement any open
4 or unresolved recommendation—

5 (I) included in the report of the
6 Inspector General required under sub-
7 section (B)(iii); or

8 (II) referred to in subsection
9 (c)(1); and

10 (ii) an identification of any rec-
11 ommendation referred to in clause (i) for
12 which the Maritime Administration failed
13 to meet a target action date, or for which
14 the Maritime Administration requested an
15 extension of time, and the reasons why
16 such an extension was necessary.

17 (3) AGREEMENT FOR PLAN ON CAPITAL IM-
18 PROVEMENTS.—Not later than 90 days after the
19 date of the enactment of this Act, the Maritime Ad-
20 ministrator shall seek to enter into an agreement
21 with a Federal construction agent for the develop-
22 ment of a plan to execute capital improvements at
23 the United States Merchant Marine Academy.

1 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Commerce, Science, and
5 Transportation of the Senate;

6 (2) the Subcommittee on Transportation, Hous-
7 ing and Urban Development, and Related Agencies
8 of the Committee on Appropriations of the Senate;

9 (3) the Committee on Transportation and In-
10 frastructure of the House of Representatives;

11 (4) the Subcommittee on Transportation, Hous-
12 ing and Urban Development, and Related Agencies
13 of the Committee on Appropriations of the House of
14 Representatives; and

15 (5) the Committee on Armed Services of the
16 House of Representatives.

17 **SEC. 3516. STUDY ON CAPITAL IMPROVEMENT PROGRAM**
18 **AT THE USMMA.**

19 (a) STUDY.—The Comptroller General of the United
20 States shall conduct a study of the United States Mer-
21 chant Marine Academy Capital Improvement Program.

22 The study shall include an evaluation of—

23 (1) the actions the United States Merchant Ma-
24 rine Academy has taken to bring the buildings, in-
25 frastructure, and other facilities on campus into

1 compliance with applicable building codes and the
2 further actions required for full compliance;

3 (2) how the approach that the United States
4 Merchant Marine Academy uses to manage its cap-
5 ital assets compares with national leading practices;

6 (3) how cost estimates prepared for capital
7 asset projects compares with cost estimating leading
8 practices;

9 (4) whether the United States Merchant Marine
10 Academy has adequate staff who are trained to iden-
11 tify needed capital projects, estimate the cost of
12 those projects, perform building maintenance, and
13 manage capital improvement projects; and

14 (5) how the United States Merchant Marine
15 Academy identifies and prioritizes capital construc-
16 tion needs, and how the prioritization of such needs
17 relates to the safety, education, and wellbeing of
18 midshipmen.

19 (b) REPORT.—Not later than 18 months after the
20 date of the enactment of this section, the Comptroller
21 General shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure and the
24 Committee on Armed Services of the House of Represent-

1 atives a report containing the findings of the study con-
2 ducted under subsection (a).

3 **SEC. 3517. REQUIREMENTS RELATING TO TRAINING OF**
4 **MERCHANT MARINE ACADEMY CADETS ON**
5 **CERTAIN VESSELS.**

6 (a) REQUIREMENTS RELATING TO PROTECTION OF
7 CADETS FROM SEXUAL ASSAULT ONBOARD VESSELS.—

8 (1) IN GENERAL.—Subsection (b) of section
9 51307 of title 46, United States Code, is amended
10 to read as follows:

11 “(b) SEA YEAR CADETS ON CERTAIN VESSELS.—

12 “(1) REQUIREMENTS.—The Secretary shall re-
13 quire an operator of a vessel participating in the
14 Maritime Security Program under chapter 531 of
15 this title, the Cable Security Fleet under chapter
16 532 of this title, or the Tanker Security Fleet under
17 chapter 534 of this title to—

18 “(A) carry on each Maritime Security Pro-
19 gram vessel, Cable Security Fleet vessel, or
20 Tanker Security Fleet vessel 2 United States
21 Merchant Marine Academy cadets, if available,
22 on each voyage; and

23 “(B) implement and adhere to policies,
24 programs, criteria, and requirements estab-
25 lished pursuant to section 51322 of this title.

1 “(2) FAILURE TO IMPLEMENT OR ADHERE TO
2 REQUIREMENTS.—Failure to implement or adhere to
3 the policies, programs, criteria, and requirements re-
4 ferred to in paragraph (1) may, as determined by
5 the Maritime Administrator, constitute a violation of
6 an operating agreement entered into under chapter
7 531, 532, or 534 of this title and the Maritime Ad-
8 ministrators may—

9 “(A) require the operator to take corrective
10 actions; or

11 “(B) withhold payment due to the operator
12 until the violation, as determined by the Mari-
13 time Administrator, has been remedied.

14 “(3) WITHHELD PAYMENTS.—Any payment
15 withheld pursuant to paragraph (2)(B) may be paid,
16 upon a determination by the Maritime Administrator
17 that the operator is in compliance with the policies,
18 programs, criteria, and requirements referred to in
19 paragraph (1).”.

20 (2) APPLICABILITY.—Paragraph (2) of sub-
21 section (b) of section 51307, as amended by para-
22 graph (1), shall apply with respect to any failure to
23 implement or adhere to the policies, programs, cri-
24 teria, and requirements referred to in paragraph
25 (1)(B) of such subsection that occurs on or after the

1 date that is one year after the date of the enactment
2 of this Act.

3 (b) CONFORMING AMENDMENTS.—Title 46, United
4 States Code, is further amended—

5 (1) in section 53106(a)(2), by inserting “or sec-
6 tion 51307(b)” after “this section”;

7 (2) in section 53206(a)(2), by inserting “or sec-
8 tion 51307(b)” after “this section”; and

9 (3) in section 53406(a), by inserting “or section
10 51307(b)” after “this section”.

11 **Subtitle C—Maritime** 12 **Infrastructure**

13 **SEC. 3521. UNITED STATES MARINE HIGHWAY PROGRAM.**

14 (a) UNITED STATES MARINE HIGHWAY PROGRAM.—

15 (1) IN GENERAL.—Section 55601 of title 46,
16 United States Code, is amended to read as follows:

17 **“§ 55601. United States marine highway program**

18 **“(a) ESTABLISHMENT.—**

19 **“(1) IN GENERAL.—**There is in the Department
20 of Transportation a program, to be known as the
21 ‘United States marine highway program’.

22 **“(2) ADDITIONAL PROGRAM ACTIVITIES.—**In
23 carrying out the program established under this sub-
24 section, the Secretary of Transportation may—

1 “(A) coordinate with ports, State depart-
2 ments of transportation, localities, other public
3 agencies, and appropriate private sector entities
4 on the development of landside facilities and in-
5 frastructure to support marine highway trans-
6 portation; and

7 “(B) develop performance measures for the
8 program.

9 “(b) MARINE HIGHWAY TRANSPORTATION
10 ROUTES.—

11 “(1) DESIGNATION.—The Secretary may des-
12 ignate a route as a marine highway transportation
13 route, or modify such a designation, if—

14 “(A) such route—

15 “(i) provides a coordinated and capa-
16 ble alternative to landside transportation;

17 “(ii) mitigates or relieves landside
18 congestion;

19 “(iii) promotes marine highway trans-
20 portation; or

21 “(iv) uses vessels documented under
22 chapter 121; and

23 “(B) such designation or modification is
24 requested by—

1 “(i) the government of a State or ter-
2 ritory;

3 “(ii) a metropolitan planning organi-
4 zation;

5 “(iii) a port authority;

6 “(iv) a non-Federal navigation dis-
7 trict; or

8 “(v) a Tribal government.

9 “(2) DETERMINATION.—Not later than 180
10 days after the date on which the Maritime Adminis-
11 trator receives a request for the designation or modi-
12 fication of a marine highway route under paragraph
13 (1), the Maritime Administrator shall make a deter-
14 mination of whether to make the requested designa-
15 tion or modification.

16 “(3) NOTIFICATION.—Not later than 14 days
17 after the date on which the Maritime Administrator
18 makes a determination under paragraph (2), the
19 Maritime Administrator shall notify the requester of
20 the determination.

21 “(c) MAP OF MARINE HIGHWAY PROGRAM
22 ROUTES.—

23 “(1) IN GENERAL.—The Maritime Adminis-
24 trator shall make publicly available a map showing
25 the location of marine highway routes, including

1 such routes along the coasts, in the inland water-
2 ways, and at sea and update that map when a ma-
3 rine highway route is designated or modified pursu-
4 ant to subsection (b).

5 “(2) COORDINATION.—The Maritime Adminis-
6 trator shall coordinate with the Administrator of the
7 National Oceanic and Atmospheric Administration
8 to incorporate the map referred to in paragraph (1)
9 into the Marine Cadastre.

10 “(d) ASSISTANCE.—

11 “(1) IN GENERAL.—The Secretary may make
12 grants to, or enter into contracts or cooperative
13 agreements with, eligible entities to implement a ma-
14 rine highway transportation project or a component
15 of such a project if the Secretary determines that
16 the project or component—

17 “(A) meets the criteria referred to in sub-
18 section (b)(1)(A); and

19 “(B) develops, expands, or promotes—

20 “(i) marine highway transportation;

21 or

22 “(ii) shipper use of marine highway
23 transportation.

24 “(2) APPLICATION.—

1 “(A) IN GENERAL.—To be eligible to re-
2 ceive a grant or to enter into a contract or co-
3 operative agreement under this subsection, an
4 eligible entity shall submit to the Secretary an
5 application in such form and manner, and at
6 such time, as the Secretary may require. Such
7 an application shall include the following:

8 “(i) A comprehensive description of—

9 “(I) the marine highway route to
10 be served by the marine highway
11 transportation project;

12 “(II) the supporters of the ma-
13 rine highway transportation project,
14 which may include business affili-
15 ations, private sector stakeholders,
16 State departments of transportation,
17 metropolitan planning organizations,
18 municipalities, or other governmental
19 entities (including Tribal govern-
20 ments), as applicable;

21 “(III) the need for such project;
22 and

23 “(IV) the performance measure
24 for the marine highway transportation
25 project, such as volumes of cargo or

1 passengers moved, or contribution to
2 environmental mitigation, safety, re-
3 duced vehicle miles traveled, or re-
4 duced maintenance and repair costs.

5 “(ii) A demonstration, to the satisfac-
6 tion of the Secretary, that—

7 “(I) the marine highway trans-
8 portation project is financially viable;
9 and

10 “(II) the funds or other assist-
11 ance provided under this subsection
12 will be spent or used efficiently and
13 effectively.

14 “(iii) Such other information as the
15 Secretary may require.

16 “(B) PRE-PROPOSAL.—

17 “(i) IN GENERAL.—Prior to accepting
18 a full application under subparagraph (A),
19 the Secretary may require that an eligible
20 entity first submit a pre-proposal that con-
21 tains a brief description of the item re-
22 ferred to in clauses (i) through (iii) of such
23 subparagraph.

24 “(ii) FEEDBACK.—Not later than 30
25 days after receiving a pre-proposal under

1 clause (i) from an eligible entity, the Sec-
2 retary shall provide to the eligible entity
3 feedback to encourage or discourage the el-
4 igible entity from submitting a full applica-
5 tion. An eligible entity may still submit a
6 full application even if that eligible entity
7 is not encouraged to do so after submitting
8 a pre-proposal.

9 “(C) PROHIBITION.—The Secretary may
10 not require separate applications for project
11 designation and for assistance under this sec-
12 tion.

13 “(D) GRANT APPLICATION FEEDBACK.—
14 Following the award of assistance under this
15 subsection for a particular fiscal year, the Sec-
16 retary may provide feedback to an applicant to
17 help such applicant improve future applications
18 if the feedback is requested by that applicant.

19 “(3) TIMING.—

20 “(A) NOTICE OF FUNDING OPPOR-
21 TUNITY.—The Secretary shall post a notice of
22 funding opportunity regarding grants, con-
23 tracts, or cooperative agreements under this
24 subsection not more than 60 days after the date

1 of the enactment of the appropriations Act for
2 the fiscal year concerned.

3 “(B) AWARDING OF ASSISTANCE.— The
4 Secretary shall award grants, contracts, or co-
5 operative agreements under this subsection not
6 later than 270 days after the date of the enact-
7 ment of the appropriations Act for the fiscal
8 year concerned.

9 “(4) NON-FEDERAL SHARE.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), not more than 80 percent of
12 the funding for any project for which funding
13 is provided under this subsection may come
14 from Federal sources.

15 “(B) TRIBAL GOVERNMENTS AND RURAL
16 AREAS.—The Secretary may increase the Fed-
17 eral share of funding for the project to an
18 amount above 80 percent in the case of an
19 award of assistance under this subsection—

20 “(i) to an eligible entity that is a
21 Tribal government; or

22 “(ii) for a project located in a rural
23 area.

24 “(5) PREFERENCE FOR FINANCIALLY VIABLE
25 PROJECTS.— In awarding grants or entering into

1 contracts or cooperative agreements under this sub-
2 section, the Secretary shall give a preference to a
3 project or component of a project that presents the
4 most financially viable transportation service and re-
5 quire the lowest percentage of Federal share of the
6 funding.

7 “(6) TREATMENT OF UNEXPENDED FUNDS.—
8 Notwithstanding paragraph (3)(B), amounts award-
9 ed under this subsection that are not expended by
10 the recipient within five years after obligation of
11 funds or that are returned shall remain available to
12 the Secretary to make grants and enter into con-
13 tracts and cooperative agreements under this sub-
14 section.

15 “(7) CONDITIONS ON PROVISION OF ASSIST-
16 ANCE.—The Secretary may not provide assistance to
17 an eligible entity under this subsection unless the
18 Secretary determines that—

19 “(A) sufficient funding is available to meet
20 the non-Federal share requirement under para-
21 graph (4);

22 “(B) the marine highway project for which
23 such assistance is provided will be completed
24 without unreasonable delay; and

1 “(C) the eligible entity has the authority to
2 implement the proposed marine highway
3 project.

4 “(8) PROHIBITED USES.—Assistance provided
5 under this subsection may not be used—

6 “(A) to improve port or land-based infra-
7 structure outside the United States; or

8 “(B) unless the Secretary determines that
9 such activities are necessary to carry out the
10 marine highway project for which such assist-
11 ance is provided, to raise sunken vessels, con-
12 struct buildings or other physical facilities, or
13 acquire land.

14 “(9) GEOGRAPHIC DISTRIBUTION.—In making
15 grants, contracts, and cooperative agreements under
16 this section the Secretary shall take such measures
17 so as to ensure an equitable geographic distribution
18 of funds.

19 “(10) ELIGIBLE ENTITY.—In this subsection,
20 the term ‘eligible entity’ means—

21 “(A) a State, a political subdivision of a
22 State, or a local government;

23 “(B) a United States metropolitan plan-
24 ning organization;

25 “(C) a United States port authority;

1 “(D) a Tribal government; or

2 “(E) a United States private sector oper-
3 ator of marine highway projects or private sec-
4 tor owners of facilities, including an Alaska Na-
5 tive Corporation, with an endorsement letter
6 from the requester of a marine highway route
7 designation or modification referred to in sub-
8 section (b)(1)(B).”.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 chapter 556 of title 46, United States Code, is
11 amended by striking the item relating to section
12 55601 and inserting the following:

“55601. United States marine highway program.”.

13 (b) MULTISTATE, STATE, TRIBAL, AND REGIONAL
14 TRANSPORTATION PLANNING.—

15 (1) IN GENERAL.—Chapter 556 of title 46,
16 United States Code, is amended by inserting after
17 section 55602 the following:

18 **“§ 55603. Multistate, State, Tribal, and regional trans-**
19 **portation planning**

20 “(a) IN GENERAL.—The Secretary, in consultation
21 with Federal entities, State and local governments, Tribal
22 governments, and appropriate private sector entities, may
23 develop strategies to encourage the use of marine highway
24 transportation for transportation of passengers and cargo.

1 “(b) STRATEGIES.—If the Secretary develops strate-
2 gies under subsection (a), the Secretary may—

3 “(1) assess the extent to which States, local
4 governments, and Tribal governments include ma-
5 rine highway transportation and other marine trans-
6 portation solutions in transportation planning;

7 “(2) encourage State and Tribal departments of
8 transportation to develop strategies, where appro-
9 priate, to incorporate marine highway transpor-
10 tation, ferries, and other marine transportation solu-
11 tions for regional and interstate transport of freight
12 and passengers in transportation planning; and

13 “(3) encourage groups of States, Tribal govern-
14 ments, and multistate transportation entities to de-
15 termine how marine highways can address conges-
16 tion, bottlenecks, and other interstate transportation
17 challenges.”.

18 (2) CLERICAL AMENDMENT.—The analysis for
19 chapter 556 of title 46, United States Code, is
20 amended by striking the item relating to section
21 55603 and inserting the following:

“55603. Multistate, State, Tribal, and regional transportation planning.”.

22 (c) RESEARCH ON MARINE HIGHWAY TRANSPOR-
23 TATION.—Section 55604 of title 46, United States Code,
24 is amended—

1 (1) by redesignating paragraphs (1) through
2 (3) as paragraphs (3) through (5), respectively; and
3 (2) by inserting before paragraph (3), as reded-
4 signed by paragraph (1), the following new para-
5 graphs:

6 “(1) the economic effects of marine highway
7 transportation on the United States economy;

8 “(2) the effects of marine highway transpor-
9 tation, including with respect to the provision of ad-
10 ditional transportation options, on rural areas;”.

11 (d) DEFINITIONS.—

12 (1) IN GENERAL.—Section 55605 of title 46,
13 United States Code, is amended to read as follows:

14 “

15 **“§ 55605. Definitions**

16 “In this chapter:

17 “(1) The term ‘marine highway transportation’
18 means the carriage by a documented vessel of cargo
19 (including such carriage of cargo and passengers), if
20 such cargo—

21 “(A) is—

22 “(i) contained in intermodal cargo
23 containers and loaded by crane on the ves-
24 sel;

1 “(ii) loaded on the vessel by means of
2 wheeled technology, including roll-on roll-
3 off cargo;

4 “(iii) shipped in discrete units or
5 packages that are handled individually,
6 palletized, or unitized for purposes of
7 transportation;

8 “(iv) bulk, liquid, or loose cargo load-
9 ed in tanks, holds, hoppers, or on deck; or

10 “(v) freight vehicles carried aboard
11 commuter ferry boats; and

12 “(B) is—

13 “(i) loaded at a port in the United
14 States and unloaded either at another port
15 in the United States or at a port in Can-
16 ada or Mexico; or

17 “(ii) loaded at a port in Canada or
18 Mexico and unloaded at a port in the
19 United States.

20 “(2) The term “Tribal government” means the
21 recognized governing body of any Indian or Alaska
22 Native Tribe, band, nation, pueblo, village, commu-
23 nity, component band, or component reservation, in-
24 dividually identified (including parenthetically) in
25 the list published most recently, as of the date of en-

1 actment of the James M. Inhofe National Defense
2 Authorization Act for Fiscal Year 2023, pursuant to
3 section 104 of the Federally Recognized Indian
4 Tribe List Act of 1994 (25 U.S.C. 5131).

5 “(3) The term ‘Alaska Native Corporation’ has
6 the meaning given the term ‘Native Corporation’
7 under section 3 of the Alaska Native Claims Settle-
8 ment Act (43 U.S.C. 1602).”.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 chapter 556 of title 46, United States Code, is
11 amended by striking the item relating to section
12 55605 and inserting the following:

“55605. Definitions.”.

13 (e) REPORT ON MARITIME HIGHWAY TRANSPOR-
14 TATION IN GULF OF MEXICO AND PUGET SOUND.—Not
15 later than one year after the date of the enactment of this
16 Act, the Maritime Administrator shall submit to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Commerce,
19 Science and Transportation of the Senate a report on op-
20 portunities for maritime highway transportation, as that
21 term is defined section 55605(1) of title 46, United States
22 Code, as amended by this section, in the Gulf of Mexico,
23 Puget Sound, and Salish Sea System by vessels docu-
24 mented under chapter 121 of title 46, United States Code.

1 (f) DEADLINE FOR PUBLIC AVAILABILITY OF MAP.—
2 Not later than 120 days after the date of the enactment
3 of this Act, the Maritime Administration shall make pub-
4 licly available the map of marine highway program routes
5 required to be made publicly available under subsection
6 (c) of section 55601 of title 46, United States Code, as
7 amended by this section.

8 **SEC. 3522. PORT INFRASTRUCTURE DEVELOPMENT**
9 **GRANTS.**

10 (a) IN GENERAL.—In making port infrastructure de-
11 velopment grants under section 54301 of title 46, United
12 States Code, for fiscal year 2023, the Secretary of Trans-
13 portation shall treat a project described in subsection (b)
14 as an eligible project under section 54301(a)(3) of such
15 title for purposes of making grants under section 54301(a)
16 of such title.

17 (b) PROJECT DESCRIBED.—A project described in
18 this subsection is a project to provide shore power at a
19 port that services—

20 (1) passenger vessels described in section
21 3507(k) of title 46, United States Code; and

22 (2) vessels that move goods or freight.

1 **SEC. 3523. PROJECT SELECTION CRITERIA FOR PORT IN-**
2 **FRASTRUCTURE DEVELOPMENT PROGRAM.**

3 In making port infrastructure development grants
4 under section 54301 of title 46, United States Code, for
5 fiscal year 2023, in considering the criteria under sub-
6 paragraphs (A)(ii) and (B)(ii) of paragraph (6) of sub-
7 section (a) with respect to a project described in para-
8 graph (3) of such subsection that is located in a noncontig-
9 uous State or territory, the Secretary may take into ac-
10 count—

11 (1) the geographic isolation of the State or ter-
12 ritory; and

13 (2) the economic dependence of the State or
14 territory on the proposed project.

15 **SEC. 3524. INFRASTRUCTURE IMPROVEMENTS IDENTIFIED**
16 **IN THE REPORT ON STRATEGIC SEAPORTS.**

17 In making port infrastructure development grants
18 under section 54301 of title 46, United States Code, for
19 fiscal year 2023, the Secretary may consider infrastruc-
20 ture improvements identified in the report on strategic
21 seaports required by section 3515 of the National Defense
22 Authorization Act for Fiscal Year 2020 (Public Law 116–
23 92; 133 Stat. 1985) that would improve the commercial
24 operations of those seaports.

1 **SEC. 3525. GAO REVIEW OF GOVERNMENT EFFORTS TO**
2 **PROMOTE GROWTH AND MODERNIZATION OF**
3 **UNITED STATES MERCHANT FLEET.**

4 (a) REVIEW.—The Comptroller General of the United
5 States shall conduct a review of the efforts of the United
6 States Government to promote the growth and moderniza-
7 tion of the United States maritime industry and the ves-
8 sels of the United States, as defined in section 116 of title
9 46, United States Code, including the overall efficacy of
10 United States Government financial support and policies,
11 including the Capital Construction Fund, Construction
12 Reserve Fund, and other relevant loan, grant, or other
13 programs.

14 (b) REPORT.—Not later than 18 months after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit to the Committee on
17 Commerce, Science, and Transportation of the Senate and
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives a report that includes the
20 results of a review required under subsection (a).

21 **SEC. 3526. GAO REVIEW OF FEDERAL EFFORTS TO EN-**
22 **HANCE PORT INFRASTRUCTURE RESILIENCY**
23 **AND DISASTER PREPAREDNESS.**

24 (a) REVIEW.—The Comptroller General of the United
25 States shall conduct a review of Federal efforts to assist
26 ports in enhancing the resiliency of key intermodal connec-

1 tors to weather-related disasters. The review shall include
2 an analysis of the following:

3 (1) Actions being undertaken at various ports
4 to better identify critical land-side connectors that
5 may be vulnerable to disruption in the event of a
6 natural disaster, including how to communicate such
7 information during a disaster when communications
8 systems may be compromised, and the level of Fed-
9 eral involvement in such actions.

10 (2) The extent to which the Department of
11 Transportation and other Federal agencies are work-
12 ing in line with recent recommendations from key
13 resiliency reports, including the National Academies
14 of Science study on strengthening supply chain resil-
15 ience, to establish a framework for ports to follow to
16 increase resiliency to major weather-related disrup-
17 tions before such disruptions happen.

18 (3) The extent to which the Department of
19 Transportation or other Federal agencies have pro-
20 vided funds to ports for resiliency-related projects.

21 (4) The extent to which Federal agencies have
22 a coordinated approach to helping ports and the
23 multiple State, local, Tribal, and private stake-
24 holders involved, to improve resiliency prior to
25 weather-related disasters.

1 (b) REPORT.—Not later than 18 months after the
2 date of the enactment of this Act, the Comptroller General
3 shall submit to the Committee on Commerce, Science, and
4 Transportation of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives a report containing the results of the review
7 required under subsection (a).

8 **SEC. 3527. STUDY ON FOREIGN INVESTMENT IN SHIPPING.**

9 (a) ASSESSMENT.—Subject to the availability of ap-
10 propriations, the Under Secretary of Commerce for Inter-
11 national Trade (referred to in this section as the “Under
12 Secretary”), in coordination with the Maritime Adminis-
13 trator, the Commissioner of the Federal Maritime Com-
14 mission, and the heads of other relevant agencies, shall
15 conduct an assessment of subsidies, indirect state support,
16 and other financial infrastructure or benefits provided by
17 foreign states that control more than one percent of the
18 world merchant fleet to entities or individuals building,
19 owning, chartering, operating, or financing vessels not
20 documented under the laws of the United States that are
21 engaged in foreign commerce.

22 (b) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Under Secretary shall
24 submit to the appropriate committees of Congress, as de-

1 fined in section 3515(e), a report on the assessment con-
2 ducted under subsection (a). Such report shall include—

3 (1) the amount, in United States dollars, of
4 subsidies, indirect state support, and other financial
5 infrastructure or benefits provided by a foreign state
6 described in subsection (a) to—

7 (A) the shipping industry of each country
8 as a whole;

9 (B) the shipping industry as a percent of
10 gross domestic product of each country; and

11 (C) each ship on average, by ship type for
12 cargo, tanker, and bulk;

13 (2) the amount, in United States dollars, of
14 subsidies, indirect state support, and other financial
15 infrastructure or benefits provided by a foreign state
16 described in subsection (a) to the shipping industry
17 of another foreign state, including favorable finan-
18 cial arrangements for ship construction;

19 (3) a description of the shipping industry activi-
20 ties of state-owned enterprises of a foreign state de-
21 scribed in subsection (a);

22 (4) a description of the type of support pro-
23 vided by a foreign state described in subsection (a),
24 including tax relief, direct payment, indirect support

1 of state-controlled financial entities, or other such
2 support, as determined by the Under Secretary; and

3 (5) a description of how the subsidies provided
4 by a foreign state described in subsection (a) may be
5 disadvantaging the competitiveness of vessels docu-
6 mented under the laws of the United States that are
7 engaged in foreign commerce and the national secu-
8 rity of the United States.

9 (c) DEFINITIONS.—In this section:

10 (1) The term “foreign commerce” means—

11 (A) commerce or trade between the United
12 States, its territories or possessions, or the Dis-
13 trict of Columbia, and a foreign country;

14 (B) commerce or trade between foreign
15 countries; or

16 (C) commerce or trade within a foreign
17 country.

18 (2) The term “foreign state” has the meaning
19 given the term in section 1603(a) of title 28, United
20 States Code.

21 (3) The term “shipping industry” means the
22 construction, ownership, chartering, operation, or fi-
23 nancing of vessels engaged in foreign commerce.

1 **SEC. 3528. REPORT ON ALTERNATE MARINE FUEL BUN-**
2 **KERING FACILITIES AT PORTS.**

3 (a) IN GENERAL.—Not later than one year after the
4 date of enactment of this Act, the Maritime Administrator
5 shall make publicly available on an appropriate website a
6 report on the necessary port-related infrastructure needed
7 to support bunkering facilities for liquefied natural gas,
8 hydrogen, ammonia, or other new marine fuels under de-
9 velopment.

10 (b) CONTENTS.—The report required under sub-
11 section (a) shall include—

12 (1) information about the existing United
13 States infrastructure, in particular the storage facili-
14 ties, bunkering vessels, and transfer systems to sup-
15 port bunkering facilities for liquefied natural gas,
16 hydrogen, ammonia, or other new marine fuels
17 under development;

18 (2) a review of the needed upgrades to United
19 States infrastructure, including storage facilities,
20 bunkering vessels, and transfer systems, to support
21 bunkering facilities for liquefied natural gas, hydro-
22 gen, ammonia, or other new marine fuels under de-
23 velopment;

24 (3) an assessment of the estimated Government
25 investment in this infrastructure and the duration of
26 that investment; and

1 (4) in consultation with the heads of other rel-
2 evant Federal agencies, information on the relevant
3 Federal agencies that would oversee the permitting
4 and construction of bunkering facilities for liquefied
5 natural gas, hydrogen, ammonia, or other new ma-
6 rine fuels, as well as the Federal funding grants or
7 formula programs that could be used for such ma-
8 rine fuels.

9 **SEC. 3529. STUDY OF CYBERSECURITY AND NATIONAL SE-**
10 **CURITY THREATS POSED BY FOREIGN MANU-**
11 **FACTURED CRANES AT UNITED STATES**
12 **PORTS.**

13 (a) **STUDY.**—The Maritime Administrator, in con-
14 sultation with the Secretary of Homeland Security, the
15 Secretary of Defense, and the Director of the Cybersecu-
16 rity and Infrastructure Security Agency, shall conduct a
17 study to assess whether there are cybersecurity or national
18 security threats posed by foreign manufactured cranes at
19 United States ports.

20 (b) **REPORT.**—

21 (1) **IN GENERAL.**—Not later than one year
22 after the date of enactment of this Act, the Maritime
23 Administrator shall submit to the Committee on
24 Commerce, Science, and Transportation of the Sen-
25 ate, the Committee on Armed Services of the Senate,

1 the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate, the Committee on
3 Transportation and Infrastructure of the House of
4 Representatives, and the Committee on Armed Serv-
5 ices of the House of Representatives a report con-
6 taining the results of the study required under sub-
7 section (a).

8 (2) FORM OF REPORT.—The report required
9 under paragraph (1) shall be submitted in unclassi-
10 fied form, but may include a classified annex.

11 **Subtitle D—Maritime Workforce**

12 **SEC. 3531. IMPROVING PROTECTIONS FOR MIDSHIPMEN.**

13 (a) SUPPORTING THE UNITED STATES MERCHANT
14 MARINE ACADEMY.—Chapter 513 of title 46, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 51325. Sexual assault and sexual harassment pre- 18 vention information management system**

19 “(a) INFORMATION MANAGEMENT SYSTEM.—

20 “(1) IN GENERAL.—Not later than January 1,
21 2023, the Maritime Administrator shall establish
22 within the United States Merchant Marine Academy
23 Sexual Assault prevention and Response Program,
24 an information management system to track and
25 maintain, in such a manner that patterns can be

1 reasonably identified, information regarding claims
2 and incidents involving cadets that are reportable
3 pursuant to subsection (d) of section 51318 of this
4 chapter.

5 “(2) INFORMATION MAINTAINED IN THE SYS-
6 TEM.—Information maintained in the system estab-
7 lished under paragraph (1) shall include the fol-
8 lowing information, to the extent that information is
9 available:

10 “(A) The overall number of sexual assault
11 or sexual harassment incidents per fiscal year.

12 “(B) The location of each such incident,
13 including vessel name and the name of the com-
14 pany operating the vessel, if applicable.

15 “(C) The standardized job title or position
16 of the individuals involved in each such inci-
17 dent.

18 “(D) The general nature of each such inci-
19 dent, to include copies of any associated reports
20 completed on the incidents.

21 “(E) The type of inquiry made into each
22 such incident.

23 “(F) A record of whether each such inci-
24 dent was substantiated by the relevant inves-
25 tigative process.

1 “(3) PAST INFORMATION INCLUDED.—The in-
2 formation management system under this section
3 shall include the relevant data listed in this sub-
4 section related to sexual assault and sexual harass-
5 ment that the Maritime Administrator possesses,
6 and shall not be limited to data collected after Janu-
7 ary 1, 2023.

8 “(4) PRIVACY PROTECTIONS.—The Maritime
9 Administrator and the Chief Information Officer of
10 the Department of Transportation shall coordinate
11 to ensure that the information management system
12 under this section shall—

13 “(A) be established and maintained in a
14 secure fashion to ensure the protection of the
15 privacy of any individuals whose information is
16 entered in such system; and

17 “(B) be free of personally identifiable in-
18 formation and maintain only the data required
19 to satisfy the statistical purpose of such system.

20 “(5) CYBERSECURITY AUDIT.—Ninety days
21 after the implementation of the information manage-
22 ment system, the Office of Inspector General of the
23 Department of Transportation shall commence an
24 audit of the cybersecurity of the system and shall
25 submit a report containing the results of that audit

1 to the Committee on Commerce, Science, and Trans-
2 portation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of
4 Representatives.

5 “(6) CORRECTING RECORDS.—In establishing
6 the information management system, the Maritime
7 Administrator shall create a process to ensure that
8 if any incident report results in a final agency action
9 or final judgement that acquits an individual of
10 wrongdoing, all personally identifiable information
11 about the acquitted individual is removed from that
12 incident report in the system.

13 “(b) SEA YEAR PROGRAM.—The Maritime Adminis-
14 trator shall provide for the establishment of in-person and
15 virtual confidential exit interviews, to be conducted by per-
16 sonnel who are not involved in the assignment of the mid-
17 shipmen to a Sea Year vessel, for midshipmen from the
18 Academy upon completion of Sea Year and following com-
19 pletion by the midshipmen of the survey under section
20 51322(d).

21 “(c) DATA-INFORMED DECISIONMAKING.—The data
22 maintained in the data management system under sub-
23 section (a) and through the exit interviews under sub-
24 section (b) shall be affirmatively referenced and used to
25 inform the creation of new policy or regulation, or changes

1 to any existing policy or regulation, in the areas of sexual
2 harassment, dating violence, domestic violence, sexual as-
3 sault, and stalking.

4 **“§ 51326. Student advisory board at the United States**
5 **Merchant Marine Academy**

6 “(a) IN GENERAL.—The Maritime Administrator
7 shall establish at the United States Merchant Marine
8 Academy an advisory board to be known as the Advisory
9 Board to the Secretary of Transportation (referred to in
10 this section as the ‘Advisory Board’).

11 “(b) MEMBERSHIP.—The Advisory Board shall be
12 composed of not fewer than 12 midshipmen of the Mer-
13 chant Marine Academy who are enrolled at the Merchant
14 Marine Academy at the time of the appointment, including
15 not fewer than 3 cadets from each class.

16 “(c) APPOINTMENT; TERM.—Midshipmen shall serve
17 on the Advisory Board pursuant to appointment by the
18 Maritime Administrator. Appointments shall be made not
19 later than 60 days after the date of the swearing in of
20 a new class of midshipmen at the Academy. The term of
21 membership of a midshipmen on the Advisory Board shall
22 be 1 academic year.

23 “(d) REAPPOINTMENT.—The Maritime Adminis-
24 trator may reappoint not more than 6 cadets from the pre-
25 vious term to serve on the Advisory Board for an addi-

1 tional academic year if the Maritime Administrator deter-
2 mines such reappointment to be in the best interests of
3 the Merchant Marine Academy.

4 “(e) MEETINGS.—The Advisory Board shall meet
5 with the Secretary of Transportation not less than once
6 each academic year to discuss the activities of the Advisory
7 Board. The Advisory Board shall meet in person with the
8 Maritime Administrator not less than 2 times each aca-
9 demic year to discuss the activities of the Advisory Board.

10 “(f) DUTIES.—The Advisory Board shall—

11 “(1) identify health and wellbeing, diversity,
12 and sexual assault and harassment challenges and
13 other topics considered important by the Advisory
14 Board facing midshipmen at the Merchant Marine
15 Academy, off campus, and while aboard ships during
16 Sea Year or other training opportunities;

17 “(2) discuss and propose possible solutions, in-
18 cluding improvements to culture and leadership de-
19 velopment at the Merchant Marine Academy; and

20 “(3) periodically review the efficacy of the pro-
21 gram in section 51325(b), as appropriate, and pro-
22 vide recommendations to the Maritime Adminis-
23 trator for improvement.

24 “(g) WORKING GROUPS.—The Advisory Board may
25 establish one or more working groups to assist the Advi-

1 sory Board in carrying out its duties, including working
2 groups composed in part of midshipmen at the Merchant
3 Marine Academy who are not current members of the Ad-
4 visory Board.

5 “(h) REPORTS AND BRIEFINGS.—The Advisory
6 Board shall regularly provide the Secretary of Transpor-
7 tation and the Maritime Administrator reports and brief-
8 ings on the results of its duties, including recommenda-
9 tions for actions to be taken in light of such results. Such
10 reports and briefings may be provided in writing, in per-
11 son, or both.

12 **“§ 51327. Sexual Assault Advisory Council**

13 “(a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall establish a Sexual Assault Advisory Council
15 (in this section referred to as the ‘Council’).

16 “(b) MEMBERSHIP.—

17 “(1) IN GENERAL.—The Council shall be com-
18 posed of not fewer than 8 and not more than 14 in-
19 dividuals selected by the Secretary of Transportation
20 who are alumni that have graduated within the last
21 4 years or current midshipmen of the United States
22 Merchant Marine Academy (including midshipmen
23 or alumni who were victims of sexual assault, to the
24 maximum extent practicable, and midshipmen or
25 alumni who were not victims of sexual assault) and

1 governmental and nongovernmental experts and pro-
2 fessionals in the sexual assault field.

3 “(2) EXPERTS INCLUDED.—The Council shall
4 include—

5 “(A) not less than 1 member who is li-
6 censed in the field of mental health and has
7 prior experience working as a counselor or ther-
8 apist providing mental health care to survivors
9 of sexual assault in a victim services agency or
10 organization; and

11 “(B) not less than 1 member who has
12 prior experience developing or implementing
13 sexual assault or sexual harassment prevention
14 and response policies in an academic setting.

15 “(3) RULES REGARDING MEMBERSHIP.—No
16 employee of the Department of Transportation shall
17 be a member of the Council. The number of govern-
18 mental experts appointed to the Council shall not ex-
19 ceed the number of nongovernmental experts.

20 “(c) DUTIES; AUTHORIZED ACTIVITIES.—

21 “(1) IN GENERAL.—The Council shall meet not
22 less often than semiannually to—

23 “(A) review—

24 “(i) the policies on sexual harassment,
25 dating violence, domestic violence, sexual

1 assault, and stalking under section 51318
2 of this title;

3 “(ii) the trends and patterns of data
4 contained in the system described under
5 section 51325 of this title; and

6 “(iii) related matters the Council
7 views as appropriate; and

8 “(B) develop recommendations designed to
9 ensure that such policies and such matters con-
10 form, to the extent practicable, to best practices
11 in the field of sexual assault and sexual harass-
12 ment response and prevention.

13 “(2) AUTHORIZED ACTIVITIES.—To carry out
14 this subsection, the Council may—

15 “(A) interview current and former mid-
16 shipmen of the United States Merchant Marine
17 Academy (to the extent that such midshipmen
18 provide the Department of Transportation ex-
19 press consent to be interviewed by the Council);
20 and

21 “(B) review surveys under section
22 51322(d).

23 “(3) PERSONALLY IDENTIFIABLE INFORMA-
24 TION.—In carrying out this subsection, the Council
25 shall comply with the obligations of the Department

1 of Transportation to protect personally identifiable
2 information.

3 “(d) REPORTS.—On an annual basis for each of the
4 5 years after the date of enactment of this section, and
5 at the discretion of the Council thereafter, the Council
6 shall submit, to the President and the Committee on Com-
7 merce, Science, and Transportation and the Committee on
8 Appropriations of the Senate and the Committee on
9 Transportation and Infrastructure and the Committee on
10 Appropriations of the House of Representatives, a report
11 on the Council’s findings based on the reviews conducted
12 pursuant to subsection (c) and related recommendations.

13 “(e) EMPLOYEE STATUS.—Members of the Council
14 shall not be considered employees of the United States
15 Government for any purpose and shall not receive com-
16 pensation other than reimbursement of travel expenses
17 and per diem allowance in accordance with section 5703
18 of title 5.

19 “(f) NONAPPLICABILITY OF FACA.—The Federal
20 Advisory Committee Act (5 U.S.C. App.) shall not apply
21 to the Council.

22 **“§ 51328. Student support**

23 “The Maritime Administrator shall—

1 “(1) require a biannual survey of midshipmen,
2 faculty, and staff of the Academy assessing the envi-
3 ronment of the Academy; and

4 “(2) require an annual survey of faculty and
5 staff of the Academy assessing the Sea Year pro-
6 gram.”.

7 (b) REPORT TO CONGRESS.—Not later than 30 days
8 after the date of enactment of this section, the Maritime
9 Administrator shall provide Congress with a briefing on
10 the resources necessary to properly implement section
11 51328 of title 46, United States Code, as added by this
12 section.

13 (c) CONFORMING AMENDMENTS.—The chapter anal-
14 ysis for chapter 513 of title 46, United States Code, is
15 amended by adding at the end the following:

 “51325. Sexual assault and sexual harassment prevention information manage-
 ment system.

 “51326. Student advisory board at the United States Merchant Marine Acad-
 emy.

 “51327. Sexual Assault Advisory Council.

 “51328. Student support.”.

16 (d) UNITED STATES MERCHANT MARINE ACADEMY
17 STUDENT SUPPORT PLAN.—

18 (1) STUDENT SUPPORT PLAN.—Not later than
19 January 1, 2023, the Maritime Administrator shall
20 issue a Student Support Plan for the United States
21 Merchant Marine Academy, in consultation with rel-
22 evant mental health professionals in the Federal

1 Government or experienced with the maritime indus-
2 try or related industries. Such plan shall—

3 (A) address the mental health resources
4 available to midshipmen, both on-campus and
5 during Sea Year;

6 (B) establish a tracking system for suicidal
7 ideations and suicide attempts of midshipmen,
8 which excludes personally identifiable informa-
9 tion;

10 (C) create an option for midshipmen to ob-
11 tain assistance from a professional care pro-
12 vider virtually; and

13 (D) require an annual survey of faculty
14 and staff assessing the adequacy of mental
15 health resources for midshipmen of the Acad-
16 emy, both on campus and during Sea Year.

17 (2) REPORT TO CONGRESS.—Not later than 30
18 days after the date of enactment of this section, the
19 Maritime Administrator shall provide Congress with
20 a report on the resources necessary to properly im-
21 plement this subsection.

22 (e) SPECIAL VICTIMS ADVISOR.—Section 51319 of
23 title 46, United States Code, is amended—

24 (1) by redesignating subsection (c) as sub-
25 section (d);

1 (2) by inserting after subsection (b) the fol-
2 lowing:

3 “(c) SPECIAL VICTIMS ADVISOR.—

4 “(1) IN GENERAL.—The Secretary shall des-
5 ignate an attorney (to be known as the ‘Special Vic-
6 tims Advisor’) for the purpose of providing legal as-
7 sistance to any cadet of the Academy who is the vic-
8 tim of an alleged sex-related offense regarding ad-
9 ministrative and criminal proceedings related to such
10 offense, regardless of whether the report of that of-
11 fense is restricted or unrestricted.

12 “(2) SPECIAL VICTIMS ADVISORY.—The Sec-
13 retary shall ensure that the attorney designated as
14 the Special Victims Advisor has knowledge of the
15 Uniform Code of Military Justice, as well as crimi-
16 nal and civil law.

17 “(3) PRIVILEGED COMMUNICATIONS.—Any
18 communications between a victim of an alleged sex-
19 related offense and the Special Victim Advisor, when
20 acting in their capacity as such, shall have the same
21 protection that applicable law provides for confiden-
22 tial attorney-client communications.”; and

23 (3) by adding at the end the following:

24 “(e) UNFILLED VACANCIES.—The Administrator of
25 the Maritime Administration may appoint qualified can-

1 didates to positions under subsections (a) and (d) of this
2 section without regard to sections 3309 through 3319 of
3 title 5.”.

4 (f) CATCH A SERIAL OFFENDER ASSESSMENT.—

5 (1) ASSESSMENT.—Not later than one year
6 after the date of enactment of this section, the Com-
7 mandant of the Coast Guard, in coordination with
8 the Maritime Administrator, shall conduct an assess-
9 ment of the feasibility and process necessary, and
10 appropriate responsible entities to establish a pro-
11 gram for the United States Merchant Marine Acad-
12 emy and United States Merchant Marine modeled on
13 the Catch a Serial Offender program of the Depart-
14 ment of Defense using the information management
15 system required under subsection (a) of section
16 51325 of title 46, United States Code, and the exit
17 interviews under subsection (b) of such section.

18 (2) LEGISLATIVE CHANGE PROPOSALS.—If, as
19 a result of the assessment required by paragraph
20 (1), the Commandant or the Administrator deter-
21 mines that additional authority is necessary to im-
22 plement the program described in paragraph (1), the
23 Commandant or the Administrator, as applicable,
24 shall provide appropriate legislative change proposals
25 to Congress.

1 (g) SHIPBOARD TRAINING.—Section 51322(a) of title
2 46, United States Code, is amended by adding at the end
3 the following:

4 “(3) TRAINING.—

5 “(A) IN GENERAL.—As part of training
6 that shall be provided not less than semiannu-
7 ally to all midshipmen of the Academy, pursu-
8 ant to section 51318, the Maritime Adminis-
9 trator shall develop and implement comprehen-
10 sive in-person sexual assault risk-reduction and
11 response training that, to the extent prac-
12 ticable, conforms to best practices in the sexual
13 assault prevention and response field and in-
14 cludes appropriate scenario-based training.

15 “(B) DEVELOPMENT AND CONSULTATION
16 WITH EXPERTS.—In developing the sexual as-
17 sult risk-reduction and response training
18 under subparagraph (A), the Maritime Admin-
19 istrator shall consult with and incorporate, as
20 appropriate, the recommendations and views of
21 experts in the sexual assault field.”.

22 **SEC. 3532. MARITIME TECHNICAL ADVANCEMENT ACT.**

23 (a) IN GENERAL.—Section 51706 of title 46, United
24 States Code, is amended—

1 (1) by striking subsection (a) and inserting the
2 following:

3 “(a) DESIGNATION.—The Secretary of Transpor-
4 tation may designate as a center of excellence for domestic
5 maritime workforce training and education an entity
6 which is a covered training entity.”;

7 (2) by striking subsection (b) and inserting the
8 following:

9 “(b) GRANT PROGRAM.—

10 “(1) IN GENERAL.—The Secretary may award
11 a maritime career training grant to a center of ex-
12 cellence designated under subsection (a) for the pur-
13 pose of developing, offering, or improving career and
14 technical education or training programs related to
15 the United States maritime industry for United
16 States workers.

17 “(2) GRANT PROPOSAL.—To be eligible to re-
18 ceive a grant under this subsection, a center of ex-
19 cellence designated under subsection (a) shall submit
20 to the Secretary a grant proposal that includes a de-
21 tailed description of—

22 “(A) the specific project proposed to be
23 funded by the grant, including a description of
24 the manner in which the grant will be used to
25 develop, offer, or improve a career and technical

1 education or training program that is suited to
2 United States maritime industry workers;

3 “(B) the extent to which the project for
4 which the grant proposal is submitted will meet
5 the educational or career training needs of
6 United States maritime industry workers;

7 “(C) any previous experience of the center
8 of excellence in providing United States mari-
9 time industry career and technical education or
10 training programs;

11 “(D) how the project proposed to be fund-
12 ed by the grant would address shortcomings in
13 existing educational or career training opportu-
14 nities available to United States maritime in-
15 dustry workers; and

16 “(E) the extent to which employers, includ-
17 ing small and medium-sized firms, have dem-
18 onstrated a commitment to employing United
19 States maritime industry workers who would
20 benefit from the project for which the grant
21 proposal is submitted.

22 “(3) CRITERIA FOR AWARD OF GRANTS.—Sub-
23 ject to the appropriation of funds to carry out this
24 section, the Secretary shall award grants under this
25 subsection to centers of excellence based on—

1 “(A) an determination of the merits of a
2 grant proposal submitted under paragraph (2)
3 to develop, offer, or improve career and tech-
4 nical education or training programs to be
5 made available to United States maritime in-
6 dustry workers;

7 “(B) an evaluation of the likely employ-
8 ment opportunities available to United States
9 maritime industry workers who complete a mar-
10 itime career and technical education or training
11 program that a center proposes to develop,
12 offer, or improve; and

13 “(C) an evaluation of prior demand for
14 training programs by workers served by centers
15 of excellence designated under subsection (a),
16 as well as the availability and capacity of exist-
17 ing maritime training programs to meet future
18 demand for training programs.

19 “(4) COMPETITIVE AWARDS.—

20 “(A) IN GENERAL.—The Secretary shall
21 award grants under this subsection to centers
22 of excellence designated under subsection (a) on
23 a competitive basis.

24 “(B) TIMING OF GRANT NOTICE.—The
25 Secretary shall post a Notice of Funding Op-

1 portunity regarding grants awarded under this
2 subsection not more than 90 days after the date
3 of the enactment of the appropriations Act for
4 the fiscal year concerned.

5 “(C) TIMING OF GRANTS.—The Secretary
6 shall award grants under this subsection not
7 later than 270 days after the date of the enact-
8 ment of the appropriations Act for the fiscal
9 year concerned.

10 “(D) REUSE OF UNEXPENDED GRANT
11 FUNDS.—Notwithstanding subparagraph (C),
12 amounts awarded as a grant under this sub-
13 section that are not expended by the grantee
14 shall remain available to the Secretary for use
15 for grants under this subsection.

16 “(E) ADMINISTRATIVE COSTS.—Not more
17 than 3 percent of amounts made available to
18 carry out this subsection may be used for the
19 necessary costs of grant administration.

20 “(F) PROHIBITED USE.—A center of excel-
21 lence designated under subsection (a) that has
22 received funds awarded under section
23 54101(a)(2) for training purposes for a fiscal
24 year shall not be eligible for grants under this
25 subsection during the same fiscal year.”; and

1 (3) in subsection (c)—

2 (A) by striking paragraph (1) and insert-
3 ing the following:

4 “(1) COVERED TRAINING ENTITY.—The term
5 ‘covered training entity’ means an entity that—

6 “(A) is located in a State that borders on
7 the—

8 “(i) Gulf of Mexico;

9 “(ii) Atlantic Ocean;

10 “(iii) Long Island Sound;

11 “(iv) Pacific Ocean;

12 “(v) Great Lakes; or

13 “(vi) Mississippi River System;

14 “(B) is—

15 “(i) a postsecondary educational insti-
16 tution (as such term is defined in section
17 3(39) of the Carl D. Perkins Career and
18 Technical Education Act of 2006 (20
19 U.S.C. 2302));

20 “(ii) a postsecondary vocational insti-
21 tution (as such term is defined in section
22 102(c) of the Higher Education Act of
23 1965 (20 U.S.C. 1002(c));

24 “(iii) a public or private nonprofit en-
25 tity that offers one or more other struc-

1 tured experiential learning training pro-
2 grams for United States workers in the
3 United States maritime industry, including
4 a program that is offered by a labor orga-
5 nization or conducted in partnership with a
6 nonprofit organization or one or more em-
7 ployers in the United States maritime in-
8 dustry;

9 “(iv) an entity sponsoring an appren-
10 ticeship program registered with the Office
11 of Apprenticeship of the Employment and
12 Training Administration of the Depart-
13 ment of Labor or a State apprenticeship
14 agency recognized by the Office of Appren-
15 ticeship pursuant to the Act of August 16,
16 1937 (commonly known as the ‘National
17 Apprenticeship Act’; 50 Stat. 664, chapter
18 663; 29 U.S.C. 50 et seq.); or

19 “(v) a maritime training center des-
20 ignated prior to the date of enactment of
21 the National Defense Authorization Act for
22 Fiscal Year 2023; and

23 “(C) has a demonstrated record of success
24 in maritime workforce training and education.”;
25 and

1 (B) by adding at the end the following:

2 “(3) CAREER AND TECHNICAL EDUCATION.—

3 The term ‘career and technical education’ has the
4 meaning given such term in section 3(5) of the Carl
5 D. Perkins Career and Technical Education Act (20
6 U.S.C. 2302).

7 “(4) SECRETARY.—The term ‘Secretary’ means
8 the Secretary of Transportation.

9 “(5) TRAINING PROGRAM.—The term ‘training
10 program’ means a program that provides training
11 services, as described in section 134(c)(3)(D) of the
12 Workforce Innovation and Opportunity Act (Public
13 Law 113–128; 29 U.S.C. 3174).

14 “(6) UNITED STATES MARITIME INDUSTRY.—
15 The term ‘United States maritime industry’ means
16 the design, construction, repair, operation, manning,
17 and supply of vessels in all segments of the maritime
18 transportation system of the United States, includ-
19 ing—

20 “(A) the domestic and foreign trade;

21 “(B) the coastal, offshore, and inland
22 trade;

23 “(C) non-commercial maritime activities,
24 including—

25 “(i) recreational boating; and

1 “(ii) oceanographic and limnological
2 research as described in section
3 2101(24).”.

4 (b) PUBLICLY AVAILABLE REPORT.—Not later than
5 December 15 in each of calendar years 2022 through
6 2024, the Secretary of Transportation shall make publicly
7 available on an appropriate website a report, and provide
8 to the Committee on Commerce, Science, and Transpor-
9 tation of the Senate and the Committee on Transportation
10 and Infrastructure of the House of Representatives a
11 briefing, on the implementation of the amendments under
12 this section. Such report and briefing shall include—

13 (1) a description of each grant awarded under
14 subsection (b) of section 51706 of title 46, United
15 States Code, as amended by subsection (a), during
16 the fiscal year preceding the fiscal year during which
17 the report is submitted; and

18 (2) an assessment of the effects of each such
19 grant under this subsection on workers who received
20 training provided pursuant to the grant during the
21 fiscal year preceding the fiscal year during which the
22 report was submitted.

23 (c) GUIDELINES.—Not later than one year after the
24 date of enactment of this Act, the Secretary of Transpor-
25 tation shall—

1 (1) prescribe guidelines for the submission of
2 grant proposals under section 51706(b) of title 46,
3 United States Code, as amended by subsection (a);
4 and

5 (2) publish and maintain such guidelines on the
6 website of the Department of Transportation.

7 (d) ASSISTANCE FOR SMALL SHIPYARDS.—Section
8 54101(e) of title 46, United States Code, is amended by
9 striking paragraph (2) and inserting the following:

10 “(2) ALLOCATION OF FUNDS.—

11 “(A) IN GENERAL.—The Administrator
12 may not award more than 25 percent of the
13 funds made available to carry out this section
14 for any fiscal year to any small shipyard in one
15 geographic location that has more than 600 em-
16 ployees.

17 “(B) INELIGIBILITY.—A maritime training
18 center that has received funds awarded under
19 section 51706 of title 46, United States Code,
20 shall not be eligible for grants under this sub-
21 section for training purposes in the same fiscal
22 year.”.

23 **SEC. 3533. ENSURING DIVERSE MARINER RECRUITMENT.**

24 Not later than six months after the date of the enact-
25 ment of this Act, the Secretary of Transportation shall

1 develop and deliver to Congress a strategy to assist State
2 maritime academies and the United States Merchant Ma-
3 rine Academy in improving the representation in the next
4 generation of the mariner workforce of women and under-
5 represented communities, including each of the following:

6 (1) Black and African American.

7 (2) Hispanic and Latino.

8 (3) Asian.

9 (4) American Indian, Alaska Native, and Native
10 Hawaiian.

11 (5) Pacific Islander.

12 **SEC. 3534. LOW EMISSIONS VESSELS TRAINING.**

13 (a) DEVELOPMENT OF STRATEGY.—The Secretary of
14 Transportation, in consultation with the United States
15 Merchant Marine Academy, State maritime academies, ci-
16 vilian nautical schools, and the Secretary of the depart-
17 ment in which Coast Guard is operating, shall develop a
18 strategy to ensure there is an adequate supply of trained
19 United States citizen mariners sufficient to meet the oper-
20 ational requirements of low and zero emission vessels. Im-
21 plementation of the strategy shall aim to increase the sup-
22 ply of trained United States citizen mariners sufficient to
23 meet the needs of the maritime industry and ensure con-
24 tinued investment in training for mariners serving on con-
25 ventional fuel vessels.

1 (b) REPORT.—Not later than six months after the
2 date the Secretary of Transportation determines that
3 there is commercially viable technology for low and zero
4 emission vessels, the Secretary of Transportation shall—

5 (1) submit to the Committee on Commerce,
6 Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure of
8 the House of Representatives a report on the strat-
9 egy developed under subsection (a) and plans for its
10 implementation; and

11 (2) make such report publicly available.

12 **Subtitle E—Other Matters**

13 **SEC. 3541. WAIVER OF NAVIGATION AND VESSEL INSPEC-** 14 **TION LAWS.**

15 Section 501 of title 46, United States Code, is
16 amended—

17 (1) in subsection (b)—

18 (A) by striking paragraph (1) and insert-
19 ing the following:

20 “(1) IN GENERAL.—Upon a determination by
21 the President that a waiver of the navigation or ves-
22 sel-inspection laws is necessary in the interest of na-
23 tional defense, the head of an agency responsible for
24 the administration of such laws, may waive compli-
25 ance with such laws—

1 “(A) following a determination in accord-
2 ance with the requirements of paragraph (3) by
3 the Maritime Administrator, acting in the Ad-
4 ministrators capacity as Director, National
5 Shipping Authority, of the non-availability of
6 qualified United States flag capacity to meet
7 national defense requirements;

8 “(B) not earlier than 48 hours after a
9 waiver request is published under paragraph
10 (6)(A); and

11 “(C) on a vessel specific basis to the ex-
12 tent, in the manner, and on the terms the head
13 of such agency, in consultation with the Admin-
14 istrator, acting in such capacity, prescribes.”;

15 (B) in paragraph (2)(B) by striking “de-
16 terminations referred to in paragraph (1)” and
17 inserting “determination referred to in para-
18 graph (1)(A)”;

19 (C) in paragraph (3) by striking subpara-
20 graph (A) and inserting the following:

21 “(A) for each determination referred to in
22 paragraph (1)(A)—

23 “(i) identify any actions that could be
24 taken to enable qualified United States
25 flag capacity to meet national defense re-

1 requirements prior to the issuance of a waiver;
2 er; and

3 “(ii) not assess the non-availability of
4 qualified United States flag capacity to
5 meet national defense requirements retro-
6 spectively after the date on which a waiver
7 is requested;” and

8 (D) by adding at the end the following:

9 “(5) PROSPECTIVE APPLICATION.—No waiver
10 shall be issued for a vessel if, at the time of the
11 waiver request under this section, such vessel is
12 laden with merchandise that, pursuant to the re-
13 quested waiver, could be unladen at points or places
14 to which the coastwise laws apply.

15 “(6) PUBLICATION REQUIREMENTS.—

16 “(A) PUBLICATION OF WAIVER RE-
17 QUESTS.—Upon receiving a request for a waiver
18 under this subsection, the head of an agency re-
19 ferred to in paragraph (1) shall publish such re-
20 quest on the website of such agency.

21 “(B) PUBLICATION OF WAIVER DENIAL.—

22 Not later than 48 hours after denying a waiver
23 requested under this subsection, the head of an
24 agency referred to in paragraph (1) shall pub-
25 lish on the website of such agency an expla-

1 nation for denying such waiver, including appli-
2 cable findings to support the denial.”; and

3 (2) in subsection (c)(1)—

4 (A) in the matter preceding subparagraph
5 (A) by inserting “and the individual requesting
6 such waiver (if not the owner or operator of the
7 vessel)” before “shall submit”;

8 (B) in subparagraph (C) by striking “and”
9 at the end;

10 (C) by redesignating subparagraphs (B),
11 (C), and (D) as subparagraphs (C), (D), and
12 (G), respectively;

13 (D) by inserting after subparagraph (A)
14 the following:

15 “(B) the name of the owner and operator
16 of the vessel;”; and

17 (E) by inserting after subparagraph (D),
18 as so redesignated, the following:

19 “(E) a description of the cargo carried;

20 “(F) an explanation as to why the waiver
21 was in the interest of national defense; and”.

22 **SEC. 3542. NATIONAL MARITIME STRATEGY.**

23 (a) STUDY TO INFORM A NATIONAL MARITIME
24 STRATEGY.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of the enactment of this Act, the Secretary
3 of Transportation and the Secretary of the depart-
4 ment in which the Coast Guard is operating shall
5 seek to enter into an agreement with a studies and
6 analysis federally funded research and development
7 center under which such center shall conduct a
8 study to identify the key elements needed for a na-
9 tional maritime strategy that is designed to—

10 (A) achieve the objectives described in sec-
11 tion 50101 of title 46, United States Code; and

12 (B) ensure—

13 (i) a capable, commercially viable,
14 militarily useful fleet of a sufficient num-
15 ber of merchant vessels documented under
16 chapter 121 of title 46, United States
17 Code;

18 (ii) a robust United States mariner
19 workforce, as described in section 50101 of
20 title 46, United States Code;

21 (iii) strong United States domestic
22 shipbuilding infrastructure, and related
23 shipbuilding trades amongst skilled work-
24 ers in the United States; and

1 (iv) that the Navy Fleet Auxiliary
2 Force, the National Defense Reserve Fleet,
3 the Military Sealift Command, the Mari-
4 time Security Program under chapter 531
5 of title 46, United States Code, the Cable
6 Security Program under chapter 532 of
7 title 46, United States Code, and the
8 Tanker Security Program under chapter
9 534 of title 46, United States Code cur-
10 rently meet the economic and national se-
11 curity needs of the United States and
12 would reliably continue to meet those needs
13 under future economic or national security
14 emergencies.

15 (2) DEADLINE FOR COMPLETION.—An agree-
16 ment entered into pursuant to paragraph (1) shall
17 specify that the federally funded research and devel-
18 opment center shall complete the study by not later
19 than one year after the date of the enactment of this
20 Act.

21 (3) INPUT.—An agreement entered into pursu-
22 ant to paragraph (1) shall specify that, in carrying
23 out the study, the federally funded research and de-
24 velopment center shall solicit input from—

1 (A) relevant Federal departments and
2 agencies;

3 (B) nongovernmental organizations;

4 (C) United States companies;

5 (D) maritime labor organizations;

6 (E) commercial industries that depend on
7 United States mariners;

8 (F) domestic shipyards regarding ship-
9 building and repair capacity, and the associated
10 skilled workforce, such as the workforce re-
11 quired for transportation, offshore wind, fish-
12 ing, and aquaculture;

13 (G) providers of maritime workforce train-
14 ing; and

15 (H) any other relevant organizations.

16 (4) REQUIREMENTS OF AGREEMENT.—An
17 agreement entered into pursuant to paragraph (1)
18 shall specify that, in carrying out the study, the fed-
19 erally funded research and development center shall
20 consult with the Secretary of Transportation, the
21 Secretary of Defense, the Secretary of the Depart-
22 ment in which the Coast Guard is operating, the
23 Administrator of the National Oceanic and Atmos-
24 pheric Administration, and the heads of other rel-

1 evant Federal agencies, in the identification and
2 evaluation of—

3 (A) incentives, including regulatory
4 changes, needed to continue to meet the ship-
5 building and ship maintenance needs of the
6 United States for commercial and national se-
7 curity purposes, including through a review
8 of—

9 (i) the loans and guarantees program
10 carried out under chapter 537 of title 46,
11 United States Code, and how the develop-
12 ment of new offshore commercial indus-
13 tries, such as wind energy, could be sup-
14 ported through modification of such pro-
15 gram or other Federal programs, and thus
16 also support the United States sealift in
17 the future;

18 (ii) the barriers to participation in the
19 loans and guarantees program carried out
20 under chapter 537 of title 46, United
21 States Code, and how the program may be
22 improved to facilitate additional ship-
23 building activities in the United States;

24 (iii) the needed resources, human and
25 financial, for such incentives; and

1 (iv) the current and anticipated num-
2 ber of shipbuilding and ship maintenance
3 contracts at United States shipyards
4 through 2032, to the extent practicable;

5 (B) incentives, including regulatory
6 changes, needed to maintain a commercially
7 viable United States-documented fleet, includ-
8 ing—

9 (i) an examination of how the pref-
10 erences under section 2631 of title 10,
11 United States Code, and chapters 531,
12 532, 534, and 553 of title 46, United
13 States Code, should be used to further
14 maintain and grow a United States-docu-
15 mented fleet;

16 (ii) an identification of other incen-
17 tives that could be used that may not be
18 authorized at the time of the study;

19 (iii) an estimate of the number and
20 type of commercial ships needed over the
21 next 30 years; and

22 (iv) estimates of the needed human
23 and financial resources for such incentives;

24 (C) the availability of United States mari-
25 ners, and future needs, including—

1 (i) the number of mariners needed for
2 the United States commercial and national
3 security needs over the next 30 years;

4 (ii) the policies and programs (at the
5 time of the study) to recruit, train, and re-
6 tain United States mariners to support the
7 United States maritime workforce needs
8 during peace time and at war;

9 (iii) how those programs could be im-
10 proved to grow the number of maritime
11 workers trained each year, including how
12 potential collaboration between the uni-
13 formed services, the United States Mer-
14 chant Marine Academy, State maritime
15 academies, maritime labor training centers,
16 and the Centers of Excellence for Domestic
17 Maritime Workforce Training under sec-
18 tion 51706 of title 46, United States Code,
19 could be used most effectively; and

20 (iv) estimates of the necessary re-
21 sources, human and financial, to imple-
22 ment such programs in each relevant Fed-
23 eral agency over the next 30 years; and

24 (D) the interaction among the elements de-
25 scribed under subparagraphs (A) through (C).

1 (5) PUBLIC AVAILABILITY.—The Secretary of
2 Transportation shall make publicly available on a
3 website of the Department of Transportation a
4 study completed pursuant to paragraph (1).

5 (b) NATIONAL MARITIME STRATEGY.—

6 (1) IN GENERAL.—Chapter 501 of title 46,
7 United States Code, is amended by inserting after
8 section 50113 the following new section:

9 **“§ 50114. National maritime strategy**

10 “(a) IN GENERAL.—The Secretary of Transpor-
11 tation, in consultation with the Secretary of the depart-
12 ment in which the Coast Guard is operating and the Com-
13 mander of United States Transportation Command, shall
14 submit to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate—

18 “(1) a national maritime strategy; and

19 “(2) not less often than once every five years
20 after the submission of such strategy, an update to
21 the strategy.

22 “(b) CONTENTS.—The strategy required under sub-
23 section (a) shall include each of the following:

24 “(1) An identification of—

1 “(A) international policies and Federal
2 regulations and policies that reduce the com-
3 petitiveness of United States-documented ves-
4 sels with foreign vessels in domestic and inter-
5 national transportation markets; and

6 “(B) the impact of reduced cargo flow due
7 to reductions in the number of members of the
8 United States Armed Forces stationed or de-
9 ployed outside of the United States.

10 “(2) Recommendations to—

11 “(A) make United States-documented ves-
12 sels more competitive in shipping routes be-
13 tween United States and foreign ports;

14 “(B) increase the use of United States-doc-
15 umented vessels to carry cargo imported to and
16 exported from the United States;

17 “(C) ensure compliance by Federal agen-
18 cies with chapter 553;

19 “(D) increase the use of short sea trans-
20 portation routes, including routes designated
21 under section 55601(b), to enhance intermodal
22 freight movements;

23 “(E) enhance United States shipbuilding
24 capability;

1 “(F) invest in, and identify gaps in, infra-
2 structure needed to facilitate the movement of
3 goods at ports and throughout the transpor-
4 tation system, including innovative physical and
5 information technologies;

6 “(G) enhance workforce training and re-
7 cruitment for the maritime workforce, including
8 training on innovative physical and information
9 technologies;

10 “(H) increase the resilience of ports and
11 the marine transportation system;

12 “(I) increase the carriage of government-
13 impelled cargo on United States-documented
14 vessels pursuant to chapter 553 of title 46, sec-
15 tion 2631 of title 10, or otherwise; and

16 “(J) maximize the cost effectiveness of
17 Federal funding for carriage of non-defense
18 government impelled cargo for the purposes of
19 maintaining a United States flag fleet for na-
20 tional and economic security.

21 “(c) UPDATE.—Upon the release of a strategy or up-
22 date under subsection (a), the Secretary of Transportation
23 shall make such strategy or update publicly available on
24 the website of the Department of Transportation.

1 “(d) IMPLEMENTATION PLAN.—Not later than six
2 months after the submission of a strategy or update under
3 subsection (a), the Secretary of Transportation, in con-
4 sultation with the Secretary of the department in which
5 the Coast Guard is operating and the Secretary of De-
6 fense, shall make publicly available on an appropriate
7 website an implementation plan for such strategy or up-
8 date.”.

9 (2) CONFORMING REPEALS; DEADLINE.—

10 (A) RESCISSION OF SUPERCEDED STRAT-
11 EGY.—Effective on the date on which the Sec-
12 retary of Transportation submits the national
13 maritime strategy under section 50114(a)(1) of
14 title 46, United States Code, as added by para-
15 graph (1)—

16 (i) the national maritime strategy pre-
17 pared pursuant to section 603 of the How-
18 ard Coble Coast Guard and Maritime
19 Transportation Act of 2014 (Public Law
20 113–281) is rescinded; and

21 (ii) section 603 of the Howard Coble
22 Coast Guard and Maritime Transportation
23 Act of 2014 (Public Law 113–281) is re-
24 pealed.

1 (B) DEADLINE FOR SUBMISSION OF
2 STRATEGY.—The Secretary shall submit the na-
3 tional maritime strategy required under section
4 50114(a)(1) of title 46, United States Code, as
5 added by paragraph (1), not later than six
6 months after the date on which the Secretary
7 receives the study under subsection (a).

8 (3) CLERICAL AMENDMENT.—The analysis for
9 chapter 501 of title 46, United States Code, is
10 amended by inserting after the item relating to sec-
11 tion 50113 the following new item:

“50114. National maritime strategy.”.

12 **SEC. 3543. MARITIME ENVIRONMENTAL AND TECHNICAL**
13 **ASSISTANCE PROGRAM.**

14 (a) IN GENERAL.—Section 50307 of title 46, United
15 States Code, is amended—

16 (1) by striking the subsection (a) enumerator
17 and all that follows through “Transportation” and
18 inserting the following:

19 “(a) EMERGING MARINE TECHNOLOGIES AND PRAC-
20 TICES.—

21 “(1) IN GENERAL.—The Secretary of Transpor-
22 tation”;

23 (2) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) by redesignating subparagraphs
2 (A) through (D) as clauses (i) through
3 (iv), respectively and adjusting the margins
4 accordingly; and

5 (ii) in clause (iv), as redesignated by
6 clause (i), by striking “propeller cavi-
7 tation” and inserting “incidental vessel-gen-
8 erated underwater noise, such as noise
9 from propeller cavitation or hydrodynamic
10 flow”;

11 (B) by redesignating paragraphs (1) and
12 (2) as subparagraphs (A) and (B), respectively
13 and adjusting the margins accordingly;

14 (3) in subsection (c), by redesignating para-
15 graphs (1) and (2) as subparagraphs (A) and (B),
16 respectively and adjusting the margins accordingly;

17 (4) by redesignating subsections (b) through (d)
18 as paragraphs (2) through (4), respectively and ad-
19 justing the margins accordingly;

20 (5) by redesignating subsection (e) as sub-
21 section (b);

22 (6) by striking subsection (f);

23 (7) in subsection (a)—

24 (A) in paragraph (1), as designated under
25 paragraph (1) of this section—

1 (i) by inserting “or support” after
2 “engage in”;

3 (ii) by striking “the use of public”
4 and all that follows through the end of the
5 sentence and inserting “eligible entities.”;

6 (B) in paragraph (2), as redesignated
7 under paragraph (4) of this section—

8 (i) by striking “this section” and in-
9 serting “this subsection”;

10 (ii) by striking “or improve” and in-
11 serting “improve, or support efforts related
12 to,”;

13 (C) in paragraph (3), as redesignated by
14 paragraph (4) of this section, by striking
15 “under subsection (b)(2) may include” and in-
16 serting “with other Federal agencies or with
17 State, local, or Tribal governments, as appro-
18 priate, under paragraph (2)(B) may include”;

19 (D) in paragraph (4), as redesignated by
20 paragraph (4) of this section—

21 (i) by striking “academic, public, pri-
22 vate, and nongovernmental entities and fa-
23 cilities” and inserting “eligible entities”;
24 and

1 (ii) by striking “subsection (a)” and
2 inserting “this subsection”; and

3 (E) by adding at the end the following:

4 “(5) GRANTS.—Subject to the availability of
5 appropriations, the Maritime Administrator, may es-
6 tablish and carry out a competitive grant program to
7 award grants to eligible entities for projects in the
8 United States consistent with the goals of this sub-
9 section to study, evaluate, test, demonstrate, or
10 apply technologies and practices to improve environ-
11 mental performance.”;

12 (8) in subsection (b), as redesignated by para-
13 graph (5) of this section, by striking “subsection
14 (b)(1)” and inserting “this section”; and

15 (9) by adding at the end the following:

16 “(c) VESSELS.—Activities carried out under a grant
17 or cooperative agreement made under this section may be
18 conducted on public vessels under the control of the Mari-
19 time Administration, upon approval of the Maritime Ad-
20 ministrator.

21 “(d) ELIGIBLE ENTITY DEFINED.—In this section,
22 the term ‘eligible entity’ means—

23 “(1) a private entity, including a nonprofit or-
24 ganization;

1 “(2) a State, regional, or local government or
2 entity, including special districts;

3 “(3) an Indian Tribe (as defined in section 4 of
4 the Indian Self-Determination and Education Assist-
5 ance Act (25 U.S.C. 5304)) or a consortium of In-
6 dian Tribes;

7 “(4) an institution of higher education as de-
8 fined under section 102 of the Higher Education Act
9 of 1965 (20 U.S.C. 1002); or

10 “(5) a partnership or collaboration of entities
11 described in paragraphs (1) through (4).

12 “(e) CENTER FOR MARITIME INNOVATION.—

13 “(1) IN GENERAL.—The Secretary of Transpor-
14 tation shall, through a cooperative agreement, estab-
15 lish a United States Center for Maritime Innovation
16 (referred to in this subsection as the ‘Center’) to
17 support the study, research, development, assess-
18 ment, and deployment of emerging marine tech-
19 nologies and practices related to the maritime trans-
20 portation system.

21 “(2) SELECTION.—The Center shall be—

22 “(A) selected through a competitive proc-
23 ess of eligible entities, and if a private entity,
24 a domestic entity;

1 “(B) based in the United States with tech-
2 nical expertise in emerging marine technologies
3 and practices related to the maritime transpor-
4 tation system; and

5 “(C) located in close proximity to eligible
6 entities with expertise in United States emerg-
7 ing marine technologies and practices, including
8 the use of alternative fuels and the development
9 of both vessel and shoreside infrastructure.

10 “(3) COORDINATION.—The Secretary of Trans-
11 portation shall coordinate with other agencies critical
12 for science, research, and regulation of emerging
13 marine technologies for the maritime sector, includ-
14 ing the Department of Energy, the Environmental
15 Protection Agency, the National Science Foundation,
16 and the Coast Guard, when establishing the Center.

17 “(4) FUNCTIONS.—The Center shall—

18 “(A) support eligible entities regarding the
19 development and use of clean energy and nec-
20 essary infrastructure to support the deployment
21 of clean energy on vessels of the United States;

22 “(B) monitor and assess, on an ongoing
23 basis, the current state of knowledge regarding
24 emerging marine technologies in the United
25 States;

1 “(C) identify any significant gaps in
2 emerging marine technologies research specific
3 to the United States maritime industry, and
4 seek to fill those gaps;

5 “(D) conduct research, development, test-
6 ing, and evaluation for equipment, technologies,
7 and techniques to address the components
8 under subsection (a)(2);

9 “(E) provide—

10 “(i) guidance on best available tech-
11 nologies;

12 “(ii) technical analysis;

13 “(iii) assistance with understanding
14 complex regulatory requirements; and

15 “(iv) documentation of best practices
16 in the maritime industry, including train-
17 ing and informational webinars on solu-
18 tions for the maritime industry; and

19 “(F) work with academic and private sec-
20 tor response training centers and Domestic
21 Maritime Workforce Training and Education
22 Centers of Excellence to develop maritime strat-
23 egies applicable to various segments of the
24 United States maritime industry, including the
25 inland, deep water, and coastal fleets.”.

1 (b) DEADLINE FOR IMPLEMENTATION.—The Sec-
2 retary of Transportation shall establish the United States
3 Center for Maritime Innovation under subsection (e) of
4 section 50307 of title 46, United States Code, as added
5 by subsection (a), by not later than one year after the date
6 of the enactment of this Act.

7 **SEC. 3544. DEFINITION OF QUALIFIED VESSEL.**

8 Section 53501(5)(A)(iii) of title 46, United States
9 Code, is amended by striking “United States foreign,
10 Great Lakes, noncontiguous domestic, or short sea trans-
11 portation trade” and inserting “foreign or domestic trade
12 of the United States”.

13 **SEC. 3545. ESTABLISHING A CAPITAL CONSTRUCTION**
14 **FUND.**

15 Section 53503(b) of title 46, United States Code, is
16 amended by striking “United States foreign, Great Lakes,
17 noncontiguous domestic, or short sea transportation
18 trade” and inserting “foreign or domestic trade of the
19 United States”.

20 **SEC. 3546. RECAPITALIZATION OF NATIONAL DEFENSE RE-**
21 **SERVE FLEET.**

22 (a) IN GENERAL.—Subject to the availability of ap-
23 propriations, the Secretary of Transportation, in consulta-
24 tion with the Chief of Naval Operations and the Com-
25 mandant of the Coast Guard, shall—

1 (1) complete the design of a roll-on, roll-off
2 cargo vessel for the National Defense Reserve Fleet
3 to allow for the construction of such vessel to begin
4 in fiscal year 2024; and

5 (2) seek to enter into an agreement with an ap-
6 propriate vessel construction manager under which
7 the vessel construction manager shall enter into a
8 contract for the construction of not more than ten
9 such vessels in accordance with this section.

10 (b) CONSTRUCTION AND DOCUMENTATION REQUIRE-
11 MENTS.—A vessel constructed pursuant to this section
12 shall meet the requirements for, and be issued a certificate
13 of, documentation and a coastwise endorsement under
14 chapter 121 of title 46, United States Code.

15 (c) DESIGN STANDARDS AND CONSTRUCTION PRAC-
16 TICES.—Subject to subsection (b), a vessel constructed
17 pursuant to this section shall be constructed using com-
18 mercial design standards and commercial construction
19 practices that are consistent with the best interests of the
20 Federal Government.

21 (d) CONSULTATION WITH OTHER FEDERAL ENTI-
22 TIES.—The Secretary of Transportation shall consult and
23 coordinate with the Secretary of the Navy and may consult
24 with the heads of other appropriate Federal agencies re-

1 guarding the vessel described in subsection (a) and activi-
2 ties associated with such vessel.

3 (e) LIMITATION ON USE OF FUNDS FOR USED VES-
4 SELS.—None of the funds authorized to be appropriated
5 by this Act or otherwise made available to carry out this
6 section may be used for the procurement of any used ves-
7 sel.

8 **SEC. 3547. SENSE OF CONGRESS ON MERCHANT MARINE.**

9 It is the sense of Congress that the United States
10 Merchant Marine is a critical part of the national infra-
11 structure of the United States, and the men and women
12 of the United States Merchant Marine are essential work-
13 ers.

14 **SEC. 3548. ANALYSIS OF EFFECTS OF CHEMICALS IN**
15 **STORMWATER RUNOFF ON PACIFIC SALMON**
16 **AND STEELHEAD.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, the Under Secretary of
19 Commerce for Oceans and Atmosphere, in coordination
20 with the Secretary of Transportation and the Adminis-
21 trator of the Environmental Protection Agency, and in
22 consultation with the Director of the United States Fish
23 and Wildlife Service, shall commence an analysis of—

1 (1) the science relating to tire-related chemicals
2 in stormwater runoff at ports and the effects of such
3 chemicals on Pacific salmon and steelhead; and

4 (2) the challenges of studying tire-related
5 chemicals in stormwater runoff at ports and the ef-
6 fects of such chemicals on Pacific salmon and
7 steelhead.

8 (b) REPORT.—Not later than 18 months after com-
9 mencing the analysis required under subsection (a), the
10 Under Secretary of Commerce for Oceans and Atmos-
11 phere, in coordination with the Secretary of Transpor-
12 tation and the Administrator of the Environmental Pro-
13 tection Agency, shall submit to the appropriate congres-
14 sional committees, and make publicly available, a report
15 that includes—

16 (1) the findings of the analysis; and

17 (2) recommendations—

18 (A) to improve the monitoring of
19 stormwater and research related to run-off for
20 tire-related chemicals and the effects of such
21 chemicals on Pacific salmon and steelhead at
22 ports; and

23 (B) based on the best available science on
24 relevant management approaches at ports under
25 their respective jurisdictions.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Commerce, Science, and
5 Transportation and the Committee on Environment
6 and Public Works of the Senate; and

7 (2) the Committee on Transportation and In-
8 frastructure and the Committee on Natural Re-
9 sources of the House of Representatives.

10 **SEC. 3549. REPORT ON EFFECTIVE VESSEL QUIETING**
11 **MEASURES.**

12 (a) IN GENERAL.—Not later than one year after the
13 date of the enactment of this Act, the Administrator of
14 the Maritime Administration, in consultation with the
15 Under Secretary of Commerce for Oceans and Atmosphere
16 and the Secretary of the Department in which the Coast
17 Guard is operating, shall submit to the appropriate con-
18 gressional committees, and make publicly available on an
19 appropriate website of the Department of Transportation,
20 a report that includes each of the following:

21 (1) An identification of technology-based con-
22 trols and best management practices for reducing
23 vessel-generated underwater noise.

1 (2) For each technology-based control or best
2 management practice identified under paragraph
3 (1), an evaluation of—

4 (A) the applicability of each control and
5 practice to various vessel types;

6 (B) the technical feasibility and economic
7 achievability of each control or practice; and

8 (C) the co-benefits and trade-offs of each
9 control or practice.

10 (3) Such other matters as the Administrator
11 determines appropriate.

12 (b) COMMITTEES.—In this section, the term “appro-
13 priate congressional committees” means—

14 (1) the Committee on Commerce, Science, and
15 Transportation of the Senate; and

16 (2) the Committee on Natural Resources and
17 the Committee on Transportation and Infrastructure
18 of the House of Representatives.

19 **DIVISION D—FUNDING TABLES**

20 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-** 21 **BLES.**

22 (a) IN GENERAL.—Whenever a funding table in this
23 division specifies a dollar amount authorized for a project,
24 program, or activity, the obligation and expenditure of the
25 specified dollar amount for the project, program, or activ-

1 ity is hereby authorized, subject to the availability of ap-
2 propriations.

3 (b) MERIT-BASED DECISIONS.—

4 (1) IN GENERAL.—A decision to commit, obli-
5 gate, or expend funds with or to a specific entity on
6 the basis of a dollar amount authorized pursuant to
7 subsection (a) shall—

8 (A) except as provided in paragraph (2),
9 be based on merit-based selection procedures in
10 accordance with the requirements of sections
11 2304(k) and 2374 of title 10, United States
12 Code, or on competitive procedures; and

13 (B) comply with other applicable provisions
14 of law.

15 (2) EXCEPTION.—Paragraph (1)(A) does not
16 apply to a decision to commit, obligate, or expend
17 funds on the basis of a dollar amount authorized
18 pursuant to subsection (a) if the project, program,
19 or activity involved—

20 (A) is listed in section 4201; and

21 (B) is identified as Community Project
22 Funding through the inclusion of the abbrevia-
23 tion “CPF” immediately before the name of the
24 project, program, or activity.

1 (c) RELATIONSHIP TO TRANSFER AND PROGRAM-
 2 MING AUTHORITY.—An amount specified in the funding
 3 tables in this division may be transferred or repro-
 4 grammed under a transfer or reprogramming authority
 5 provided by another provision of this Act or by other law.
 6 The transfer or reprogramming of an amount specified in
 7 such funding tables shall not count against a ceiling on
 8 such transfers or reprogrammings under section 1001 of
 9 this Act or any other provision of law, unless such transfer
 10 or reprogramming would move funds between appropria-
 11 tion accounts.

12 (d) APPLICABILITY TO CLASSIFIED ANNEX.—This
 13 section applies to any classified annex that accompanies
 14 this Act.

15 (e) ORAL AND WRITTEN COMMUNICATIONS.—No
 16 oral or written communication concerning any amount
 17 specified in the funding tables in this division shall super-
 18 sede the requirements of this section.

19 **TITLE XLI—PROCUREMENT**

20 **SEC. 4101. PROCUREMENT.**

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
AIRCRAFT PROCUREMENT, ARMY			
FIXED WING			
002	MQ-1 UAV		350,000
	Program increase—MQ-1 for Army National Guard		[350,000]
005	SMALL UNMANNED AIRCRAFT SYSTEMS	10,598	20,598
	Short Range Reconnaissance acceleration		[10,000]
ROTARY			
007	AH-64 APACHE BLOCK IIIA REMAN	524,661	524,661
008	AH-64 APACHE BLOCK IIIA REMAN	169,218	169,218
010	UH-60 BLACKHAWK M MODEL (MYP)	650,406	707,806
	Add 2 aircraft—combat loss replacement		[57,400]
011	UH-60 BLACKHAWK M MODEL (MYP)	68,147	68,147
012	UH-60 BLACK HAWK L AND V MODELS	178,658	178,658
013	CH-47 HELICOPTER	169,149	366,849

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
	Three additional aircraft		[197,700]
014	CH-47 HELICOPTER	18,749	18,749
	MODIFICATION OF AIRCRAFT		
016	MQ-1 PAYLOAD	57,700	57,700
018	GRAY EAGLE MODS2	13,038	133,038
	Program increase—MQ-1C Gray Eagle extended range multi-domain operations		[120,000]
019	MULTI SENSOR ABN RECON	21,380	21,380
020	AH-64 MODS	85,840	85,840
021	CH-47 CARGO HELICOPTER MODS (MYP)	11,215	36,215
	Degraded visual environment system		[25,000]
024	EMARSS SEMA MODS	1,591	1,591
026	UTILITY HELICOPTER MODS	21,346	29,346
	Load stabilization systems		[8,000]
027	NETWORK AND MISSION PLAN	44,526	44,526
028	COMMS, NAV SURVEILLANCE	72,387	72,387
030	AVIATION ASSURED PNT	71,130	69,320
	PM costs excess		[-1,810]
031	GATM ROLLUP	14,683	14,683
	GROUND SUPPORT AVIONICS		
034	AIRCRAFT SURVIVABILITY EQUIPMENT	167,927	167,927
035	SURVIVABILITY CM	6,622	6,622
036	CMWS	107,112	107,112
037	COMMON INFRARED COUNTERMEASURES (CIRCM)	288,209	288,209
	OTHER SUPPORT		
039	COMMON GROUND EQUIPMENT	20,823	20,823
040	AIRCREW INTEGRATED SYSTEMS	25,773	25,773
041	AIR TRAFFIC CONTROL	27,492	27,492
042	LAUNCHER, 2.75 ROCKET	1,275	1,275
043	UNDISTRIBUTED		90,141
	Inflation effects		[90,141]
	TOTAL AIRCRAFT PROCUREMENT, ARMY	2,849,655	3,706,086
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	4,260	4,260
002	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SEN	9,200	9,200
003	M-SHORAD—PROCUREMENT	135,747	410,809
	Additional units—Army UPL		[111,100]
	Hellfire pod replacement—Army UPL		[55,740]
	Production line—Army UPL		[108,222]
004	MSE MISSILE	1,037,093	1,037,093
005	PRECISION STRIKE MISSILE (PRSM)	213,172	213,172
006	INDIRECT FIRE PROTECTION CAPABILITY INC 2-I	18,924	18,924
	AIR-TO-SURFACE MISSILE SYSTEM		
007	HELLFIRE SYS SUMMARY	111,294	111,294
008	JOINT AIR-TO-GROUND MSLs (JAGM)	216,030	252,030
	Defense Industrial Base (DIB) Expansion for AGM-179 Joint Air-to-Ground Missiles (JAGM).		[36,000]
010	LONG-RANGE HYPERSONIC WEAPON	249,285	249,285
	ANTI-TANK/ASSAULT MISSILE SYS		
011	JAVELIN (AAWS-M) SYSTEM SUMMARY	162,968	162,968
012	TOW 2 SYSTEM SUMMARY	105,423	105,423
013	GUIDED MLRS ROCKET (GMLRS)	785,028	785,028
014	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	4,354	4,354
015	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	155,705	155,705
016	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS)	37,937	112,937
	Procurement of Switchblade 600 variant		[75,000]
	MODIFICATIONS		
017	PATRIOT MODS	253,689	1,193,689
	2 Additional Fire Units and a Dismounted Patriot Information and Coordination Central (D-PICC).		[700,000]
	Defense Industrial Base (DIB) Expansion for PATRIOT Advanced Capability – 3 (PAC-3) Missile Segment.		[240,000]
020	ITAS/TOW MODS	5,154	5,154
021	MLRS MODS	218,359	218,359
022	HIMARS MODIFICATIONS	20,468	20,468
	SPARES AND REPAIR PARTS		
023	SPARES AND REPAIR PARTS	6,508	6,508
	SUPPORT EQUIPMENT & FACILITIES		
024	AIR DEFENSE TARGETS	11,317	11,317
025	INDUSTRIAL PREPAREDNESS		150,000
	Blk 1 refurb missiles		[150,000]
026	UNDISTRIBUTED		117,940
	Inflation effects		[117,940]
	TOTAL MISSILE PROCUREMENT, ARMY	3,761,915	5,355,917
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		

1790

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
001	ARMORED MULTI PURPOSE VEHICLE (AMPV)	380,677	780,677
	Program increase		[400,000]
002	ASSAULT BREACHER VEHICLE (ABV)	3,852	3,852
003	MOBILE PROTECTED FIREPOWER	356,708	356,708
MODIFICATION OF TRACKED COMBAT VEHICLES			
004	STRYKER UPGRADE	671,271	891,171
	Program increase modifications—Army UPL		[219,900]
005	BRADLEY PROGRAM (MOD)	279,531	279,531
006	M109 FOV MODIFICATIONS	3,028	3,028
007	PALADIN INTEGRATED MANAGEMENT (PIM)	493,003	688,003
	Program increase		[195,000]
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	138,759	138,759
012	JOINT ASSAULT BRIDGE	36,990	36,990
014	ABRAMS UPGRADE PROGRAM	656,340	1,278,140
	Program increase modifications—Army UPL		[97,200]
	Program increase upgrades—Army UPL		[524,600]
WEAPONS & OTHER COMBAT VEHICLES			
017	MULTI-ROLE ANTI-ARMOR ANTI-PERSONNEL WEAPON S	26,627	26,627
018	MORTAR SYSTEMS	8,516	8,516
019	LOCATION & AZIMUTH DETERMINATION SYSTEM (LADS)	48,301	48,301
020	XM320 GRENADE LAUNCHER MODULE (GLM)	11,703	11,703
021	PRECISION SNIPER RIFLE	6,436	6,436
024	NEXT GENERATION SQUAD WEAPON	221,293	202,881
	Automatic rifle contract delays		[-3,387]
	Rifle contract delays		[-15,025]
MOD OF WEAPONS AND OTHER COMBAT VEH			
028	M777 MODS	3,374	3,374
033	M119 MODIFICATIONS	2,263	2,263
SUPPORT EQUIPMENT & FACILITIES			
036	ITEMS LESS THAN \$5.0M (WOCV-WTCV)	2,138	2,138
037	PRODUCTION BASE SUPPORT (WOCV-WTCV)	225,220	225,220
038	UNDISTRIBUTED		100,659
	Inflation effects		[100,659]
	TOTAL PROCUREMENT OF W&TCV, ARMY	3,576,030	5,094,977
PROCUREMENT OF AMMUNITION, ARMY			
SMALL/MEDIUM CAL AMMUNITION			
001	CTG, 5.56MM, ALL TYPES	59,447	64,724
	Ahead of need		[-4,723]
	Program increase		[10,000]
002	CTG, 7.62MM, ALL TYPES	90,019	96,364
	Carryover		[-3,655]
	Program increase		[10,000]
003	NEXT GENERATION SQUAD WEAPON AMMUNITION	128,662	96,496
	Schedule delays		[-32,166]
004	CTG, HANDGUN, ALL TYPES	317	317
005	CTG, .50 CAL, ALL TYPES	35,849	45,849
	Program increase		[10,000]
006	CTG, 20MM, ALL TYPES	11,761	21,761
	CRAM program increase		[10,000]
007	CTG, 25MM, ALL TYPES	10,270	10,270
008	CTG, 30MM, ALL TYPES	143,045	143,045
009	CTG, 40MM, ALL TYPES	85,213	85,213
MORTAR AMMUNITION			
010	60MM MORTAR, ALL TYPES	33,338	33,338
011	81MM MORTAR, ALL TYPES	56,577	56,577
012	120MM MORTAR, ALL TYPES	127,168	127,168
TANK AMMUNITION			
013	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	296,943	293,443
	120mm MPT—Unit cost growth		[-3,500]
ARTILLERY AMMUNITION			
014	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES	7,647	7,647
015	ARTILLERY PROJECTILE, 155MM, ALL TYPES	182,455	212,455
	Defense Industrial Base (DIB) Expansion for XM1128 and XM113 (IB only)— 155mm rounds.		[40,000]
	Proj Arty 155mm HE RAP M1210—Early to need		[-10,000]
017	PRECISION ARTILLERY MUNITIONS	166,334	166,334
018	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	143,763	143,763
MINES			
019	MINES & CLEARING CHARGES, ALL TYPES	80,920	80,920
020	CLOSE TERRAIN SHAPING OBSTACLE	53,579	53,579
ROCKETS			
021	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	18,159	18,159
022	ROCKET, HYDRA 70, ALL TYPES	171,697	171,697
OTHER AMMUNITION			
023	CAD/PAD, ALL TYPES	7,643	7,643
024	DEMOLITION MUNITIONS, ALL TYPES	29,796	29,796
025	GRENADES, ALL TYPES	36,251	36,251

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
026	SIGNALS, ALL TYPES	13,852	13,852
027	SIMULATORS, ALL TYPES	9,350	9,350
	MISCELLANEOUS		
029	AMMO COMPONENTS, ALL TYPES	3,823	3,823
030	ITEMS LESS THAN \$5 MILLION (AMMO)	19,921	19,921
031	AMMUNITION PECULIAR EQUIPMENT	13,001	13,001
032	FIRST DESTINATION TRANSPORTATION (AMMO)	17,528	17,528
033	CLOSEOUT LLABILITIES	101	101
	PRODUCTION BASE SUPPORT		
034	INDUSTRIAL FACILITIES	499,613	678,063
	Construction of Automated Contaminated Waste Plant, Lake City AAP		[10,000]
	Construction of Electrical System Upgrade Phase I, Seranton AAP		[3,000]
	Construction of Erie 1—Unload Manipulator, Seranton AAP		[700]
	Construction of Forge Shop—Process Smog Removal System, Seranton AAP		[500]
	Construction of Forge Shop—Replace Pipes (Subway Area), Seranton AAP		[1,250]
	Construction of Industrial Sewer Modernization, Iowa AAP		[1,600]
	Construction of Infrastructure Repairs Phase I, Seranton AAP		[4,300]
	Construction of Infrastructure Repairs Phase II, Seranton AAP		[3,030]
	Construction of Medium Cal X-Ray Equipment & Infrastructure, Iowa AAP		[2,400]
	Construction of Replace Internal Water/Condensate Lines, Bldgs 1, 2, & 3, Lake City AAP		[8,530]
	Construction of Small Caliber Automated Primer Design, Lake City AAP		[8,000]
	Construction of Storage Yard K Mod & Automation, Iowa AAP		[3,300]
	Construction of Ultra Violet Fire Detection System, Iowa AAP		[3,740]
	Construction of Upgrade Laundry Facility, Holston AAP		[5,600]
	Construction of Water Distribution System, Radford AAP		[25,000]
	Construction of Water In-take Pumps (B. 407), Radford AAP		[2,500]
	Urgent Safety Upgrades to LCAAP		[95,000]
035	CONVENTIONAL MUNITIONS DEMILITARIZATION	80,970	80,970
036	ARMS INITIATIVE	4,039	4,039
037	UNDISTRIBUTED		78,556
	Inflation effects		[78,556]
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	2,639,051	2,922,013
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	SEMITRAILERS, FLATBED:	23,021	23,021
003	SEMITRAILERS, TANKERS	21,869	19,369
	Carryover		[-2,500]
004	HI MOB MULTI-PURP WHLD VEH (HMMWV)	6,121	6,121
005	GROUND MOBILITY VEHICLES (GMV)	34,316	47,116
	Program increase—Infantry Squad Vehicle		[12,800]
007	JOINT LIGHT TACTICAL VEHICLE FAMILY OF VEHICL	703,110	686,396
	Unit cost increases		[-16,714]
008	TRUCK, DUMP, 20T (CCE)		30,000
	Program increase		[30,000]
009	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	74,086	157,746
	Program increase		[83,660]
010	FAMILY OF COLD WEATHER ALL-TERRAIN VEHICLE (C	23,772	23,772
011	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	39,950	39,950
012	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	96,112	206,112
	Program increase		[110,000]
013	PLS ESP	54,674	54,674
016	MODIFICATION OF IN SVC EQUIP	31,819	214,819
	HMMWV safety upgrades		[183,000]
	NON-TACTICAL VEHICLES		
017	PASSENGER CARRYING VEHICLES	1,286	1,286
018	NONTACTICAL VEHICLES, OTHER	15,059	15,059
	COMM—JOINT COMMUNICATIONS		
019	SIGNAL MODERNIZATION PROGRAM	179,853	169,853
	Equipment Cost Growth		[-5,000]
	Software Cost Growth		[-5,000]
020	TACTICAL NETWORK TECHNOLOGY MOD IN SVC	382,007	417,007
	Program acceleration (mobile networking for three maneuver battalions)		[35,000]
022	DISASTER INCIDENT RESPONSE COMMS TERMINAL (DI	4,066	4,066
023	JCSE EQUIPMENT (USRDECOM)	5,505	5,505
	COMM—SATELLITE COMMUNICATIONS		
026	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	107,228	107,228
027	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	119,259	114,250
	Carryover		[-5,009]
028	SHF TERM	23,173	23,173
029	ASSURED POSITIONING, NAVIGATION AND TIMING	184,911	184,911
030	EHF SATELLITE COMMUNICATION	5,853	5,853
031	SMART-T (SPACE)	4,916	4,916
032	GLOBAL BRDCST SVC—GBS	3,179	3,179
	COMM—C3 SYSTEM		
034	COE TACTICAL SERVER INFRASTRUCTURE (TSD)	94,287	90,387
	Unjustified cost growth		[-3,900]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
COMM—COMBAT COMMUNICATIONS			
035	HANDHELD MANPACK SMALL FORM FIT (HMS)	728,366	720,592
	Early to need—single-channel data radio		[-5,774]
	Excess to need—handheld radio systems engineering		[-2,000]
037	ARMY LINK 16 SYSTEMS	47,581	47,581
039	UNIFIED COMMAND SUITE	20,178	20,178
040	COTS COMMUNICATIONS EQUIPMENT	320,595	313,654
	LCTRR costs previously funded		[-6,941]
041	FAMILY OF MED COMM FOR COMBAT CASUALTY CARE	7,621	7,621
042	ARMY COMMUNICATIONS & ELECTRONICS	59,705	59,705
COMM—INTELLIGENCE COMM			
043	CI AUTOMATION ARCHITECTURE-INTEL	13,891	13,891
045	MULTI-DOMAIN INTELLIGENCE	20,637	20,637
INFORMATION SECURITY			
046	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	1,019	1,019
047	COMMUNICATIONS SECURITY (COMSEC)	125,692	125,692
049	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO	1,796	1,796
051	BIOMETRIC ENABLING CAPABILITY (BEC)	816	816
052	ARCYBER DEFENSIVE CYBER OPERATIONS	18,239	18,239
COMM—LONG HAUL COMMUNICATIONS			
054	BASE SUPPORT COMMUNICATIONS	10,262	25,262
	CONUS land mobile radio		[15,000]
COMM—BASE COMMUNICATIONS			
055	INFORMATION SYSTEMS	116,522	93,999
	Ahead of need		[-22,523]
056	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM	5,036	5,036
059	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	214,806	214,806
ELECT EQUIP—TACT INT REL ACT (TIARA)			
062	TITAN	84,821	0
	Army requested realignment to OPA line 66		[-19,680]
	Army Requested Realignment to RDTE		[-50,900]
	Funding ahead of need		[-14,241]
063	JTT/CIBS-M	2,352	2,352
064	TERRESTRIAL LAYER SYSTEMS (TLS)	88,915	8,373
	Production contract ahead of need		[-42,542]
	Realignment of funds		[-38,000]
066	DCGS-A-INTEL	76,771	96,451
	Army requested realignment from OPA line 62		[19,680]
067	JOINT TACTICAL GROUND STATION (JTAGS)-INTEL	349	349
068	TROJAN	20,562	20,562
069	MOD OF IN-SVC EQUIP (INTEL SPT)	30,424	49,724
	INDOPACOM UFR—SIGINT upgrades		[9,300]
	Prophet Enhanced ESP Kits		[10,000]
070	BIOMETRIC TACTICAL COLLECTION DEVICES	2,269	2,269
ELECT EQUIP—ELECTRONIC WARFARE (EW)			
073	AIR VIGILANCE (AV)	5,688	5,688
074	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST	3,060	3,060
076	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	19,519	15,019
	Carryover		[-4,500]
077	CI MODERNIZATION	437	437
ELECT EQUIP—TACTICAL SURV. (TAC SURV)			
078	SENTINEL MODS	166,736	166,736
079	NIGHT VISION DEVICES	424,253	425,253
	ENVGB program extension		[100,000]
	IVAS—Army requested realignment to RDTE		[-99,000]
080	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	11,357	11,357
082	FAMILY OF WEAPON SIGHTS (FWS)	202,258	195,818
	Program decrease		[-6,440]
083	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE	5,116	5,116
084	FORWARD LOOKING INFRARED (IFLIR)	37,914	37,914
085	COUNTER SMALL UNMANNED AERIAL SYSTEM (C-SUAS)	326,364	326,364
086	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	186,515	186,515
087	JOINT EFFECTS TARGETING SYSTEM (JETS)	10,304	5,152
	Program reduction		[-5,152]
088	COMPUTER BALLISTICS: LHMCB XM32	3,038	3,038
089	MORTAR FIRE CONTROL SYSTEM	4,879	4,879
090	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS	4,370	4,370
091	COUNTERFIRE RADARS	162,208	162,208
ELECT EQUIP—TACTICAL C2 SYSTEMS			
092	ARMY COMMAND POST INTEGRATED INFRASTRUCTURE (.....	60,455	60,455
093	FIRE SUPPORT C2 FAMILY	9,676	9,676
094	AIR & MSL DEFENSE PLANNING & CONTROL SYS	72,619	72,619
095	LAMD BATTLE COMMAND SYSTEM	438,967	438,967
096	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	4,586	4,586
097	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	37,199	37,199
098	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A)	4,102	4,102
099	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP)	6,926	6,926
101	MOD OF IN-SVC EQUIPMENT (ENFIRE)	4,076	15,076

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
	GPS laser leveling system		[11,000]
	ELECT EQUIP—AUTOMATION		
102	ARMY TRAINING MODERNIZATION	8,033	8,033
103	AUTOMATED DATA PROCESSING EQUIP	96,554	96,554
104	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	43,767	19,500
	Insufficient justification		[-24,267]
105	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM	97	97
106	HIGH PERF COMPUTING MOD PGM (HPCMP)	73,655	73,655
107	CONTRACT WRITING SYSTEM	17,701	4,075
	Licenses ahead of need		[-13,626]
108	CSS COMMUNICATIONS	88,141	88,141
	ELECT EQUIP—SUPPORT		
111	BCT EMERGING TECHNOLOGIES	12,853	12,853
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	1,596	1,596
	CHEMICAL DEFENSIVE EQUIPMENT		
113	BASE DEFENSE SYSTEMS (BDS)	47,960	47,960
114	CBRN DEFENSE	56,129	56,129
	BRIDGING EQUIPMENT		
116	TACTICAL BRIDGING	13,785	13,785
118	BRIDGE SUPPLEMENTAL SET	6,774	1,045
	Carryover		[-5,729]
119	COMMON BRIDGE TRANSPORTER (CBT) RECAP	10,379	10,379
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
124	ROBOTICS AND APPLIQUE SYSTEMS	52,340	52,340
	COMBAT SERVICE SUPPORT EQUIPMENT		
127	HEATERS AND ECU'S	7,672	7,672
129	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	4,691	4,691
130	GROUND SOLDIER SYSTEM	124,953	124,953
131	MOBILE SOLDIER POWER	15,933	15,933
132	FORCE PROVIDER		12,000
	Program increase		[12,000]
134	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	42,444	42,444
136	ITEMS LESS THAN \$5M (ENG SPT)	4,155	4,155
	PETROLEUM EQUIPMENT		
137	QUALITY SURVEILLANCE EQUIPMENT	2,845	2,845
138	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	26,433	26,433
	MEDICAL EQUIPMENT		
139	COMBAT SUPPORT MEDICAL	75,606	75,606
	MAINTENANCE EQUIPMENT		
140	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	3,936	3,936
	CONSTRUCTION EQUIPMENT		
147	ALL TERRAIN CRANES	31,341	31,341
148	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)		10,000
	Program increase		[10,000]
149	FAMILY OF DIVER SUPPORT EQUIPMENT	3,256	3,256
150	CONST EQUIP ESP	9,104	9,104
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
151	ARMY WATERCRAFT ESP	47,889	47,889
152	MANEUVER SUPPORT VESSEL (MSV)	104,676	104,676
153	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	10,131	10,131
	GENERATORS		
154	GENERATORS AND ASSOCIATED EQUIP	54,400	54,400
155	TACTICAL ELECTRIC POWER RECAPITALIZATION	8,293	8,293
	MATERIAL HANDLING EQUIPMENT		
156	FAMILY OF FORKLIFTS	8,819	8,819
	TRAINING EQUIPMENT		
157	COMBAT TRAINING CENTERS SUPPORT	48,046	48,046
158	TRAINING DEVICES, NONSYSTEM	201,966	199,669
	Program decrease		[-2,297]
159	SYNTHETIC TRAINING ENVIRONMENT (STE)	255,670	219,670
	SiVT—Army requested realignment to RDTE		[-36,000]
160	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	9,546	9,546
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
162	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	36,514	36,514
164	TEST EQUIPMENT MODERNIZATION (TEMOD)	32,734	32,734
	OTHER SUPPORT EQUIPMENT		
166	PHYSICAL SECURITY SYSTEMS (OPA3)	102,556	116,706
	AFRICOM UFR—force protection		[14,150]
167	BASE LEVEL COMMON EQUIPMENT	31,417	31,417
168	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)	24,047	24,047
169	BUILDING, PRE-FAB, RELOCATABLE	32,151	32,151
170	SPECIAL EQUIPMENT FOR TEST AND EVALUATION	84,779	84,779
	OPA2		
172	INITIAL SPARES—C&E	10,463	10,463
173	UNDISTRIBUTED		291,568
	Inflation effects		[291,568]
	TOTAL OTHER PROCUREMENT, ARMY	8,457,509	8,966,932

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2023 Request	Conference Authorized
AIRCRAFT PROCUREMENT, NAVY			
COMBAT AIRCRAFT			
001	F/A-18E/F (FIGHTER) HORNET	90,865	756,865
	8 aircraft—USNR		[666,000]
002	JOINT STRIKE FIGHTER CV	1,663,515	2,017,715
	Three additional Joint Strike Fighter aircraft		[313,600]
	TR-3 Organic Depot Standup		[40,600]
003	JOINT STRIKE FIGHTER CV	387,596	224,496
	Economic order quantity unjustified request		[-163,100]
004	JSP STOVL	1,909,635	1,950,235
	TR-3 Organic Depot Standup		[40,600]
005	JSP STOVL	200,118	200,118
006	CH-53K (HEAVY LIFT)	1,669,986	1,898,196
	Engineering change orders excess growth		[-15,790]
	Unjustified cost growth—Other ILS		[-2,000]
	Unjustified cost growth—Pubs/ Tech data		[-4,000]
	USMC UFR—additional aircraft		[250,000]
007	CH-53K (HEAVY LIFT)	357,824	357,824
008	V-22 (MEDIUM LIFT)	31,795	243,795
	Unit quantity increase—2 aircraft		[212,000]
011	P-8A POSEIDON	41,521	41,521
012	E-2D ADV HAWKEYE	842,401	1,235,762
	2 additional E-2D aircraft—Navy UPL		[399,900]
	Non-recurring excess growth		[-6,539]
TRAINER AIRCRAFT			
014	MULTI-ENGINE TRAINING SYSTEM (METS)	123,217	107,801
	Support cost excess growth		[-15,416]
015	ADVANCED HELICOPTER TRAINING SYSTEM	119,816	119,816
OTHER AIRCRAFT			
016	KC-130J	439,501	439,501
017	KC-130J	29,122	29,122
019	MQ-4 TRITON	587,820	584,192
	Program decrease		[-3,628]
020	MQ-4 TRITON	75,235	75,235
021	MQ-8 UAV		21,000
	Costs associated with restoring 5 LCS		[21,000]
022	STUASLO UAV	2,703	2,703
023	MQ-25	696,713	696,713
024	MQ-25	51,463	51,463
025	MARINE GROUP 5 UAS	103,882	98,132
	Program decrease		[-5,750]
MODIFICATION OF AIRCRAFT			
027	F-18 A-D UNIQUE	141,514	141,514
028	F-18E/F AND EA-18G MODERNIZATION AND SUSTAINM	572,681	572,681
029	MARINE GROUP 5 UAS SERIES	86,116	86,116
030	AEA SYSTEMS	25,058	25,058
031	AV-8 SERIES	26,657	26,657
032	INFRARED SEARCH AND TRACK (IRST)	144,699	134,329
	Reduction in units		[-10,370]
033	ADVERSARY	105,188	105,188
034	F-18 SERIES	480,663	480,663
035	H-53 SERIES	40,151	40,151
036	MH-60 SERIES	126,238	126,238
037	H-1 SERIES	122,498	122,498
038	EP-3 SERIES	8,492	8,492
039	E-2 SERIES	188,897	188,897
040	TRAINER A/C SERIES	9,568	9,568
042	C-130 SERIES	132,170	132,170
043	FEWSG	695	695
044	CARGO/TRANSPORT A/C SERIES	10,902	10,902
045	E-6 SERIES	129,049	129,049
046	EXECUTIVE HELICOPTERS SERIES	55,265	55,265
047	T-45 SERIES	201,670	201,670
048	POWER PLANT CHANGES	24,685	24,685
049	JPATS SERIES	19,780	19,780
050	AVIATION LIFE SUPPORT MODS	1,143	1,143
051	COMMON ECM EQUIPMENT	129,722	129,722
052	COMMON AVIONICS CHANGES	136,883	131,883
	Installation equipment NRE previously funded		[-5,000]
053	COMMON DEFENSIVE WEAPON SYSTEM	6,373	6,373
054	ID SYSTEMS	3,828	3,828
055	P-8 SERIES	249,342	249,342
056	MAGTF EW FOR AVIATION	24,684	24,684
057	MQ-8 SERIES	9,846	17,146
	Costs associated with restoring 5 LCS		[7,300]
058	V-22 (TILT/ROTOR ACFT) OSPREY	207,621	290,121
	V-22 Nacelle Improvement		[82,500]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
059	NEXT GENERATION JAMMER (NGJ)	401,563	468,563
	Program increase—2 shipsets - Navy UPL		[67,000]
060	F-35 STOVL SERIES	216,356	199,294
	Prior year under execution		[-17,062]
061	F-35 CV SERIES	208,336	204,110
	Prior year under execution		[-4,226]
062	QRC	47,864	47,864
063	MQ-4 SERIES	94,738	91,977
	Prior year under execution		[-2,761]
064	RQ-21 SERIES	6,576	6,576
	AIRCRAFT SPARES AND REPAIR PARTS		
068	SPARES AND REPAIR PARTS	1,872,417	2,166,317
	Costs associated with restoring 5 LCS		[1,200]
	Navy UFR—aviation outfitting spares in support of carrier airwings		[292,700]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
069	COMMON GROUND EQUIPMENT	542,214	542,214
070	AIRCRAFT INDUSTRIAL FACILITIES	101,559	101,559
071	WAR CONSUMABLES	40,316	40,316
072	OTHER PRODUCTION CHARGES	46,403	46,403
073	SPECIAL SUPPORT EQUIPMENT	423,280	423,280
074	UNDISTRIBUTED		491,186
	Inflation effects		[491,186]
	TOTAL AIRCRAFT PROCUREMENT, NAVY	16,848,428	19,478,372
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,125,164	1,176,164
	Defense Industrial Base (DIB) Expansion for Trident II Mods		[51,000]
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	7,767	7,767
	STRATEGIC MISSILES		
003	TOMAHAWK	160,190	160,190
	TACTICAL MISSILES		
004	AMRAAM	335,900	335,900
005	SIDEWINDER	63,288	89,188
	Navy UFR—additional AIM-9X		[25,900]
006	STANDARD MISSILE	489,123	739,123
	Capacity expansion—dual-source energetics		[50,000]
	Capacity expansion—test/tooling equipment		[200,000]
008	JASSM	58,481	0
	Navy requested transfer to line 16		[-12,000]
	Navy requested transfer to RDTE line 93		[-46,481]
009	SMALL DIAMETER BOMB II	108,317	104,421
	Unit cost growth—AUR		[-3,896]
010	RAM	92,131	92,131
011	JOINT AIR GROUND MISSILE (JAGM)	78,395	78,395
012	HELLFIRE	6,603	6,603
013	AERIAL TARGETS	183,222	183,222
014	DRONES AND DECOYS	62,930	50,430
	Stabilize production ramp		[-12,500]
015	OTHER MISSILE SUPPORT	3,524	3,524
016	LRASM	226,022	291,022
	Defense Industrial Base (DIB) Expansion for LRASM		[53,000]
	Navy requested transfer from line 8		[12,000]
017	NAVAL STRIKE MISSILE (NSM)	59,034	259,034
	Naval Strike Missiles—Advanced Procurement		[200,000]
	MODIFICATION OF MISSILES		
018	TOMAHAWK MODS	435,308	435,308
019	ESSM	282,035	282,035
020	AARGM	131,275	171,275
	Production increase		[40,000]
021	STANDARD MISSILES MODS	71,198	71,198
023	INDUSTRIAL PREPAREDNESS		20,000
	Defense Industrial Base (DIB) Expansion for Harpoon Missiles		[20,000]
	SUPPORT EQUIPMENT & FACILITIES		
022	WEAPONS INDUSTRIAL FACILITIES	1,976	6,976
	Hypersonic test facility		[5,000]
	ORDNANCE SUPPORT EQUIPMENT		
025	ORDNANCE SUPPORT EQUIPMENT	40,793	40,793
	TORPEDOES AND RELATED EQUIP		
026	SSTD	3,789	3,789
027	MK-48 TORPEDO	151,128	200,128
	Navy UFR—additional MK 48 procurement		[49,000]
028	ASW TARGETS	14,403	14,403
	MOD OF TORPEDOES AND RELATED EQUIP		
029	MK-54 TORPEDO MODS	106,772	232,172
	Mk54 LWT program increase		[125,400]
030	MK-48 TORPEDO ADCAP MODS	18,502	18,502

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
031	MARITIME MINES	9,282	245,332
	Hammerhead		[225,000]
	Mt68		[11,050]
	SUPPORT EQUIPMENT		
032	TORPEDO SUPPORT EQUIPMENT	87,044	87,044
033	ASW RANGE SUPPORT	3,965	3,965
	DESTINATION TRANSPORTATION		
034	FIRST DESTINATION TRANSPORTATION	5,315	5,315
	GUNS AND GUN MOUNTS		
035	SMALL ARMS AND WEAPONS	13,859	13,859
	MODIFICATION OF GUNS AND GUN MOUNTS		
036	CIWS MODS	2,655	2,655
037	COAST GUARD WEAPONS	34,259	34,259
038	GUN MOUNT MODS	81,725	81,725
039	LCS MODULE WEAPONS	4,580	4,580
040	AIRBORNE MINE NEUTRALIZATION SYSTEMS	8,710	8,710
	SPARES AND REPAIR PARTS		
042	SPARES AND REPAIR PARTS	170,041	170,041
043	UNDISTRIBUTED		129,375
	Inflation effects		[129,375]
	TOTAL WEAPONS PROCUREMENT, NAVY	4,738,705	5,860,553
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	47,198	47,198
002	JDAM	76,688	76,688
003	AIRBORNE ROCKETS, ALL TYPES	70,005	70,005
004	MACHINE GUN AMMUNITION	20,586	20,586
005	PRACTICE BOMBS	51,109	48,843
	Prior year under execution		[-2,266]
006	CARTRIDGES & CART ACTUATED DEVICES	72,534	72,534
007	AIR EXPENDABLE COUNTERMEASURES	114,475	108,859
	Program rephasing—IR decoys		[-5,616]
008	JATOS	7,096	7,096
009	5 INCH/54 GUN AMMUNITION	30,018	30,018
010	INTERMEDIATE CALIBER GUN AMMUNITION	40,089	40,089
011	OTHER SHIP GUN AMMUNITION	42,707	189,707
	Goalkeeper long lead procurement		[147,000]
012	SMALL ARMS & LANDING PARTY AMMO	49,023	45,971
	Excess to need—50 CAL LKD and tracer		[-3,052]
013	PYROTECHNIC AND DEMOLITION	9,480	9,480
014	AMMUNITION LESS THAN \$5 MILLION	1,622	1,622
	MARINE CORPS AMMUNITION		
015	MORTARS	71,214	71,214
016	DIRECT SUPPORT MUNITIONS	65,169	62,627
	Various munitions unit cost growth		[-2,542]
017	INFANTRY WEAPONS AMMUNITION	225,271	225,271
018	COMBAT SUPPORT MUNITIONS	19,691	19,691
019	AMMO MODERNIZATION	17,327	17,327
020	ARTILLERY MUNITIONS	15,514	15,514
021	ITEMS LESS THAN \$5 MILLION	5,476	5,476
022	UNDISTRIBUTED		33,521
	Inflation effects		[33,521]
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	1,052,292	1,219,337
	SHIPBUILDING AND CONVERSION, NAVY		
	FLEET BALLISTIC MISSILE SHIPS		
001	OHIO REPLACEMENT SUBMARINE	3,079,223	3,079,223
002	OHIO REPLACEMENT SUBMARINE	2,778,553	2,778,553
	OTHER WARSHIPS		
003	CARRIER REPLACEMENT PROGRAM	1,481,530	1,466,530
	Program decrease		[-15,000]
004	CVN-81	1,052,024	1,052,024
005	VIRGINIA CLASS SUBMARINE	4,534,184	4,534,184
006	VIRGINIA CLASS SUBMARINE	2,025,651	2,025,651
008	CVN REFUELING OVERHAULS	618,295	612,081
	Unjustified electronics cost growth		[-6,214]
009	DDG 1000	72,976	72,976
010	DDG-51	4,376,537	6,816,537
	Large Surface Combatant Shipyard Infrastructure		[250,000]
	One additional ship		[2,190,000]
011	DDG-51	618,352	695,652
	Third DDG in FY 2024		[77,300]
013	FFG-FRIGATE	1,085,224	1,085,224
014	FFG-FRIGATE	74,949	0
	Advance procurement unjustified request		[-74,949]
	AMPHIBIOUS SHIPS		
015	LPD FLIGHT II	1,673,000	1,673,000

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
016	LPD FLIGHT II		250,000
	USMC UFR—Advance procurement for LPD-33		[250,000]
020	LHA REPLACEMENT	1,085,470	1,374,470
	LHA 10 advance procurement		[289,000]
021	EXPEDITIONARY FAST TRANSPORT (EPF)		645,000
	EMS		[645,000]
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
022	TAO FLEET OILER	794,719	794,719
024	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	95,915	95,915
027	OUTFITTING	707,412	707,412
028	SHIP TO SHORE CONNECTOR	190,433	391,838
	Unit quantity increase		[201,405]
029	SERVICE CRAFT	68,274	91,274
	Auxiliary personnel lighters barracks craft		[23,000]
030	LCAC SLEP	36,301	36,301
031	AUXILIARY VESSELS (USED SEALIFT)	140,686	140,686
032	COMPLETION OF PY SHIPBUILDING PROGRAMS	1,328,146	1,328,146
033	UNDISTRIBUTED		839,239
	Inflation effects		[839,239]
	TOTAL SHIPBUILDING AND CONVERSION, NAVY	27,917,854	32,586,635
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	SURFACE POWER EQUIPMENT	46,478	46,478
	GENERATORS		
002	SURFACE COMBATANT HM&E	84,615	84,615
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	98,079	87,800
	Program decrease		[-10,279]
	OTHER SHIPBOARD EQUIPMENT		
004	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	266,300	261,011
	Unjustified growth		[-5,289]
005	DDG MOD	770,341	770,341
006	FIREFIGHTING EQUIPMENT	19,687	19,687
007	COMMAND AND CONTROL SWITCHBOARD	2,406	2,406
008	LHA/LHD MIDLIFE	38,200	38,200
009	LCC 19/20 EXTENDED SERVICE LIFE PROGRAM	20,028	20,028
010	POLLUTION CONTROL EQUIPMENT	17,682	17,682
011	SUBMARINE SUPPORT EQUIPMENT	117,799	117,799
012	VIRGINIA CLASS SUPPORT EQUIPMENT	32,300	32,300
013	LCS CLASS SUPPORT EQUIPMENT	15,238	15,238
014	SUBMARINE BATTERIES	24,137	24,137
015	LPD CLASS SUPPORT EQUIPMENT	54,496	54,496
016	DDG 1000 CLASS SUPPORT EQUIPMENT	314,333	284,333
	Program decrease		[-30,000]
017	STRATEGIC PLATFORM SUPPORT EQUIP	13,504	13,504
018	DSSP EQUIPMENT	3,660	3,660
019	CG MODERNIZATION	59,054	59,054
020	LCAC	17,452	17,452
021	UNDERWATER EOD EQUIPMENT	35,417	35,417
022	ITEMS LESS THAN \$5 MILLION	60,812	60,812
023	CHEMICAL WARFARE DETECTORS	3,202	3,202
	REACTOR PLANT EQUIPMENT		
025	SHIP MAINTENANCE, REPAIR AND MODERNIZATION	1,242,532	1,242,532
026	REACTOR POWER UNITS	4,690	4,690
027	REACTOR COMPONENTS	408,989	408,989
	OCEAN ENGINEERING		
028	DIVING AND SALVAGE EQUIPMENT	11,773	11,773
	SMALL BOATS		
029	STANDARD BOATS	57,262	77,262
	Six additional 40-foot Patrol Boats		[20,000]
	PRODUCTION FACILITIES EQUIPMENT		
030	OPERATING FORCES IPE	174,743	174,743
	OTHER SHIP SUPPORT		
031	LCS COMMON MISSION MODULES EQUIPMENT	57,313	57,313
032	LCS MCM MISSION MODULES	94,987	97,187
	Mine Countermeasures Mission Package Capacity and Wholeness—Navy UPL		[2,200]
033	LCS ASW MISSION MODULES	3,594	3,594
034	LCS SUW MISSION MODULES	5,100	5,100
035	LCS IN-SERVICE MODERNIZATION	76,526	76,526
036	SMALL & MEDIUM UUV	49,763	49,763
	SHIP SONARS		
037	SPQ-9B RADAR	12,063	12,063
038	AN/SQQ-89 SURF ASW COMBAT SYSTEM	141,591	141,591
039	SSN ACOUSTIC EQUIPMENT	446,653	446,653
040	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,424	17,424
	ASW ELECTRONIC EQUIPMENT		
041	SUBMARINE ACOUSTIC WARFARE SYSTEM	31,708	31,708

1798

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
042	SSTD	14,325	14,325
043	FIXED SURVEILLANCE SYSTEM	266,228	266,228
044	SURTASS	25,030	25,030
	ELECTRONIC WARFARE EQUIPMENT		
045	AN/SLQ-32	292,417	292,417
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	311,210	311,210
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	2,487	2,487
	OTHER SHIP ELECTRONIC EQUIPMENT		
048	COOPERATIVE ENGAGEMENT CAPABILITY	34,500	34,500
049	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	19,038	19,038
050	ATDLS	73,675	73,675
051	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,435	3,435
052	MINESWEEPING SYSTEM REPLACEMENT	16,336	16,336
054	NAVSTAR GPS RECEIVERS (SPACE)	30,439	30,439
055	AMERICAN FORCES RADIO AND TV SERVICE	2,724	2,724
056	STRATEGIC PLATFORM SUPPORT EQUIP	6,266	6,266
	AVIATION ELECTRONIC EQUIPMENT		
057	ASHORE ATC EQUIPMENT	89,396	89,396
058	AFLOAT ATC EQUIPMENT	86,732	86,732
059	ID SYSTEMS	59,226	59,226
060	JOINT PRECISION APPROACH AND LANDING SYSTEM (.....	8,186	8,186
061	NAVAL MISSION PLANNING SYSTEMS	26,778	26,778
	OTHER SHORE ELECTRONIC EQUIPMENT		
062	MARITIME INTEGRATED BROADCAST SYSTEM	3,520	3,520
063	TACTICAL/MOBILE C4I SYSTEMS	31,840	31,840
064	DCGS-N	15,606	15,606
065	CANES	402,550	402,550
066	RADLAC	9,062	9,062
067	CANES-INTELL	48,665	48,665
068	GPETE	23,479	23,479
069	MASF	11,792	11,792
070	INTEG COMBAT SYSTEM TEST FACILITY	6,053	6,053
071	EMI CONTROL INSTRUMENTATION	4,219	4,219
072	ITEMS LESS THAN \$5 MILLION	102,846	102,846
	SHIPBOARD COMMUNICATIONS		
073	SHIPBOARD TACTICAL COMMUNICATIONS	36,941	36,941
074	SHIP COMMUNICATIONS AUTOMATION	101,691	101,691
075	COMMUNICATIONS ITEMS UNDER \$5M	55,290	55,290
	SUBMARINE COMMUNICATIONS		
076	SUBMARINE BROADCAST SUPPORT	91,150	91,150
077	SUBMARINE COMMUNICATION EQUIPMENT	74,569	74,569
	SATELLITE COMMUNICATIONS		
078	SATELLITE COMMUNICATIONS SYSTEMS	39,827	39,827
079	NAVY MULTIBAND TERMINAL (NMT)	24,586	24,586
	SHORE COMMUNICATIONS		
080	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	4,699	4,699
	CRYPTOGRAPHIC EQUIPMENT		
081	INFO SYSTEMS SECURITY PROGRAM (ISSP)	156,034	156,034
082	MIO INTEL EXPLOITATION TEAM	1,055	1,055
	CRYPTOLOGIC EQUIPMENT		
083	CRYPTOLOGIC COMMUNICATIONS EQUIP	18,832	20,332
	INDOPACOM UFR—SIGINT upgrades		[1,500]
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	68,556	68,556
	SONOBUOYS		
094	SONOBUOYS—ALL TYPES	291,670	303,520
	Program increase		[11,850]
	AIRCRAFT SUPPORT EQUIPMENT		
095	MINOTAUR	5,247	5,247
096	WEAPONS RANGE SUPPORT EQUIPMENT	106,209	106,209
097	AIRCRAFT SUPPORT EQUIPMENT	275,461	275,461
098	ADVANCED ARRESTING GEAR (AAG)	22,717	22,717
099	ELECTROMAGNETIC AIRCRAFT LAUNCH SYSTEM (EMALS)	18,594	18,594
100	METEOROLOGICAL EQUIPMENT	15,175	15,175
101	LEGACY AIRBORNE MCM	4,689	4,689
102	LAMPS EQUIPMENT	1,610	1,610
103	AVIATION SUPPORT EQUIPMENT	86,409	86,409
104	UMCS-UNMAN CARRIER AVIATION(UCA)MISSION CNTRL	136,647	136,647
	SHIP GUN SYSTEM EQUIPMENT		
105	SHIP GUN SYSTEMS EQUIPMENT	5,902	5,902
	SHIP MISSILE SYSTEMS EQUIPMENT		
106	HARPOON SUPPORT EQUIPMENT	217	217
107	SHIP MISSILE SUPPORT EQUIPMENT	286,788	292,188
	SPY-1 Low Noise Amplifier		[5,400]
108	TOMAHAWK SUPPORT EQUIPMENT	95,856	95,856
	FBM SUPPORT EQUIPMENT		
109	STRATEGIC MISSILE SYSTEMS EQUIP	279,430	279,430

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
ASW SUPPORT EQUIPMENT			
110	SSN COMBAT CONTROL SYSTEMS	128,874	128,874
111	ASW SUPPORT EQUIPMENT	26,920	26,920
OTHER ORDNANCE SUPPORT EQUIPMENT			
112	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	17,048	17,048
113	ITEMS LESS THAN \$5 MILLION	5,938	5,938
OTHER EXPENDABLE ORDNANCE			
114	ANTI-SHIP MISSILE DECOY SYSTEM	86,264	86,264
115	SUBMARINE TRAINING DEVICE MODS	80,591	80,591
116	SURFACE TRAINING EQUIPMENT	198,695	198,695
CIVIL ENGINEERING SUPPORT EQUIPMENT			
117	PASSENGER CARRYING VEHICLES	4,799	4,799
118	GENERAL PURPOSE TRUCKS	2,542	2,542
119	CONSTRUCTION & MAINTENANCE EQUIP	50,619	55,219
	GPS laser leveling system		[4,600]
120	FIRE FIGHTING EQUIPMENT	16,305	16,305
121	TACTICAL VEHICLES	28,586	28,586
122	POLLUTION CONTROL EQUIPMENT	2,840	2,840
123	ITEMS LESS THAN \$5 MILLION	64,311	64,311
124	PHYSICAL SECURITY VEHICLES	1,263	1,263
SUPPLY SUPPORT EQUIPMENT			
125	SUPPLY EQUIPMENT	32,338	32,338
126	FIRST DESTINATION TRANSPORTATION	6,255	6,255
127	SPECIAL PURPOSE SUPPLY SYSTEMS	613,039	613,039
TRAINING DEVICES			
128	TRAINING SUPPORT EQUIPMENT	1,285	1,285
129	TRAINING AND EDUCATION EQUIPMENT	44,618	44,618
COMMAND SUPPORT EQUIPMENT			
130	COMMAND SUPPORT EQUIPMENT	55,728	55,728
131	MEDICAL SUPPORT EQUIPMENT	5,325	5,325
133	NAVAL MIP SUPPORT EQUIPMENT	6,077	6,077
134	OPERATING FORCES SUPPORT EQUIPMENT	16,252	16,252
135	C4ISR EQUIPMENT	6,497	6,497
136	ENVIRONMENTAL SUPPORT EQUIPMENT	36,592	36,592
137	PHYSICAL SECURITY EQUIPMENT	118,598	114,598
	Program decrease		[-4,000]
138	ENTERPRISE INFORMATION TECHNOLOGY	29,407	29,407
OTHER			
142	NEXT GENERATION ENTERPRISE SERVICE	201,314	201,314
143	CYBERSPACE ACTIVITIES	5,018	5,018
144	CYBER MISSION FORCES	17,115	17,115
CLASSIFIED PROGRAMS			
099	CLASSIFIED PROGRAMS	17,295	17,295
SPARES AND REPAIR PARTS			
145	SPARES AND REPAIR PARTS	532,313	682,313
	Navy UPR—Maritime spares outfitting		[150,000]
146	UNDISTRIBUTED		369,826
	Inflation effects		[369,826]
	TOTAL OTHER PROCUREMENT, NAVY	11,746,503	12,262,311
PROCUREMENT, MARINE CORPS			
TRACKED COMBAT VEHICLES			
001	AAV7A1 PIP	5,653	5,653
002	AMPHIBIOUS COMBAT VEHICLE FAMILY OF VEHICLES	536,678	527,079
	Excess growth—integrated logistics support		[-9,599]
003	LAV PIP	57,099	55,739
	M&S tactical communication modernization kits previously funded		[-1,360]
ARTILLERY AND OTHER WEAPONS			
004	155MM LIGHTWEIGHT TOWED HOWITZER	1,782	1,782
005	ARTILLERY WEAPONS SYSTEM	143,808	143,808
006	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	11,118	11,118
GUIDED MISSILES			
007	TOMAHAWK	42,958	42,958
008	NAVAL STRIKE MISSILE (NSM)	174,369	174,369
009	GROUND BASED AIR DEFENSE	173,801	173,801
010	ANTI-ARMOR MISSILE-JAVELIN	18,495	17,205
	Guided missile unit cost growth		[-1,290]
011	FAMILY ANTI-ARMOR WEAPON SYSTEMS (FOAAWS)	21,419	21,419
012	ANTI-ARMOR MISSILE-TOW	663	663
013	GUIDED MLRS ROCKET (GMLRS)	7,605	7,605
COMMAND AND CONTROL SYSTEMS			
014	COMMON AVIATION COMMAND AND CONTROL SYSTEM (C	30,292	30,292
REPAIR AND TEST EQUIPMENT			
015	REPAIR AND TEST EQUIPMENT	58,024	54,684
	Unjustified growth—CBM+ test systems		[-3,340]
OTHER SUPPORT (TEL)			
016	MODIFICATION KITS	293	293
COMMAND AND CONTROL SYSTEM (NON-TEL)			

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
017	ITEMS UNDER \$5 MILLION (COMM & ELEC)	83,345	83,345
018	AIR OPERATIONS C2 SYSTEMS	11,048	11,048
	RADAR + EQUIPMENT (NON-TEL)		
019	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	61,943	411,943
	USMC UFR—AN/TPS-80 G/ATOR radar		[350,000]
	INTELL/COMM EQUIPMENT (NON-TEL)		
020	GCSS-MC	1,663	1,663
021	FIRE SUPPORT SYSTEM	48,322	48,322
022	INTELLIGENCE SUPPORT EQUIPMENT	182,894	167,894
	Program decrease		[-15,000]
024	UNMANNED AIR SYSTEMS (INTEL)	47,595	43,358
	Short range/ short endurance unit cost growth		[-4,237]
025	DCGS-MC	47,998	47,998
026	UAS PAYLOADS	8,619	8,619
	OTHER SUPPORT (NON-TEL)		
029	MARINE CORPS ENTERPRISE NETWORK (MCEN)	276,763	258,020
	Excess growth—end user devices		[-18,743]
030	COMMON COMPUTER RESOURCES	40,096	40,096
031	COMMAND POST SYSTEMS	58,314	58,314
032	RADIO SYSTEMS	612,450	599,593
	Program decrease		[-12,857]
033	COMM SWITCHING & CONTROL SYSTEMS	51,976	51,976
034	COMM & ELEC INFRASTRUCTURE SUPPORT	26,029	26,029
035	CYBERSPACE ACTIVITIES	17,759	17,759
036	CYBER MISSION FORCES	4,036	4,036
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	3,884	3,884
	ADMINISTRATIVE VEHICLES		
039	COMMERCIAL CARGO VEHICLES	35,179	33,161
	Unjustified request—garrison transportation and management		[-2,018]
	TACTICAL VEHICLES		
040	MOTOR TRANSPORT MODIFICATIONS	17,807	17,807
041	JOINT LIGHT TACTICAL VEHICLE	222,257	222,257
043	TRAILERS	2,721	2,721
	ENGINEER AND OTHER EQUIPMENT		
045	TACTICAL FUEL SYSTEMS	7,854	7,854
046	POWER EQUIPMENT ASSORTED	5,841	5,841
047	AMPHIBIOUS SUPPORT EQUIPMENT	38,120	38,120
048	EOD SYSTEMS	201,047	191,047
	Unjustified growth—MEGFoS		[-10,000]
	MATERIALS HANDLING EQUIPMENT		
049	PHYSICAL SECURITY EQUIPMENT	69,967	65,967
	Prior year under execution		[-4,000]
	GENERAL PROPERTY		
050	FIELD MEDICAL EQUIPMENT	21,780	21,780
051	TRAINING DEVICES	86,272	74,774
	Unjustified growth		[-11,498]
052	FAMILY OF CONSTRUCTION EQUIPMENT	27,605	27,605
053	ULTRA-LIGHT TACTICAL VEHICLE (ULTV)	15,033	15,033
	OTHER SUPPORT		
054	ITEMS LESS THAN \$5 MILLION	26,433	26,433
	SPARES AND REPAIR PARTS		
055	SPARES AND REPAIR PARTS	34,799	34,799
056	UNDISTRIBUTED		123,755
	Inflation effects		[123,755]
	TOTAL PROCUREMENT, MARINE CORPS	3,681,506	4,061,319
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC OFFENSIVE		
001	B-21 RAIDER	1,498,431	1,498,431
002	B-21 RAIDER	288,165	288,165
	TACTICAL FORCES		
003	F-35	3,320,757	4,093,757
	Air Force UFR—additional F-35A aircraft		[658,000]
	Technical realignment		[115,000]
004	F-35	594,886	180,658
	EOQ unjustified request		[-243,184]
	Long-lead excess to need due to decreased out-year quantities		[-56,044]
	Realignment of funds to line 3		[-115,000]
005	F-15EX	2,422,348	2,422,348
006	F-15EX	264,000	264,000
	TACTICAL AIRLIFT		
007	KC-46A MDAP	2,684,503	2,684,503
	OTHER AIRLIFT		
008	C-130J	75,293	75,293
009	MC-130J	40,351	40,351
	UPT TRAINERS		
011	ADVANCED TRAINER REPLACEMENT T-X	10,507	10,507

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
HELICOPTERS			
012	MH-139A	156,192	156,192
013	COMBAT RESCUE HELICOPTER	707,018	1,048,118
	Additional aircraft		[350,000]
	Unit cost excess to need		[-8,900]
MISSION SUPPORT AIRCRAFT			
015	CIVIL AIR PATROL A/C	2,952	11,600
	Program increase		[8,648]
OTHER AIRCRAFT			
016	TARGET DRONES	128,906	128,906
017	COMPASS CALL		553,700
	Air Force UFR—EC-37B aircraft		[553,700]
018	E-11 BACN/HAG	67,260	66,847
	Realignment of funds		[-413]
019	MQ-9	17,039	16,039
	Early to need—production shutdown		[-1,000]
021	AGILITY PRIME PROCUREMENT	3,612	3,612
STRATEGIC AIRCRAFT			
022	B-2A	106,752	91,771
	ACS kits ahead of need		[-14,981]
023	B-1B	36,313	33,813
	Program decrease		[-2,500]
024	B-52	127,854	120,909
	Realignment of funds for B-52 Crypto Mod upgrade spares		[-4,293]
	Realignment of funds for B-52 VLF/LF spares		[-2,652]
025	LARGE AIRCRAFT INFRARED COUNTERMEASURES	25,286	25,286
TACTICAL AIRCRAFT			
026	A-10	83,972	83,972
027	E-11 BACN/HAG	10,309	10,309
028	F-15	194,379	194,379
029	F-16	700,455	685,955
	Overestimation of SLEP induction rate		[-14,500]
030	F-22A	764,222	764,222
031	F-35 MODIFICATIONS	414,382	414,382
032	F-15 EPAW	259,837	259,837
034	KC-46A MDAP	467	467
AIRLIFT AIRCRAFT			
035	C-5	46,027	15,673
	Realignment of funds		[-18,000]
	Realignment of funds to line 64		[-12,354]
036	C-17A	152,009	157,509
	Air Force realignment of funds		[5,500]
037	C-32A	4,068	4,068
038	C-37A	6,062	6,062
TRAINER AIRCRAFT			
039	GLIDER MODS	149	149
040	T-6	6,215	6,215
041	T-1	6,262	6,262
042	T-38	111,668	161,168
	Ejection Seat Upgrade		[49,500]
OTHER AIRCRAFT			
044	U-2 MODS	81,650	81,650
045	KC-10A (ATCA)	3,443	2,043
	Unjustified growth		[-1,400]
046	C-21	2,024	2,024
047	VC-25A MOD	2,146	2,146
048	C-40	2,197	2,197
049	C-130	114,268	148,748
	Air Force realignment of funds		[17,500]
	Modular airborne firefighting system		[20,000]
	Overestimation of AMP inc 2 install cost		[-3,020]
050	C-130J MODS	112,299	112,299
051	C-135	149,023	163,523
	Air Force realignment of funds		[19,500]
	Program decrease		[-5,000]
052	COMPASS CALL	16,630	337,230
	Air Force UFR—EC-37B group A & B kits and spare components		[320,600]
053	RC-135	212,828	252,828
	INDOPACOM UFR—SIGINT upgrades		[600]
	RC-135 navigation upgrades		[39,400]
054	E-3	54,247	54,247
055	E-4	5,973	5,973
056	E-8	16,610	0
	Program decrease		[-16,610]
059	H-1	1,757	1,757
060	H-60	10,820	10,820
061	COMBAT RESCUE HELICOPTER MODIFICATION	3,083	3,083
062	RQ-4 MODS	1,286	1,286

1802

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
063	HC/MC-130 MODIFICATIONS	138,956	109,785
	MC/AC MUOS installations ahead of need		[-9,171]
	Realignment of funds		[-20,000]
064	OTHER AIRCRAFT	29,029	41,796
	Realignment of funds		[12,767]
065	MQ-9 MODS	64,370	211,507
	Multi-Domain Operations modernization		[150,700]
	Unjustified cost—MQ-9 Upgrade		[-3,563]
067	SENIOR LEADER C3, SYSTEM—AIRCRAFT	24,784	24,784
068	CV-22 MODS	153,026	153,026
	AIRCRAFT SPARES AND REPAIR PARTS		
069	INITIAL SPARES/REPAIR PARTS	623,661	734,767
	Air Force UFR—EC-37B spare components		[9,361]
	Air Force UFR—EC-37B spare engines		[94,800]
	Realignment of funds for B-52 Crypto Mod upgrade spares		[4,293]
	Realignment of funds for B-52 VLF/LF spares		[2,652]
	COMMON SUPPORT EQUIPMENT		
070	AIRCRAFT REPLACEMENT SUPPORT EQUIP	138,935	138,935
	POST PRODUCTION SUPPORT		
071	B-2A	1,802	1,802
072	B-2B	36,325	36,325
073	B-52	5,883	5,883
074	F-15	2,764	2,764
075	F-16	5,102	5,102
077	MQ9 POST PROD	7,069	7,069
078	RQ-4 POST PRODUCTION CHARGES	40,845	40,845
082	C-5 POST PRODUCTION SUPPORT		18,000
	Realignment of funds		[18,000]
083	HC/MC-130J POST PRODUCTION SUPPORT		20,000
	Realignment of funds		[20,000]
	INDUSTRIAL PREPAREDNESS		
079	INDUSTRIAL RESPONSIVENESS	19,128	19,128
	WAR CONSUMABLES		
080	WAR CONSUMABLES	31,165	31,165
	OTHER PRODUCTION CHARGES		
081	OTHER PRODUCTION CHARGES	1,047,300	1,047,300
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	18,092	63,092
	Air Force UFR—F-35A classified item		[45,000]
999	UNDISTRIBUTED		633,490
	Inflation effects		[633,490]
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	18,517,428	21,113,854
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	57,476	57,476
	STRATEGIC		
004	LONG RANGE STAND-OFF WEAPON	31,454	31,454
	TACTICAL		
005	REPLAC EQUIP & WAR CONSUMABLES	30,510	30,510
006	AGM-183A AIR-LAUNCHED RAPID RESPONSE WEAPON	46,566	0
	Realignment of funds		[-46,566]
007	JOINT AIR-SURFACE STANDOFF MISSILE	784,971	861,971
	Defense Industrial Base (DIB) Expansion for JASSM		[77,000]
008	LRASMO	114,025	114,025
009	SIDEWINDER (AIM-9X)	111,855	111,855
010	AMRAAM	320,056	340,056
	AIM-120 Advanced Medium-Range Air-to-Air Missile (AMRAAM)—Advanced Pro- curement		[20,000]
011	PREDATOR HELLFIRE MISSILE	1,040	1,040
012	SMALL DIAMETER BOMB	46,475	46,475
013	SMALL DIAMETER BOMB II	279,006	429,006
	Air Force UFR—additional small diameter bomb II		[150,000]
014	STAND-IN ATTACK WEAPON (SIAW)	77,975	77,975
	INDUSTRIAL FACILITIES		
015	INDUSTRIAL PREPAREDNESS/POL PREVENTION	868	150,868
	Defense Industrial Base (DIB) Expansion for Industrial Preparedness		[150,000]
	CLASS IV		
018	ICBM FUZE MOD	99,691	99,691
019	ICBM FUZE MOD	37,673	37,673
020	MM III MODIFICATIONS	68,193	68,193
022	AIR LAUNCH CRUISE MISSILE (ALCM)	33,778	108,778
	Defense Industrial Base (DIB) Expansion for Gas Turbine Engines, Control Actua- tion Systems, and Antennas		[75,000]
	MISSILE SPARES AND REPAIR PARTS		
023	MSL SPRS/REPAIR PARTS (INITIAL)	15,354	15,354
024	MSL SPRS/REPAIR PARTS (REPLEN)	62,978	62,978
	SPECIAL PROGRAMS		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
028	SPECIAL UPDATE PROGRAMS	36,933	36,933
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	705,540	705,540
999	UNDISTRIBUTED		61,064
	Inflation effects		[61,064]
	TOTAL MISSILE PROCUREMENT, AIR FORCE	2,962,417	3,448,915
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	22,190	22,190
	CARTRIDGES		
002	CARTRIDGES	124,164	124,164
	BOMBS		
004	GENERAL PURPOSE BOMBS	162,800	162,800
005	MASSIVE ORDNANCE PENETRATOR (MOP)	19,743	19,743
006	JOINT DIRECT ATTACK MUNITION	251,956	251,956
	OTHER ITEMS		
008	CAD/PAD	50,473	50,473
009	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	6,343	6,343
010	SPARES AND REPAIR PARTS	573	573
012	FIRST DESTINATION TRANSPORTATION	1,903	1,903
013	ITEMS LESS THAN \$5,000,000	5,014	5,014
	FLARES		
014	EXPENDABLE COUNTERMEASURES	120,548	120,548
	FUZES		
015	FUZES	121,528	121,528
	SMALL ARMS		
016	SMALL ARMS	16,395	16,395
017	UNDISTRIBUTED		23,395
	Inflation effects		[23,395]
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	903,630	927,025
	PROCUREMENT, SPACE FORCE		
	SPACE PROCUREMENT, SF		
002	AF SATELLITE COMM SYSTEM	51,414	51,414
003	COUNTERSPACE SYSTEMS	62,691	62,691
004	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS	26,394	26,394
005	WIDEBAND GAPFILLER SATELLITES (SPACE)	21,982	21,982
006	GENERAL INFORMATION TECH—SPACE	5,424	5,424
007	GPSIII FOLLOW ON	657,562	646,962
	Excess to need		[-10,600]
008	GPS III SPACE SEGMENT	103,340	103,340
009	GLOBAL POSITIONING (SPACE)	950	950
010	HERITAGE TRANSITION	21,896	21,896
011	SPACEBORNE EQUIP (COMSEC)	29,587	24,083
	Cost growth		[-5,504]
012	MILSATCOM	29,333	29,333
013	SBIR HIGH (SPACE)	148,666	148,666
014	SPECIAL SPACE ACTIVITIES	817,484	805,484
	Underexecution		[-12,000]
015	MOBILE USER OBJECTIVE SYSTEM	46,833	46,833
016	NATIONAL SECURITY SPACE LAUNCH	1,056,133	1,025,533
	Excess to need		[-30,600]
017	NUDET DETECTION SYSTEM	7,062	7,062
018	PTES HUB	42,464	42,464
019	ROCKET SYSTEMS LAUNCH PROGRAM	39,145	39,145
020	SPACE DEVELOPMENT AGENCY LAUNCH	314,288	714,288
	Realignment of funds		[200,000]
	Space Force UFR—accelerate resilient missile warning/missile tracking		[200,000]
022	SPACE MODS	73,957	73,957
023	SPACELIFT RANGE SYSTEM SPACE	71,712	71,712
	SPARES		
024	SPARES AND REPAIR PARTS	1,352	1,352
025	UNDISTRIBUTED		106,161
	Inflation effects		[106,161]
	TOTAL PROCUREMENT, SPACE FORCE	3,629,669	4,077,126
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	2,446	2,446
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	1,125	1,125
003	CAP VEHICLES	999	1,900
	Program increase		[901]
004	CARGO AND UTILITY VEHICLES	35,220	35,220
	SPECIAL PURPOSE VEHICLES		
005	JOINT LIGHT TACTICAL VEHICLE	60,461	60,461
006	SECURITY AND TACTICAL VEHICLES	382	382

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
007	SPECIAL PURPOSE VEHICLES	49,623	49,623
	FIRE FIGHTING EQUIPMENT		
008	FIRE FIGHTING/CRASH RESCUE VEHICLES	11,231	11,231
	MATERIALS HANDLING EQUIPMENT		
009	MATERIALS HANDLING VEHICLES	12,559	12,559
	BASE MAINTENANCE SUPPORT		
010	RUNWAY SNOW REMOV AND CLEANING EQU	6,409	6,409
011	BASE MAINTENANCE SUPPORT VEHICLES	72,012	72,012
	COMM SECURITY EQUIPMENT(COMSEC)		
013	COMSEC EQUIPMENT	96,851	96,851
014	STRATEGIC MICROELECTRONIC SUPPLY SYSTEM	467,901	467,901
	INTELLIGENCE PROGRAMS		
015	INTERNATIONAL INTEL TECH & ARCHITECTURES	7,043	7,043
016	INTELLIGENCE TRAINING EQUIPMENT	2,424	2,424
017	INTELLIGENCE COMM EQUIPMENT	25,308	25,308
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	65,531	65,531
019	BATTLE CONTROL SYSTEM—FIXED	1,597	1,597
020	THEATER AIR CONTROL SYS IMPROVEMEN	9,611	9,611
021	3D EXPEDITIONARY LONG-RANGE RADAR	174,640	167,140
	Program decrease		[-7,500]
022	WEATHER OBSERVATION FORECAST	20,658	20,658
023	STRATEGIC COMMAND AND CONTROL	93,351	86,220
	Worldwide Joint Strategic Communications realignment of funds		[-7,131]
024	CHEYENNE MOUNTAIN COMPLEX	6,118	6,118
025	MISSION PLANNING SYSTEMS	13,947	13,947
	SPCL COMM-ELECTRONICS PROJECTS		
028	GENERAL INFORMATION TECHNOLOGY	101,517	101,517
029	AF GLOBAL COMMAND & CONTROL SYS	2,487	2,487
030	BATTLEFIELD AIRBORNE CONTROL NODE (BACN)	32,807	32,807
031	MOBILITY COMMAND AND CONTROL	10,210	10,210
035	COMBAT TRAINING RANGES	134,213	134,213
036	MINIMUM ESSENTIAL EMERGENCY COMM N	66,294	66,294
037	WIDE AREA SURVEILLANCE (WAS)	29,518	29,518
038	C3 COUNTERMEASURES	55,324	55,324
040	GCSS-AF FOS	786	786
042	MAINTENANCE REPAIR & OVERHAUL INITIATIVE	248	248
043	THEATER BATTLE MGT C2 SYSTEM	275	275
044	AIR & SPACE OPERATIONS CENTER (AOC)	2,611	2,611
	AIR FORCE COMMUNICATIONS		
046	BASE INFORMATION TRANSP T INFRAST (BITI) WIRED	29,791	29,791
047	AFNET	83,320	83,320
048	JOINT COMMUNICATIONS SUPPORT ELEMENT (JCSE)	5,199	5,199
049	USCENTCOM	11,896	11,896
050	USSTRATCOM	4,619	4,619
	ORGANIZATION AND BASE		
051	TACTICAL C-E EQUIPMENT	120,050	120,050
052	RADIO EQUIPMENT	14,053	14,053
054	BASE COMM INFRASTRUCTURE	91,313	96,363
	NORTHCOM UFR—Long range radar sites digitalization upgrades		[5,050]
	MODIFICATIONS		
055	COMM ELECT MODS	167,419	167,419
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	89,484	89,484
	PERSONAL SAFETY & RESCUE EQUIP		
056	PERSONAL SAFETY AND RESCUE EQUIPMENT	92,995	92,995
	DEPOT PLANT+MTRLS HANDLING EQ		
057	POWER CONDITIONING EQUIPMENT	12,199	12,199
058	MECHANIZED MATERIAL HANDLING EQUIP	9,326	9,326
	BASE SUPPORT EQUIPMENT		
059	BASE PROCURED EQUIPMENT	52,890	52,890
060	ENGINEERING AND EOD EQUIPMENT	231,552	231,552
061	MOBILITY EQUIPMENT	28,758	28,758
062	FUELS SUPPORT EQUIPMENT (FSE)	21,740	21,740
	SPECIAL SUPPORT PROJECTS		
065	DARP RC135	28,153	28,153
066	DCGS-AF	217,713	217,713
070	SPECIAL UPDATE PROGRAM	978,499	978,499
	CLASSIFIED PROGRAMS		
099	CLASSIFIED PROGRAMS	21,702,225	21,702,225
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS (CYBER)	1,007	1,007
072	SPARES AND REPAIR PARTS	23,175	23,175
073	UNDISTRIBUTED		189,283
	Inflation effects		[189,283]
	TOTAL OTHER PROCUREMENT, AIR FORCE	25,691,113	25,871,716

PROCUREMENT, DEFENSE-WIDE

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
MAJOR EQUIPMENT, OSD			
025	MAJOR EQUIPMENT, DPAA	513	513
050	MAJOR EQUIPMENT, OSD	64,291	67,291
	Project Spectrum		[3,000]
MAJOR EQUIPMENT, NSA			
047	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,738	6,738
MAJOR EQUIPMENT, WHS			
054	MAJOR EQUIPMENT, WHS	310	310
MAJOR EQUIPMENT, DISA			
011	INFORMATION SYSTEMS SECURITY	24,044	24,044
012	TELEPORT PROGRAM	50,475	50,475
013	JOINT FORCES HEADQUARTERS—DODIN	674	674
014	ITEMS LESS THAN \$5 MILLION	46,614	46,614
015	DEFENSE INFORMATION SYSTEM NETWORK	87,345	87,345
016	WHITE HOUSE COMMUNICATION AGENCY	130,145	130,145
017	SENIOR LEADERSHIP ENTERPRISE	47,864	47,864
018	JOINT REGIONAL SECURITY STACKS (JRSS)	17,135	10,135
	Program decrease		[-7,000]
019	JOINT SERVICE PROVIDER	86,183	86,183
020	FOURTH ESTATE NETWORK OPTIMIZATION (4ENO)	42,756	42,756
MAJOR EQUIPMENT, DLA			
022	MAJOR EQUIPMENT	24,501	24,501
MAJOR EQUIPMENT, DCSA			
001	MAJOR EQUIPMENT	2,346	2,346
MAJOR EQUIPMENT, TJS			
052	MAJOR EQUIPMENT, TJS	3,900	3,900
MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY			
030	THAAD	74,994	239,994
	15 additional THAAD interceptors		[165,000]
031	GROUND BASED MIDCOURSE	11,300	11,300
032	AEGIS BMD	402,235	402,235
034	BMDS AN/TPY-2 RADARS	4,606	4,606
035	SM-3 ILS	337,975	589,975
	Production increase		[252,000]
036	ARROW 3 UPPER TIER SYSTEMS	80,000	80,000
037	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD)	40,000	40,000
038	DEFENSE OF GUAM PROCUREMENT	26,514	26,514
039	AEGIS ASHORE PHASE III	30,056	30,056
040	IRON DOME	80,000	80,000
041	AEGIS BMD HARDWARE AND SOFTWARE	78,181	78,181
MAJOR EQUIPMENT, DHRA			
003	PERSONNEL ADMINISTRATION	4,522	4,522
MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY			
027	VEHICLES	139	139
028	OTHER MAJOR EQUIPMENT	14,296	14,296
MAJOR EQUIPMENT, DODEA			
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	2,048	2,048
MAJOR EQUIPMENT, DMACT			
023	MAJOR EQUIPMENT	11,117	11,117
CLASSIFIED PROGRAMS			
099	CLASSIFIED PROGRAMS	681,894	681,894
AVIATION PROGRAMS			
055	ARMED OVERWATCH/TARGETING	246,000	246,000
056	MANNED ISR	5,000	5,000
057	MC-12	3,344	3,344
059	ROTARY WING UPGRADES AND SUSTAINMENT	214,575	210,283
	Excess to need		[-4,292]
060	UNMANNED ISR	41,749	41,749
061	NON-STANDARD AVIATION	7,156	7,156
062	U-28	4,589	4,589
063	MH-47 CHINOOK	133,144	133,144
064	CV-22 MODIFICATION	75,629	83,215
	CV-22 & MC-130J Link-16 TacNet tactical receiver		[7,586]
065	MQ-9 UNMANNED AERIAL VEHICLE	9,000	9,000
066	PRECISION STRIKE PACKAGE	57,450	57,450
067	AC/MC-130J	225,569	222,869
	Excess to need		[-2,700]
068	C-130 MODIFICATIONS	11,945	16,893
	CV-22 & MC-130J Link-16 TacNet tactical receiver		[4,948]
SHIPBUILDING			
069	UNDERWATER SYSTEMS	45,631	45,631
AMMUNITION PROGRAMS			
070	ORDNANCE ITEMS <\$5M	151,233	154,938
	Maritime Scalable Effects (MSE) Electronic Warfare System Acceleration		[3,705]
OTHER PROCUREMENT PROGRAMS			
071	INTELLIGENCE SYSTEMS	175,616	219,094
	SOCOM Enclosed Spaces Reconnaissance Collection Suite (ESRCS)		[15,000]
	Stalker VXE Block 30 Vertical Takeoff & Landing (VTOL) Acceleration		[28,478]

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
072	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	2,214	2,214
073	OTHER ITEMS <\$5M	98,096	96,134
	Excess to need		[-1,962]
074	COMBATANT CRAFT SYSTEMS	85,566	85,566
075	SPECIAL PROGRAMS	20,042	249,042
	Medium Fixed Wing Recapitalization		[229,000]
076	TACTICAL VEHICLES	51,605	59,605
	PB-NSCV		[8,000]
077	WARRIOR SYSTEMS <\$5M	306,846	352,992
	AFSOC Force Generation (AFSOFORGEN) Tactical Communications (TACCOM)		[18,730]
	Counter Unmanned Systems (CUxS) Procurement Acceleration		[33,553]
	Excess to need		[-6,137]
078	COMBAT MISSION REQUIREMENTS	4,991	4,991
080	OPERATIONAL ENHANCEMENTS INTELLIGENCE	18,723	18,723
081	OPERATIONAL ENHANCEMENTS	347,473	358,227
	Intelligence, Surveillance, and Reconnaissance (ISR) Transceivers Acceleration		[10,754]
	CBDP		
082	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS	199,439	192,747
	Unjustified growth		[-6,692]
083	CB PROTECTION & HAZARD MITIGATION	187,164	187,164
084	UNDISTRIBUTED		149,308
	Inflation effects		[149,308]
	TOTAL PROCUREMENT, DEFENSE-WIDE	5,245,500	6,145,779
	NATIONAL GUARD AND RESERVE EQUIPMENT		
	UNDISTRIBUTED		
001	UNDISTRIBUTED		50,000
	Program increase		[50,000]
	TOTAL NATIONAL GUARD AND RESERVE EQUIPMENT		50,000
	TOTAL PROCUREMENT	144,219,205	163,148,867

1 **TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 2 **TION**
 3 **TION**
 4 **SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
 5 **TION.**

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601102A	DEFENSE RESEARCH SCIENCES	279,328	345,194
		Basic research increase		[55,866]
		Counter-UAS technologies		[5,000]
		Data exchange system for a secure digital engineering environment ...		[5,000]
002	0601103A	UNIVERSITY RESEARCH INITIATIVES	70,775	90,775
		Defense University Research Instrumentation Program		[20,000]
003	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	100,909	109,909
		Automotive Research Center		[5,000]
		Biotechnology		[4,000]
004	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE	5,355	5,355
005	0601601A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING BASIC RESEARCH	10,456	10,456
		SUBTOTAL BASIC RESEARCH	466,823	561,689
		APPLIED RESEARCH		
006	0602002A	ARMY AGILE INNOVATION AND DEVELOPMENT-APPLIED RESEARCH	9,534	9,534
008	0602134A	COUNTER IMPROVISED-THREAT ADVANCED STUDIES	6,192	6,192
009	0602141A	LETHALITY TECHNOLOGY	87,717	117,717
		Collaborative networked armament lethality and fire control		[25,000]
		Turret gunner survivability and simulation		[5,000]
010	0602142A	ARMY APPLIED RESEARCH	27,833	27,833

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
011	0602143A	SOLDIER LETHALITY TECHNOLOGY	103,839	138,539
		Advanced textiles and shelters		[6,000]
		Footwear research		[4,000]
		Future Force Requirements Experimentation program		[5,000]
		Pathfinder		[10,000]
		Program increase—digital night vision technology		[9,700]
012	0602144A	GROUND TECHNOLOGY	52,848	88,848
		Cold and complex environments sensing research		[9,000]
		Earthen structures soil enhancement		[2,000]
		High performance polymer composites and coatings		[10,000]
		High temperature polymeric materials		[5,000]
		Polar proving ground and training program		[5,000]
		Unmanned mobility		[5,000]
013	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY	174,090	180,090
		Structural thermoplastics		[6,000]
014	0602146A	NETWORK C3I TECHNOLOGY	64,115	107,615
		AI for position, navigation, and timing		[6,000]
		Alternative position, navigation, and timing		[15,000]
		Portable Doppler radar		[7,500]
		Secure anti-tamper		[15,000]
015	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY	43,029	79,779
		Carbon-carbon high-temperature composites		[5,000]
		Low cost missile technology development		[10,000]
		Precision long range integrated strike missile		[6,750]
		Program increase—aluminum lithium alloy solid rocket advancement		[15,000]
016	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY	69,348	76,848
		High density eVTOL power source		[7,500]
017	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY	27,016	59,016
		CEMA missile defender		[12,000]
		Counter-UAS Center of Excellence		[5,000]
		High energy laser engagement technologies		[15,000]
018	0602180A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING TECHNOLOGIES.	16,454	16,454
019	0602181A	ALL DOMAIN CONVERGENCE APPLIED RESEARCH	27,399	27,399
020	0602182A	C3I APPLIED RESEARCH	27,892	27,892
021	0602183A	AIR PLATFORM APPLIED RESEARCH	41,588	41,588
022	0602184A	SOLDIER APPLIED RESEARCH	15,716	15,716
023	0602213A	C3I APPLIED CYBER	13,605	13,605
024	0602386A	BIOTECHNOLOGY FOR MATERIALS—APPLIED RESEARCH Tri-Service Biotechnology for a Resilient Supply Chain / Bio- technology for Materials.	21,919	96,919
				[75,000]
025	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	19,649	19,649
026	0602787A	MEDICAL TECHNOLOGY	33,976	33,976
		SUBTOTAL APPLIED RESEARCH	883,759	1,185,209
		ADVANCED TECHNOLOGY DEVELOPMENT		
027	0603002A	MEDICAL ADVANCED TECHNOLOGY	5,207	16,907
		CPF—U.S. Army Battlefield Exercise and Combat Related Trau- matic Brain and Spinal Injury Research.		[1,700]
		Hearing protection for communications		[5,000]
		Research effects of head-supported mass on cervical spine health		[5,000]
028	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	15,598	15,598
029	0603025A	ARMY AGILE INNOVATION AND DEMONSTRATION	20,900	20,900
030	0603040A	ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING AD- VANCED TECHNOLOGIES.	6,395	6,395
031	0603041A	ALL DOMAIN CONVERGENCE ADVANCED TECHNOLOGY	45,463	45,463
032	0603042A	C3I ADVANCED TECHNOLOGY	12,716	12,716
033	0603043A	AIR PLATFORM ADVANCED TECHNOLOGY	17,946	17,946
034	0603044A	SOLDIER ADVANCED TECHNOLOGY	479	10,499
		CPF—Advancing Military Exoskeleton Technology State-of-The-Art Project.		[2,890]
		CPF—Building 2, Doriot Climatic Chambers, Exterior Repair		[3,630]
		CPF—Small Unit Digital Twin for Robotic and Sensor Systems Inte- gration.		[3,500]
036	0603116A	LETHALITY ADVANCED TECHNOLOGY	9,796	9,796
037	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT	134,874	134,874
038	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY	100,935	105,935
		Sensored head-borne suspension systems		[5,000]
039	0603119A	GROUND ADVANCED TECHNOLOGY	32,546	68,546
		Additive manufacturing with indigenous materials		[15,000]
		Cold Regions Research and Engineering Laboratory		[10,000]
		Graphene-enabled technologies for ground combat operations		[5,000]
		Printed infrastructure and cold weather construction capabilities		[6,000]
040	0603134A	COUNTER IMPROVISED-THREAT SIMULATION	21,486	21,486
041	0603386A	BIOTECHNOLOGY FOR MATERIALS—ADVANCED RE- SEARCH.	56,853	56,853
042	0603457A	C3I CYBER ADVANCED DEVELOPMENT	41,354	41,354

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
043	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	251,964	301,964
		Program increase		[50,000]
044	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY.	193,242	254,742
		Autonomous ground vehicle cybersecurity		[5,000]
		Combat vehicle hybrid-electric transmissions		[5,500]
		Digital enterprise technology		[15,000]
		Electrified vehicle infrared signature management		[5,000]
		HTPEM APU		[10,000]
		Lithium 6T battery development		[8,000]
		Multi-Service Electro-Optical Signature code modernization		[3,000]
		Synthetic graphite research		[10,000]
045	0603463A	NETWORK C3I ADVANCED TECHNOLOGY	125,565	135,565
		PNT situational awareness tools and techniques		[10,000]
046	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY	100,830	166,230
		Autoloader development		[21,400]
		Extended Range Artillery Munition Suite		[5,000]
		Hypersonic and strategic materials and structures		[20,000]
		Maneuvering submunitions		[9,000]
		Missile Multi Agent cXtensible Engagement Services (MAXES)		[10,000]
047	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY	177,836	179,836
		Program increase—Additive manufacturing		[2,000]
048	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY	11,147	43,147
		Counter-Unmanned Aerial Systems Palatized-High Energy Laser		[20,000]
		Integration of distributed gain HEL laser weapon system		[12,000]
049	0603920A	HUMANITARIAN DEMINING	8,933	8,933
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	1,392,065	1,675,685
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
050	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	12,001	34,001
		Mobile Solid State High Power Microwave		[12,000]
		Sensing, Modeling, Analysis, Requirements, and Testing		[10,000]
051	0603308A	ARMY SPACE SYSTEMS INTEGRATION	17,945	17,945
053	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	64,001	64,001
054	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	64,669	64,669
055	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV	49,944	87,444
		AMPV—Hybrid electric vehicle		[37,500]
056	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	4,060	4,060
057	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	72,314	72,314
058	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	18,048	117,048
		IVAS—Army requested realignment from Procurement		[99,000]
059	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	31,249	38,749
		Underwater Demilitarization of Munitions		[7,500]
060	0603790A	NATO RESEARCH AND DEVELOPMENT	3,805	3,805
061	0603801A	AVIATION—ADV DEV	1,162,344	1,180,484
		Future Long Range Assault Aircraft (FLRAA)		[23,000]
		Unjustified growth—FLRAA MTA program management		[-4,860]
062	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	9,638	9,638
063	0603807A	MEDICAL SYSTEMS—ADV DEV	598	598
064	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	25,971	25,971
065	0604017A	ROBOTICS DEVELOPMENT	26,594	26,594
066	0604019A	EXPANDED MISSION AREA MISSILE (EMAM)	220,820	220,820
067	0604020A	CROSS FUNCTIONAL TEAM (CFT) ADVANCED DEVELOPMENT & PROTOTYPING.	106,000	106,000
069	0604035A	LOW EARTH ORBIT (LEO) SATELLITE CAPABILITY	35,509	35,509
070	0604036A	MULTI-DOMAIN SENSING SYSTEM (MDSS) ADV DEV	49,932	49,932
071	0604037A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) ADV DEV.	863	863
072	0604100A	ANALYSIS OF ALTERNATIVES	10,659	10,659
073	0604101A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.4)	1,425	1,425
074	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS).	95,719	95,719
075	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR	382,147	392,147
		Program protection		[10,000]
076	0604115A	TECHNOLOGY MATURATION INITIATIVES	269,756	269,756
077	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD)	225,147	225,147
078	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING.	198,111	198,111
079	0604120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT)	43,797	57,797
		ALTNAV—Army UPL		[14,000]
080	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING.	166,452	219,452
		Program increase (STE live training systems)		[17,000]
		SiVT—Army requested realignment from Procurement		[36,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
081	0604134A	COUNTER IMPROVISED-THREAT DEMONSTRATION, PRO-TOTYPE DEVELOPMENT, AND TESTING.	15,840	15,840
082	0604135A	STRATEGIC MID-RANGE FIRES	404,291	404,291
083	0604182A	HYPERSONICS	173,168	223,168
		National Hypersonic Initiative—Develop Leap-Ahead Concepts and Capabilities.		[50,000]
084	0604403A	FUTURE INTERCEPTOR	8,179	8,179
085	0604531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS ADVANCED DEVELOPMENT.	35,110	35,110
086	0604541A	UNIFIED NETWORK TRANSPORT	36,966	36,966
089	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	55,677	55,677
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	4,098,749	4,409,889
SYSTEM DEVELOPMENT & DEMONSTRATION				
090	0604201A	AIRCRAFT AVIONICS	3,335	3,335
091	0604270A	ELECTRONIC WARFARE DEVELOPMENT	4,243	4,243
092	0604601A	INFANTRY SUPPORT WEAPONS	66,529	76,529
		Commercial magazine reliability testing		[5,000]
		Program increase		[5,000]
093	0604604A	MEDIUM TACTICAL VEHICLES	22,163	22,163
094	0604611A	JAVELIN	7,870	7,870
095	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	50,924	50,924
096	0604633A	AIR TRAFFIC CONTROL	2,623	2,623
097	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	115,986	115,986
098	0604642A	LIGHT TACTICAL WHEELED VEHICLES		10,049
		Electric light recon vehicle—Army UPL		[10,049]
099	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV	71,287	68,777
		T&E excess to need		[-2,510]
100	0604710A	NIGHT VISION SYSTEMS—ENG DEV	62,679	75,951
		IVAS—Army UPL		[16,500]
		Night vision device—next ahead of need		[-3,228]
101	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	1,566	1,566
102	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	18,600	18,600
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTEL-LIGENCE—ENG DEV.	39,541	35,541
		Program decrease		[-4,000]
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	29,570	29,570
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	5,178	5,178
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	8,189	8,189
109	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	21,228	21,228
110	0604802A	WEAPONS AND MUNITIONS—ENG DEV	263,778	259,178
		Program decrease		[-4,600]
111	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	41,669	41,669
112	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	40,038	40,038
113	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	5,513	5,513
114	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	12,150	12,150
115	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	111,690	111,690
116	0604820A	RADAR DEVELOPMENT	71,259	71,259
117	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GPEBS)	10,402	10,402
119	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	11,425	11,425
120	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD.	109,702	109,702
121	0604854A	ARTILLERY SYSTEMS—EMD	23,106	23,106
122	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	124,475	109,475
		Army contract writing system		[-15,000]
123	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	67,564	53,373
		Unjustified growth		[-14,191]
125	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC)	17,950	17,950
126	0605031A	JOINT TACTICAL NETWORK (JTN)	30,169	30,169
128	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM)	11,523	11,523
130	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT	33,029	33,029
131	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER)	4,497	4,497
132	0605047A	CONTRACT WRITING SYSTEM	23,487	13,742
		Unjustified growth		[-9,745]
133	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT	19,123	19,123
134	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1.	131,093	131,093
135	0605053A	GROUND ROBOTICS	26,809	26,809
136	0605054A	EMERGING TECHNOLOGY INITIATIVES	185,311	190,311
		Palletized high energy laser		[5,000]
137	0605143A	BIOMETRICS ENABLING CAPABILITY (BEC)	11,091	11,091
138	0605144A	NEXT GENERATION LOAD DEVICE—MEDIUM	22,439	22,439

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
140	0605148A	TACTICAL INTEL TARGETING ACCESS NODE (TITAN) EMD	58,087	108,987
		TITAN realignment of funds		[50,900]
141	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION	119,516	143,616
		CYBERCOM UPL—JCWA integration		[24,100]
142	0605205A	SMALL UNMANNED AERIAL VEHICLE (SUAV) (6.5)	6,530	6,530
143	0605224A	MULTI-DOMAIN INTELLIGENCE	19,911	19,911
145	0605231A	PRECISION STRIKE MISSILE (PRSM)	259,506	259,506
146	0605232A	HYPERSONICS EMD	633,499	633,499
147	0605233A	ACCESSIONS INFORMATION ENVIRONMENT (AIE)	13,647	10,088
		Carryover		[-3,559]
148	0605235A	STRATEGIC MID-RANGE CAPABILITY	5,016	5,016
149	0605236A	INTEGRATED TACTICAL COMMUNICATIONS	12,447	12,447
150	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	2,366	2,366
151	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	265,288	259,288
		Kill chain automation		[2,000]
		Program decrease		[-8,000]
152	0605531A	COUNTER—SMALL UNMANNED AIRCRAFT SYSTEMS SYS DEV & DEMONSTRATION.	14,892	14,892
153	0605625A	MANNED GROUND VEHICLE	589,762	577,807
		Excess to need		[-11,955]
154	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP)	17,030	17,030
155	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	9,376	9,376
156	0605830A	AVIATION GROUND SUPPORT EQUIPMENT	2,959	2,959
157	0303032A	TROJAN—RH12	3,761	3,761
160	0304270A	ELECTRONIC WARFARE DEVELOPMENT	56,938	99,838
		Realignment of funds		[38,000]
		Service Tactical SIGINT Upgrades—INDOPACOM UPL		[4,900]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	4,031,334	4,115,995
		MANAGEMENT SUPPORT		
161	0604256A	THREAT SIMULATOR DEVELOPMENT	18,437	18,437
162	0604258A	TARGET SYSTEMS DEVELOPMENT	19,132	29,132
		Small UAS engine development		[10,000]
163	0604759A	MAJOR T&E INVESTMENT	107,706	107,706
164	0605103A	RAND ARROYO CENTER	35,542	35,542
165	0605301A	ARMY KWAJALEIN ATOLL	309,005	309,005
166	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	87,122	87,122
168	0605601A	ARMY TEST RANGES AND FACILITIES	401,643	401,643
169	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	37,962	57,962
		Rapid Assurance Modernization Program—Test (RAMP-T)		[20,000]
170	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	36,500	36,500
171	0605606A	AIRCRAFT CERTIFICATION	2,777	2,777
172	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	6,958	6,958
173	0605706A	MATERIEL SYSTEMS ANALYSIS	22,037	22,037
174	0605709A	EXPLOITATION OF FOREIGN ITEMS	6,186	6,186
175	0605712A	SUPPORT OF OPERATIONAL TESTING	70,718	70,718
176	0605716A	ARMY EVALUATION CENTER	67,058	67,058
177	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	6,097	6,097
178	0605801A	PROGRAMWIDE ACTIVITIES	89,793	89,793
179	0605803A	TECHNICAL INFORMATION ACTIVITIES	28,752	28,752
180	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	48,316	53,316
		Agile Manufacturing for Advanced Armament Systems		[5,000]
181	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUP- PORT.	1,912	1,912
182	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA	53,271	53,271
183	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE.	90,088	90,088
184	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION	1,424	1,424
186	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES.	5,816	5,816
		SUBTOTAL MANAGEMENT SUPPORT	1,554,252	1,589,252
		OPERATIONAL SYSTEMS DEVELOPMENT		
188	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	18,463	18,463
189	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT	9,284	9,284
190	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS.	11,674	16,674
		Materials improvements		[5,000]
193	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM	52,513	67,513
		Chinook 714C engine upgrade		[15,000]
194	0607139A	IMPROVED TURBINE ENGINE PROGRAM	228,036	228,036
195	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT.	11,312	11,312
196	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS ...	512	512

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
197	0607145A	APACHE FUTURE DEVELOPMENT	10,074	20,074
		Program increase		[10,000]
198	0607148A	AN/TPQ-53 COUNTERFIRE TARGET ACQUISITION RADAR SYSTEM.	62,559	62,559
199	0607150A	INTEL CYBER DEVELOPMENT	13,343	13,343
200	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT	26,131	26,131
201	0607313A	ELECTRONIC WARFARE DEVELOPMENT	6,432	6,432
202	0607665A	FAMILY OF BIOMETRICS	1,114	1,114
203	0607865A	PATRIOT PRODUCT IMPROVEMENT	152,312	152,312
204	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs).	19,329	19,329
205	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	192,310	294,510
		Abrams modernization		[97,200]
		Auxiliary power unit development		[5,000]
206	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS	136,680	134,680
		Maintain program management level of effort		[-2,000]
208	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	148	148
209	0203758A	DIGITIZATION	2,100	0
		Carryover		[-2,100]
210	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	3,109	3,109
211	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	9,027	9,027
212	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV.	793	793
213	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS)	20,180	20,180
214	0208053A	JOINT TACTICAL GROUND SYSTEM	8,813	8,813
217	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	17,209	17,209
218	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	27,100	27,100
219	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	18,321	18,321
222	0305179A	INTEGRATED BROADCAST SERVICE (IBS)	9,926	9,926
223	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	4,500	4,500
224	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS	17,165	17,165
227	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	91,270	91,270
9999	9999999999	CLASSIFIED PROGRAMS	6,664	6,664
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	1,188,403	1,316,503
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
228	0608041A	DEFENSIVE CYBER—SOFTWARE PROTOTYPE DEVELOPMENT.	94,888	94,888
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	94,888	94,888
		UNDISTRIBUTED		
999	999999999	UNDISTRIBUTED		395,627
		Inflation effects		[395,627]
		SUBTOTAL UNDISTRIBUTED		395,627
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	13,710,273	15,344,737
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	90,076	204,700
		All-digital arrays for long-distance applications		[9,800]
		Program increase		[99,824]
		Program increase—artificial intelligence maritime maneuvering		[5,000]
003	0601153N	DEFENSE RESEARCH SCIENCES	499,116	529,116
		Basic research increase		[30,000]
		SUBTOTAL BASIC RESEARCH	589,192	733,816
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	22,953	22,953
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	133,426	192,926
		Cavitation erosion prevention		[5,000]
		CPF—Resilient Autonomous Systems Research and Workforce Diversity.		[4,000]
		CPF—Talent and Technology for Navy Power and Energy Systems		[3,000]
		Direct air capture and carbon removal technology program		[10,000]
		Energy resilience research collaboration		[3,000]
		Intelligent Data Management for Distributed Naval Platforms		[10,500]
		Relative positioning of autonomous platforms		[5,000]
		Resilient Autonomous Systems Research & Workforce Diversity		[8,500]
		Workforce and technology for Navy power and energy systems		[10,500]
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	53,467	63,967
		CPF—Unmanned Logistics Solutions for the U.S. Marine Corps		[3,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		Unmanned logistics solutions		[7,500]
007	0602235N	COMMON PICTURE APPLIED RESEARCH	51,911	51,911
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	70,957	80,957
		Anti-corrosion coatings		[10,000]
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	92,444	107,444
		Chip Scale Open Architecture		[15,000]
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	74,622	84,622
		Undersea distributed sensing systems		[10,000]
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,700	6,700
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	58,111	87,111
		CPF—Persistent Maritime Surveillance		[4,000]
		Dual-modality research vessels		[2,000]
		Undersea vehicle technology partnerships		[20,000]
		UUV research		[3,000]
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	173,641	177,141
		Program increase		[3,500]
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	31,649	31,649
015	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH.	120,637	146,237
		Navy UFR—Alternative CONOPS Goalkeeper		[25,600]
016	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES.	81,296	81,296
		SUBTOTAL APPLIED RESEARCH	971,814	1,134,914
		ADVANCED TECHNOLOGY DEVELOPMENT		
017	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	16,933	16,933
018	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY ..	8,253	8,253
019	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) ..	280,285	316,685
		Low-cost attritable aircraft technology		[25,000]
		Program increase		[4,600]
		Program increase—K-MAX next generation autonomous logistics UAS.		[6,800]
020	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	14,048	14,048
021	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	251,267	251,267
022	0603680N	MANUFACTURING TECHNOLOGY PROGRAM	60,704	60,704
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	4,999	4,999
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	83,137	83,137
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY.	2,007	2,007
026	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT.	144,122	210,422
		Navy UFR—Alternative CONOPS Goalkeeper		[61,300]
		Scalable laser weapon system		[5,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	865,755	968,455
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
027	0603128N	UNMANNED AERIAL SYSTEM	96,883	96,883
028	0603178N	LARGE UNMANNED SURFACE VEHICLES (LUSV)	146,840	146,840
029	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	39,737	39,737
030	0603216N	AVIATION SURVIVABILITY	17,434	17,434
031	0603239N	NAVAL CONSTRUCTION FORCES	1,706	1,706
033	0603254N	ASW SYSTEMS DEVELOPMENT	15,986	15,986
034	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	3,562	3,562
035	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	18,628	65,828
		Data dissemination and interoperability		[6,500]
		Navy UFR—Alternative CONOPS Goalkeeper		[40,700]
036	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	87,825	87,825
037	0603506N	SURFACE SHIP TORPEDO DEFENSE	473	473
038	0603512N	CARRIER SYSTEMS DEVELOPMENT	11,567	11,567
039	0603525N	PILOT FISH	672,461	672,461
040	0603527N	RETRACT LARCH	7,483	7,483
041	0603536N	RETRACT JUNIPER	239,336	239,336
042	0603542N	RADIOLOGICAL CONTROL	772	772
043	0603553N	SURFACE ASW	1,180	1,180
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	105,703	110,703
		Program increase		[5,000]
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,917	10,917
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	82,205	90,205
		Additive Manufacturing in Ship Advanced Concept Design		[4,000]
		Advance LAW development		[4,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	75,327	75,327
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	227,400	227,400
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	176,600	197,200
		Lithium Iron Phosphate Batteries Integration		[9,000]
		Silicon carbide power modules		[11,600]
050	0603576N	CHALK EAGLE	91,584	91,584
051	0603581N	LITTORAL COMBAT SHIP (LCS)	96,444	96,444
052	0603582N	COMBAT SYSTEM INTEGRATION	18,236	18,236
053	0603595N	OHIO REPLACEMENT	335,981	350,981
		Rapid realization of composites for wet submarine application		[15,000]
054	0603596N	LCS MISSION MODULES	41,533	48,533
		Mine Countermeasures Mission Package Capacity and Wholeness— Navy UPL		[7,000]
055	0603597N	AUTOMATED TEST AND RE-TEST (ATRT)	9,773	9,773
056	0603599N	FRIGATE DEVELOPMENT	118,626	115,626
		Prior year underexecution		[-3,000]
057	0603609N	CONVENTIONAL MUNITIONS	9,286	9,286
058	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	111,431	111,431
059	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	36,496	36,496
060	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	6,193	6,193
061	0603721N	ENVIRONMENTAL PROTECTION	21,647	21,647
062	0603724N	NAVY ENERGY PROGRAM	60,320	70,320
		Marine energy systems		[10,000]
063	0603725N	FACILITIES IMPROVEMENT	5,664	5,664
064	0603734N	CHALK CORAL	833,634	833,634
065	0603739N	NAVY LOGISTIC PRODUCTIVITY	899	899
066	0603746N	RETRACT MAPLE	363,973	363,973
067	0603748N	LINK PLUMERIA	1,038,661	1,038,661
068	0603751N	RETRACT ELM	83,445	83,445
069	0603764M	LINK EVERGREEN	313,761	313,761
070	0603790N	NATO RESEARCH AND DEVELOPMENT	8,041	8,041
071	0603795N	LAND ATTACK TECHNOLOGY	358	358
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	30,533	30,533
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS— DEM/VAL	18,628	18,628
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	65,080	65,080
075	0604014N	F/A -18 INFRARED SEARCH AND TRACK (IRST)	40,069	40,069
076	0604027N	DIGITAL WARFARE OFFICE	165,753	165,753
077	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES ..	106,347	106,347
078	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES ..	60,697	60,697
079	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEM- ONSTRATION	57,000	57,000
081	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80)	116,498	116,498
082	0604126N	LITTORAL AIRBORNE MCM	47,389	47,389
083	0604127N	SURFACE MINE COUNTERMEASURES	12,959	12,959
084	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTER- MEASURES (TADIRCM)	15,028	39,028
		Program increase—distributed aperture infrared countermeasure sys- tem		[24,000]
085	0604289M	NEXT GENERATION LOGISTICS	2,342	2,342
086	0604292N	FUTURE VERTICAL LIFT (MARITIME STRIKE)	5,103	5,103
087	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE	62,927	62,927
088	0604454N	LX (R)	26,630	24,116
		Historical underexecution		[-2,514]
089	0604536N	ADVANCED UNDERSEA PROTOTYPING	116,880	116,880
090	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS)	7,438	7,438
091	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM ..	84,734	109,734
		Research and development for a nuclear-capable sea-launched cruise missile		[25,000]
092	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITEC- TURE/ENGINEERING SUPPORT	10,229	10,229
093	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOP- MENT	124,204	237,785
		Navy requested transfer from WPN line 8		[46,481]
		Navy UFR—Hypersonic OASuW Inc 2		[67,100]
094	0605512N	MEDIUM UNMANNED SURFACE VEHICLES (MUSVS))	104,000	104,000
095	0605513N	UNMANNED SURFACE VEHICLE ENABLING CAPABILITIES ..	181,620	181,620
096	0605514M	GROUND BASED ANTI-SHIP MISSILE	43,090	93,090
		Defense Industrial Base (DIB) Expansion for Harpoon Missiles		[50,000]
097	0605516M	LONG RANGE FIRES	36,693	36,693
098	0605518N	CONVENTIONAL PROMPT STRIKE (CPS)	1,205,041	1,225,041
		Full-Scale Rapid CPS Flight Tests		[20,000]
099	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	9,856	9,856
100	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM	1,735	1,735
101	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	796	796
		SUBTOTAL ADVANCED COMPONENT DEVELOP- MENT & PROTOTYPES	8,405,310	8,745,177

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
SYSTEM DEVELOPMENT & DEMONSTRATION				
102	0603208N	TRAINING SYSTEM AIRCRAFT	15,128	15,128
103	0604038N	MARITIME TARGETING CELL	39,600	89,600
		Family of Integrated Targeting Cells (FITC)		[50,000]
104	0604212N	OTHER HELO DEVELOPMENT	66,010	66,010
105	0604214M	AV-8B AIRCRAFT—ENG DEV	9,205	9,205
106	0604215N	STANDARDS DEVELOPMENT	3,766	3,766
107	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT ...	44,684	44,684
108	0604221N	P-3 MODERNIZATION PROGRAM	343	343
109	0604230N	WARFARE SUPPORT SYSTEM	12,337	12,337
110	0604231N	COMMAND AND CONTROL SYSTEMS	143,575	143,575
111	0604234N	ADVANCED HAWKEYE	502,956	482,956
		Program decrease		[-20,000]
112	0604245M	H-1 UPGRADES	43,759	43,759
113	0604261N	ACOUSTIC SEARCH SENSORS	50,231	50,231
114	0604262N	V-22A	125,233	125,233
115	0604264N	AIR CREW SYSTEMS DEVELOPMENT	43,282	43,282
116	0604269N	EA-18	116,589	116,589
117	0604270N	ELECTRONIC WARFARE DEVELOPMENT	141,138	141,138
118	0604273M	EXECUTIVE HELO DEVELOPMENT	45,645	45,645
119	0604274N	NEXT GENERATION JAMMER (NGJ)	54,679	54,679
120	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	329,787	326,587
		Program decrease		[-3,200]
121	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II	301,737	151,737
		Program delay		[-150,000]
122	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING ...	347,233	336,705
		Historical underexecution		[-10,528]
124	0604329N	SMALL DIAMETER BOMB (SDB)	42,881	42,881
125	0604366N	STANDARD MISSILE IMPROVEMENTS	319,943	319,943
126	0604373N	AIRBORNE MCM	10,882	10,882
127	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYS- TEMS ENGINEERING	45,892	45,892
128	0604419N	ADVANCED SENSORS APPLICATION PROGRAM (ASAP)		13,000
		Program increase		[13,000]
129	0604501N	ADVANCED ABOVE WATER SENSORS	81,254	72,917
		Historical underexecution		[-8,337]
130	0604503N	SSN-688 AND TRIDENT MODERNIZATION	93,501	93,501
131	0604504N	AIR CONTROL	39,138	39,138
132	0604512N	SHIPBOARD AVIATION SYSTEMS	11,759	11,759
133	0604518N	COMBAT INFORMATION CENTER CONVERSION	11,160	11,160
134	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM	87,459	87,459
135	0604530N	ADVANCED ARRESTING GEAR (AAG)	151	151
136	0604558N	NEW DESIGN SSN	307,585	496,485
		Advanced undersea capability development		[188,900]
137	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	58,741	58,741
138	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	60,791	60,791
139	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,177	4,177
140	0604601N	MINE DEVELOPMENT	60,793	117,893
		INDOPACOM UFR—Hammerhead		[47,500]
		INDOPACOM/Navy UFR—Sea Urchin powered quickstrike mines ...		[10,000]
141	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	142,000	140,111
		Project 2234 historical underexecution		[-1,889]
142	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT ...	8,618	8,618
143	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS— ENG DEV.	45,025	45,025
144	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FAC- TORS.	7,454	7,454
145	0604727N	JOINT STANDOFF WEAPON SYSTEMS	758	758
146	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	159,426	159,426
147	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	71,818	71,818
148	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	92,687	92,687
149	0604761N	INTELLIGENCE ENGINEERING	23,742	23,742
150	0604771N	MEDICAL DEVELOPMENT	3,178	3,178
151	0604777N	NAVIGATION/ID SYSTEM	53,209	53,209
152	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	611	611
153	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	234	234
154	0604850N	SSN(X)	143,949	143,949
155	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	11,361	11,361
156	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	290,353	298,103
		Cyber supply chain risk management		[5,000]
		High performance data analytics		[2,750]
157	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT	7,271	7,271
158	0605180N	TACAMO MODERNIZATION	554,193	554,193
159	0605212M	CH-53K RDTE	220,240	224,240
		CPF—High-Energy Density and High-Power Density Li-Ion Battery Magazines (HEBM) in Defense Applications.		[4,000]
160	0605215N	MISSION PLANNING	71,107	71,107

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
161	0605217N	COMMON AVIONICS	77,960	77,960
162	0605220N	SHIP TO SHORE CONNECTOR (SSC)	2,886	10,106
		Program increase		[7,220]
163	0605327N	T-AO 205 CLASS	220	220
164	0605414N	UNMANNED CARRIER AVIATION (UCA)	265,646	265,646
165	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM)	371	371
166	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	37,939	37,939
167	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III	161,697	161,697
168	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION.	94,569	94,569
169	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION.	2,856	2,856
170	0204202N	DDG-1000	197,436	184,674
		Prior year underexecution		[-12,762]
171	0301377N	COUNTERING ADVANCED CONVENTIONAL WEAPONS (CACW).	12,341	22,341
		Threat Mosaic Warfare		[10,000]
175	0304785N	ISR & INFO OPERATIONS	135,366	135,366
176	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT	37,038	37,038
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,606,583	6,738,237
MANAGEMENT SUPPORT				
177	0604256N	THREAT SIMULATOR DEVELOPMENT	29,430	29,430
178	0604258N	TARGET SYSTEMS DEVELOPMENT	13,708	13,708
179	0604759N	MAJOR T&E INVESTMENT	95,316	95,316
180	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	3,286	3,286
181	0605154N	CENTER FOR NAVAL ANALYSES	40,624	40,624
183	0605804N	TECHNICAL INFORMATION SERVICES	987	987
184	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	105,152	105,152
185	0605856N	STRATEGIC TECHNICAL SUPPORT	3,787	3,787
186	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	173,352	173,352
187	0605864N	TEST AND EVALUATION SUPPORT	468,281	468,281
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	27,808	27,808
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	27,175	27,175
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	7,186	7,186
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	39,744	39,744
192	0605898N	MANAGEMENT HQ—R&D	40,648	40,648
193	0606355N	WARFARE INNOVATION MANAGEMENT	52,060	52,060
194	0305327N	INSIDER THREAT	2,315	2,315
195	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES).	1,811	1,811
		SUBTOTAL MANAGEMENT SUPPORT	1,132,670	1,132,670
OPERATIONAL SYSTEMS DEVELOPMENT				
198	0603273N	SCIENCE & TECHNOLOGY FOR NUCLEAR RE-ENTRY SYSTEMS.	65,735	65,735
201	0604840M	F-35 C2D2	525,338	525,338
202	0604840N	F-35 C2D2	491,513	491,513
203	0605520M	MARINE CORPS AIR DEFENSE WEAPONS SYSTEMS	48,663	48,663
204	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC)	156,121	156,121
205	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	284,502	304,502
		D5LE2 Risk Reduction		[20,000]
206	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	50,939	50,939
207	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	81,237	86,237
		Program increase		[5,000]
208	0101402N	NAVY STRATEGIC COMMUNICATIONS	49,424	49,424
209	0204136N	F/A-18 SQUADRONS	238,974	235,860
		Historical underexecution		[-7,114]
		Jet noise reduction		[4,000]
210	0204228N	SURFACE SUPPORT	12,197	12,197
211	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	132,719	132,719
212	0204311N	INTEGRATED SURVEILLANCE SYSTEM	68,417	82,917
		Deployable Surveillance System, Deep Water Active		[14,500]
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)	61,422	61,422
216	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	70,339	70,339
217	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	47,436	47,436
218	0205601N	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	114,305	114,305
224	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S).	14,865	14,865

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
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
236	0303138N	AFLOAT NETWORKS	45,693	45,693
237	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	33,752	33,752
238	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,415	8,415
239	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	10,576	10,576
240	0305205N	UAS INTEGRATION AND INTEROPERABILITY	18,373	18,373
241	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	45,705	45,705
242	0305220N	MQ-4C TRITON	13,893	13,893
243	0305231N	MQ-8 UAV		13,100
		Costs associated with restoring 5 LCS		[13,100]
244	0305232M	RQ-11 UAV	1,234	1,234
245	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	3,761	3,761
247	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT	56,261	56,261
248	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP)	9,780	9,780
249	0305251N	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	36,505	36,505
250	0305421N	RQ-4 MODERNIZATION	163,277	163,277
251	0307577N	INTELLIGENCE MISSION DATA (IMD)	851	851
252	0308601N	MODELING AND SIMULATION SUPPORT	9,437	9,437
253	0702207N	DEPOT MAINTENANCE (NON-IF)	26,248	26,248
254	0708730N	MARITIME TECHNOLOGY (MARITECH)	2,133	2,133
9999	9999999999	CLASSIFIED PROGRAMS	1,701,811	1,701,811
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	5,483,386	5,532,872
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
256	0608013N	RISK MANAGEMENT INFORMATION—SOFTWARE PILOT PROGRAM.	12,810	12,810
257	0608231N	MARITIME TACTICAL COMMAND AND CONTROL (MTC2)—SOFTWARE PILOT PROGRAM.	11,198	11,198
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	24,008	24,008
		UNDISTRIBUTED		
999	999999999	UNDISTRIBUTED		409,201
		Inflation effects		[409,201]
		SUBTOTAL UNDISTRIBUTED		409,201
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	24,078,718	25,419,350
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	375,325	450,397
		Program increase		[75,072]
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	171,192	177,542
		CPF—Aeromedical Research Center		[2,350]
		CPF—GHz-THz Antenna Systems for Massive Data Transmissions in Real-Time.		[4,000]
		SUBTOTAL BASIC RESEARCH	546,517	627,939
		APPLIED RESEARCH		
004	0602020F	FUTURE AF CAPABILITIES APPLIED RESEARCH	88,672	84,282
		Transformational capability incubator unjustified growth		[-4,390]
005	0602102F	MATERIALS	134,795	149,795
		High energy synchrotron X-ray research		[5,000]
		Thermal protection for hypersonic vehicles		[10,000]
006	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	159,453	169,453
		Aeromechanics and integration		[10,000]
007	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	135,771	150,771
		Digital engineering and prototype capability		[10,000]
		Program increase		[5,000]
008	0602203F	AEROSPACE PROPULSION	172,861	172,861
009	0602204F	AEROSPACE SENSORS	192,733	197,733
		Program increase		[5,000]
011	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES.	8,856	8,856
012	0602602F	CONVENTIONAL MUNITIONS	137,303	147,303
		Advanced hypersonic propulsion		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		Convergence Lab Center activities		[5,000]
013	0602605F	DIRECTED ENERGY TECHNOLOGY	109,302	100,947
		Realignment of funds		[-8,355]
014	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	166,041	226,041
		AI for networks		[5,000]
		Internet of Things Laboratory		[5,000]
		Program increase		[10,000]
		Quantum testbed		[10,000]
		Trapped ion quantum computer		[20,000]
		UAS traffic management		[10,000]
		SUBTOTAL APPLIED RESEARCH	1,305,787	1,408,042
		ADVANCED TECHNOLOGY DEVELOPMENT		
016	0603032F	FUTURE AF INTEGRATED TECHNOLOGY DEMOS	152,559	107,559
		Automated geospatial intelligence detection algorithm		[5,000]
		Program reduction		[-50,000]
017	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	29,116	39,116
		Metals Affordability Initiative		[10,000]
018	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	10,695	10,695
019	0603203F	ADVANCED AEROSPACE SENSORS	36,997	36,997
020	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	54,727	76,220
		Program increase		[20,000]
		Technical realignment		[-8,507]
		Unmanned semi-autonomous adversary aircraft		[10,000]
021	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	64,254	82,761
		Program increase		[10,000]
		Realignment of funds		[8,507]
022	0603270F	ELECTRONIC COMBAT TECHNOLOGY	33,380	33,380
023	0603273F	SCIENCE & TECHNOLOGY FOR NUCLEAR RE-ENTRY SYSTEMS.	39,431	39,431
026	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	20,652	20,652
027	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	187,374	187,374
028	0603605F	ADVANCED WEAPONS TECHNOLOGY	98,503	93,289
		Transformational technology development unjustified request		[-5,214]
029	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	47,759	57,059
		Agile Factory Floor for Depot Sustainment		[5,300]
		CPF—Additive Manufacturing and Ultra-High Performance Concrete		[4,000]
030	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	51,824	51,824
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	827,271	836,357
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
031	0603036F	MODULAR ADVANCED MISSILE	125,688	125,688
032	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	6,101	6,101
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	17,318	17,318
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,295	4,295
035	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	46,432	46,432
036	0604001F	NC3 ADVANCED CONCEPTS	5,098	5,098
038	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS)	231,408	231,408
039	0604004F	ADVANCED ENGINE DEVELOPMENT	353,658	353,658
040	0604006F	DEPT OF THE AIR FORCE TECH ARCHITECTURE	66,615	50,000
		Program growth		[-16,615]
041	0604015F	LONG RANGE STRIKE—BOMBER	3,253,584	3,143,584
		Excess to need		[-110,000]
042	0604032F	DIRECTED ENERGY PROTOTYPING	4,269	4,269
043	0604033F	HYPERSONICS PROTOTYPING	431,868	161,547
		Technical realignment		[-270,321]
044	0604183F	HYPERSONICS PROTOTYPING—HYPERSONIC ATTACK CRUISE MISSILE (HACM).	144,891	461,778
		Technical realignment		[316,887]
045	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	12,010	12,010
046	0604257F	ADVANCED TECHNOLOGY AND SENSORS	13,311	13,311
047	0604288F	SURVIVABLE AIRBORNE OPERATIONS CENTER	203,213	203,213
048	0604317F	TECHNOLOGY TRANSFER	16,759	16,759
049	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	106,826	141,826
		CENTCOM UFR—HDBTDS program		[35,000]
050	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS	44,526	69,526
		Program increase		[25,000]
051	0604668F	JOINT TRANSPORTATION MANAGEMENT SYSTEM (JTMS) ..	51,758	27,758
		Product development ahead of need		[-24,000]
052	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	27,586	27,586
053	0604858F	TECH TRANSITION PROGRAM	649,545	602,795
		Hybrid autonomous maritime expeditionary logistics		[2,000]
		Program increase		[9,250]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		Technical realignment		[-58,000]
054	0604860F	OPERATIONAL ENERGY AND INSTALLATION RESILIENCE		15,500
		Technical realignment		[15,500]
055	0605230F	GROUND BASED STRATEGIC DETERRENT		3,000
		ICBM transition readiness modeling and simulation		[3,000]
056	0207110F	NEXT GENERATION AIR DOMINANCE	1,657,733	1,657,733
057	0207179F	AUTONOMOUS COLLABORATIVE PLATFORMS	51,747	51,747
058	0207420F	COMBAT IDENTIFICATION	1,866	1,866
059	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR)	14,490	14,490
060	0207522F	AIRBASE AIR DEFENSE SYSTEMS (ABADS)	52,498	48,498
		Program decrease		[-4,000]
061	0208030F	WAR RESERVE MATERIEL—AMMUNITION	10,288	10,288
064	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA)	37,460	37,460
065	0305601F	MISSION PARTNER ENVIRONMENTS	17,378	17,378
066	0306250F	CYBER OPERATIONS TECHNOLOGY SUPPORT	234,576	365,276
		AI systems and applications for CYBERCOM		[50,000]
		CYBERCOM UFR—Cyber mission force operational support		[31,000]
		CYBERCOM UFR—Joint cyberspace warfighting architecture		[20,900]
		Hunt forward operations		[28,800]
067	0306415F	ENABLED CYBER ACTIVITIES	16,728	16,728
070	0808737F	CVV INTEGRATED PREVENTION	9,315	9,315
071	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM	14,050	14,050
072	1206415F	U.S. SPACE COMMAND RESEARCH AND DEVELOPMENT SUPPORT	10,350	10,350
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	7,945,238	7,999,639
		SYSTEM DEVELOPMENT & DEMONSTRATION		
073	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS	9,879	9,879
074	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS	176,824	176,824
075	0604222F	NUCLEAR WEAPONS SUPPORT	64,425	64,425
076	0604270F	ELECTRONIC WARFARE DEVELOPMENT	2,222	2,222
077	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	133,117	133,117
078	0604287F	PHYSICAL SECURITY EQUIPMENT	8,493	8,493
079	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	5,279	5,279
080	0604604F	SUBMUNITIONS	3,273	3,273
081	0604617F	AGILE COMBAT SUPPORT	14,252	14,252
083	0604706F	LIFE SUPPORT SYSTEMS	47,442	47,442
084	0604735F	COMBAT TRAINING RANGES	91,284	91,284
086	0604932F	LONG RANGE STANDOFF WEAPON	928,850	928,850
087	0604933F	ICBM FUZE MODERNIZATION	98,376	98,376
088	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC)	2,222	2,222
089	0605056F	OPEN ARCHITECTURE MANAGEMENT	38,222	38,222
090	0605223F	ADVANCED PILOT TRAINING	37,121	37,121
091	0605229F	HH-60W	58,974	58,974
092	0605238F	GROUND BASED STRATEGIC DETERRENT EMD	3,614,290	3,614,290
094	0207171F	F-15 EPAWSS	67,956	67,956
095	0207279F	ISOLATED PERSONNEL SURVIVABILITY AND RECOVERY ...	27,881	27,881
096	0207328F	STAND IN ATTACK WEAPON	283,152	274,152
		Program decrease		[-9,000]
097	0207701F	FULL COMBAT MISSION TRAINING	3,028	12,528
		Airborne Augmented Reality		[9,500]
102	0401221F	KC-46A TANKER SQUADRONS	197,510	188,810
		PACS delays		[-8,700]
103	0401319F	VC-25B	492,932	392,932
		Program decrease		[-100,000]
104	0701212F	AUTOMATED TEST SYSTEMS	16,664	16,664
105	0804772F	TRAINING DEVELOPMENTS	15,138	15,138
107	1206442F	NEXT GENERATION OPIR	148	148
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	6,438,954	6,330,754
		MANAGEMENT SUPPORT		
108	0604256F	THREAT SIMULATOR DEVELOPMENT	21,067	21,067
109	0604759F	MAJOR T&E INVESTMENT	44,714	171,314
		Air Force UFR—Gulf instrumentation for hypersonics testing		[55,200]
		Air Force UFR—Quick reaction test capability for hypersonics testing		[14,700]
		Air Force UFR—VKF wind tunnel improvements for hypersonics testing		[56,700]
110	0605101F	RAND PROJECT AIR FORCE	37,921	37,921
111	0605502F	SMALL BUSINESS INNOVATION RESEARCH	86	0
		Programming error		[-86]
112	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	13,926	13,926
113	0605807F	TEST AND EVALUATION SUPPORT	826,854	841,854
		Air Force UFR—EDW/Eglin hypersonics testing		[10,000]
		Air Force UFR—VKF wind tunnel throughput for hypersonics testing		[5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
115	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS	255,995	283,995
		Technical realignment		[28,000]
116	0605828F	ACQ WORKFORCE- GLOBAL REACH	457,589	457,589
117	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS	459,223	473,423
		Technical realignment		[14,200]
118	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT	3,696	3,696
119	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION	229,610	253,610
		Technical realignment		[24,000]
120	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY	92,648	67,361
		Technical realignment		[-25,287]
121	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS	241,226	236,382
		Technical realignment		[-4,844]
122	0605898F	MANAGEMENT HQ—R&D	4,347	5,624
		Technical realignment		[1,277]
123	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	77,820	133,420
		Air Force UFR—Quick reaction test capability for hypersonics testing.		[7,500]
		Air Force UFR—VKF wind tunnel improvements for hypersonics testing.		[48,100]
124	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	31,561	31,561
125	0606017F	REQUIREMENTS ANALYSIS AND MATURATION	101,844	101,844
126	0606398F	MANAGEMENT HQ—T&E	6,285	6,285
127	0303166F	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	556	556
128	0303255F	COMMAND, CONTROL, COMMUNICATION, AND COMPUTERS (C4)—STRATCOM.	15,559	35,559
		Establishment and initial operations of the NC3 Rapid Engineering Architecture Collaboration Hub (REACH).		[20,000]
129	0308602F	ENTEPRISE INFORMATION SERVICES (EIS)	83,231	83,231
130	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	24,306	24,306
131	0804731F	GENERAL SKILL TRAINING	871	871
134	1001004F	INTERNATIONAL ACTIVITIES	2,593	2,593
		SUBTOTAL MANAGEMENT SUPPORT	3,033,528	3,287,988
OPERATIONAL SYSTEMS DEVELOPMENT				
136	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	18,037	18,037
138	0604617F	AGILE COMBAT SUPPORT	8,199	8,199
139	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D	156	156
140	0604840F	F-35 C2D2	1,014,708	1,014,708
141	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	37,901	37,901
142	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	50,066	50,066
143	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION ...	80,338	80,338
144	0605278F	HC/MC-130 RECAP RDT&E	47,994	47,994
145	0606018F	NC3 INTEGRATION	23,559	23,559
147	0101113F	B-52 SQUADRONS	770,313	734,807
		Program decrease		[-35,506]
148	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	571	571
149	0101126F	B-1B SQUADRONS	13,144	23,144
		Hypersonic Integration Validation Testing		[10,000]
150	0101127F	B-2 SQUADRONS	111,990	111,990
151	0101213F	MINUTEMAN SQUADRONS	69,650	69,650
152	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS	22,725	22,725
153	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK.	3,180	3,180
154	0101328F	ICBM REENTRY VEHICLES	118,616	118,616
156	0102110F	UH-1N REPLACEMENT PROGRAM	17,922	17,922
157	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	451	451
158	0102412F	NORTH WARNING SYSTEM (NWS)	76,910	76,910
159	0102417F	OVER-THE-HORIZON BACKSCATTER RADAR	12,210	12,210
160	0202834F	VEHICLES AND SUPPORT EQUIPMENT—GENERAL	14,483	14,483
161	0205219F	MQ-9 UAV	98,499	98,499
162	0205671F	JOINT COUNTER RCIED ELECTRONIC WARFARE	1,747	1,747
163	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT ...	23,195	23,195
164	0207131F	A-10 SQUADRONS	72,393	72,393
165	0207133F	F-16 SQUADRONS	244,696	244,696
166	0207134F	F-15E SQUADRONS	213,272	200,139
		Digital color display delays		[-1,843]
		OPF CD&I carryover		[-11,290]
167	0207136F	MANNED DESTRUCTIVE SUPPRESSION	16,695	16,695
168	0207138F	F-22A SQUADRONS	559,709	559,709
169	0207142F	F-35 SQUADRONS	70,730	70,730
170	0207146F	F-15EX	83,830	83,830
171	0207161F	TACTICAL AIM MISSILES	34,536	34,536
172	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	52,704	52,704

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
173	0207227F	COMBAT RESCUE—PARARESCUE	863	863
174	0207247F	AF TENCAP	23,309	23,309
175	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	12,722	12,722
176	0207253F	COMPASS CALL	49,054	49,054
177	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	116,087	116,087
178	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	117,198	129,198
		INDOPACOM UFR—JASSM software update		[12,000]
179	0207327F	SMALL DIAMETER BOMB (SDB)	27,713	27,713
181	0207412F	CONTROL AND REPORTING CENTER (CRC)	6,615	6,615
182	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	239,658	539,658
		E-7 acceleration		[301,000]
		Early to need—communication network upgrade		[−1,000]
183	0207418F	AFSPECWAR—TACP	5,982	5,982
185	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	23,504	23,504
186	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	5,851	5,851
187	0207439F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)	15,990	15,990
188	0207444F	TACTICAL AIR CONTROL PARTY-MOD	10,315	10,315
189	0207452F	DCAPES	8,049	8,049
190	0207521F	AIR FORCE CALIBRATION PROGRAMS	2,123	2,123
192	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS	2,039	2,039
193	0207590F	SEEK EAGLE	32,853	32,853
194	0207601F	USAF MODELING AND SIMULATION	19,341	19,341
195	0207605F	WARGAMING AND SIMULATION CENTERS	7,004	7,004
197	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,628	4,628
198	0208006F	MISSION PLANNING SYSTEMS	99,214	99,214
199	0208007F	TACTICAL DECEPTION	17,074	17,074
200	0208064F	OPERATIONAL HQ—CYBER	2,347	5,347
		Program increase—command and control of the information environment		[3,000]
201	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	76,592	76,592
202	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS	8,367	0
		Programming error		[−8,367]
203	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2)	80,740	80,740
204	0208099F	UNIFIED PLATFORM (UP)	107,548	107,548
208	0208288F	INTEL DATA APPLICATIONS	1,065	1,065
209	0301025F	GEOBASE	2,928	2,928
211	0301113F	CYBER SECURITY INTELLIGENCE SUPPORT	8,972	8,972
218	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS	3,069	3,069
219	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	25,701	25,701
220	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	41,171	41,171
221	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	70,582	70,582
224	0303260F	JOINT MILITARY DECEPTION INITIATIVE	2,588	2,588
226	0304260F	AIRBORNE SIGINT ENTERPRISE	108,528	115,528
		Special Mission Airborne SIGINT Enterprise Technology		[7,000]
227	0304310F	COMMERCIAL ECONOMIC ANALYSIS	4,542	4,542
230	0305015F	C2 AIR OPERATIONS SUITE—C2 INFO SERVICES	8,097	8,097
231	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY	1,751	1,751
232	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD)	13,138	13,138
233	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,895	4,895
234	0305103F	CYBER SECURITY INITIATIVE	91	91
235	0305111F	WEATHER SERVICE	11,716	21,716
		Commercial weather data pilot		[10,000]
236	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	8,511	8,511
237	0305116F	AERIAL TARGETS	1,365	1,365
240	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	223	223
241	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	8,328	8,328
243	0305179F	INTEGRATED BROADCAST SERVICE (IBS)	22,123	22,123
244	0305202F	DRAGON U-2	20,170	20,170
245	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	55,048	60,048
		Wide Area Motion Imagery		[5,000]
246	0305207F	MANNED RECONNAISSANCE SYSTEMS	14,590	14,590
247	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	26,901	26,901
248	0305220F	RQ-4 UAV	68,801	68,801
249	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	17,564	17,564
250	0305238F	NATO AGS	826	826
251	0305240F	SUPPORT TO DCGS ENTERPRISE	28,774	28,774
252	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	15,036	15,036
253	0305881F	RAPID CYBER ACQUISITION	3,739	3,739
254	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2)	2,702	2,702
255	0307577F	INTELLIGENCE MISSION DATA (IMD)	6,332	6,332
256	0401115F	C-130 AIRLIFT SQUADRON	407	407
257	0401119F	C-5 AIRLIFT SQUADRONS (IF)	6,100	3,100

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
258	0401130F	RCMD delays		[-3,000]
		C-17 AIRCRAFT (IF)	25,387	30,387
		IR Suppression		[5,000]
259	0401132F	C-130J PROGRAM	11,060	10,060
		MILSATCOM modernization delays		[-1,000]
260	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	2,909	2,909
261	0401218F	KC-135S	12,955	12,955
262	0401318F	CV-22	10,121	10,121
263	0408011F	SPECIAL TACTICS / COMBAT CONTROL	6,297	6,297
264	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM	19,892	23,892
		CPF—Aviation Training Academy of the Future		[4,000]
265	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	5,271	5,271
267	0804743F	OTHER FLIGHT TRAINING	2,214	2,214
269	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,164	2,164
270	0901218F	CIVILIAN COMPENSATION PROGRAM	4,098	4,098
271	0901220F	PERSONNEL ADMINISTRATION	3,191	3,191
272	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	899	899
273	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	5,421	5,421
276	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES	13,766	13,766
9999	9999999999	CLASSIFIED PROGRAMS	17,240,641	17,325,641
		Electromagnetic spectrum technology for spectrum sharing, EW protection, and offensive EW capabilities.		[85,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	23,090,569	23,470,563
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
278	0608158F	STRATEGIC MISSION PLANNING AND EXECUTION SYSTEM—SOFTWARE PILOT PROGRAM.	100,167	100,167
279	0608410F	AIR & SPACE OPERATIONS CENTER (AOC)—SOFTWARE PILOT PROGRAM.	177,827	177,827
280	0608920F	DEFENSE ENTERPRISE ACCOUNTING AND MANAGEMENT SYSTEM (DEAMS)—SOFTWARE PILOT PRO.	136,202	136,202
281	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS	37,346	0
		Technical realignment		[-37,346]
282	0308605F	AIR FORCE DEFENSIVE CYBER SYSTEMS (AFDCS)—SOFTWARE PILOT PROGRAM.	240,926	228,880
		Excess to need		[-12,046]
283	0308606F	ALL DOMAIN COMMON PLATFORM (ADCP)—SOFTWARE PILOT PROGRAM.	190,112	180,607
		Excess to need		[-9,505]
284	0308607F	AIR FORCE WEATHER PROGRAMS—SOFTWARE PILOT PROGRAM.	58,063	55,160
		Excess to need		[-2,903]
285	0308608F	ELECTRONIC WARFARE INTEGRATED REPROGRAMMING (EWIR)—SOFTWARE PILOT PROGRAM.	5,794	5,598
		Excess to need		[-196]
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	946,437	884,441
		UNDISTRIBUTED		
999	999999999	UNDISTRIBUTED		1,000,847
		Inflation effects		[1,000,847]
		SUBTOTAL UNDISTRIBUTED		1,000,847
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	44,134,301	45,846,570
		RDTE, SPACE FORCE APPLIED RESEARCH		
002	1206601SF	SPACE TECHNOLOGY	243,737	270,092
		Advanced Analog Microelectronics		[3,000]
		Technical realignment		[8,355]
		University Consortia for Space Technology		[15,000]
		SUBTOTAL APPLIED RESEARCH	243,737	270,092
		ADVANCED TECHNOLOGY DEVELOPMENT		
003	1206310SF	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.	460,820	478,472
		Defense in depth as mission assurance for spacecraft		[10,000]
		Program increase		[7,652]
004	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	103,395	80,168
		Reduce follow-on tranches		[-26,000]
		Technical realignment		[2,773]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	564,215	558,640

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES				
005	0604002SF	SPACE FORCE WEATHER SERVICES RESEARCH	816	816
006	1203164SF	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	382,594	382,594
007	1203622SF	SPACE WARFIGHTING ANALYSIS	44,791	44,791
008	1203710SF	EO/IR WEATHER SYSTEMS	96,519	96,519
010	1206410SF	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING	986,822	986,822
012	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	230,621	230,621
013	1206427SF	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT)	106,252	106,252
014	1206438SF	SPACE CONTROL TECHNOLOGY	57,953	59,953
		Program increase		[2,000]
016	1206730SF	SPACE SECURITY AND DEFENSE PROGRAM	59,169	59,169
017	1206760SF	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES)	121,069	111,169
		Unjustified increase		[-9,900]
018	1206761SF	PROTECTED TACTICAL SERVICE (PTS)	294,828	279,628
		Unjustified increase		[-15,200]
019	1206855SF	EVOLVED STRATEGIC SATCOM (ESS)	565,597	542,097
		Unjustified increase		[-23,500]
020	1206857SF	SPACE RAPID CAPABILITIES OFFICE	45,427	45,427
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	2,992,458	2,945,858
SYSTEM DEVELOPMENT & DEMONSTRATION				
021	1203269SF	GPS III FOLLOW-ON (GPS III F)	325,927	318,727
		Unjustified increase—GPS III F		[-7,200]
022	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	49,628	49,628
023	1206421SF	COUNTERSPACE SYSTEMS	21,848	21,848
024	1206422SF	WEATHER SYSTEM FOLLOW-ON	48,870	48,870
025	1206425SF	SPACE SITUATION AWARENESS SYSTEMS	105,140	105,140
026	1206431SF	ADVANCED EHF MILSATCOM (SPACE)	11,701	11,701
027	1206432SF	POLAR MILSATCOM (SPACE)	67,465	67,465
028	1206433SF	WIDEBAND GLOBAL SATCOM (SPACE)	48,438	48,438
029	1206440SF	NEXT-GEN OPIR—GROUND		612,529
		Technical realignment		[612,529]
030	1206442SF	NEXT GENERATION OPIR	3,479,459	253,801
		Technical realignment		[-3,225,658]
031	1206443SF	NEXT-GEN OPIR—GEO		1,713,933
		Technical realignment		[1,713,933]
032	1206444SF	NEXT-GEN OPIR—POLAR		899,196
		Technical realignment		[899,196]
033	1206445SF	COMMERCIAL SATCOM (COMSATCOM) INTEGRATION	23,513	23,513
034	1206446SF	RESILIENT MISSILE WARNING MISSILE TRACKING—LOW EARTH ORBIT (LEO).	499,840	525,637
		Technical realignment		[25,797]
035	1206447SF	RESILIENT MISSILE WARNING MISSILE TRACKING—MEDIUM EARTH ORBIT (MEO).	139,131	303,930
		Technical realignment		[164,799]
036	1206448SF	RESILIENT MISSILE WARNING MISSILE TRACKING—INTEGRATED GROUND SEGMENT.	390,596	0
		Technical realignment		[-390,596]
037	1206853SF	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD.	124,103	154,103
		Increase EMD for NSSL Phase 3 and beyond activities		[30,000]
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	5,335,659	5,158,459
039	1206116SF	SPACE TEST AND TRAINING RANGE DEVELOPMENT	21,453	21,453
040	1206392SF	ACQ WORKFORCE—SPACE & MISSILE SYSTEMS	253,716	253,716
041	1206398SF	SPACE & MISSILE SYSTEMS CENTER—MHA	13,962	13,962
042	1206616SF	SPACE ADVANCED TECHNOLOGY DEVELOPMENT/DEMO	2,773	0
		Technical realignment		[-2,773]
043	1206759SF	MAJOR T&E INVESTMENT—SPACE	89,751	89,751
044	1206860SF	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	17,922	17,922
045	1206862SF	TACTICALLY RESPONSIVE LAUNCH		100,000
		Continue Tactically Responsive Space		[100,000]
046	1206864SF	SPACE TEST PROGRAM (STP)	25,366	25,366
		SUBTOTAL MANAGEMENT SUPPORT	424,943	522,170
OPERATIONAL SYSTEM DEVELOPMENT				
048	1201017SF	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN)	5,321	5,321
049	1203001SF	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T)	128,243	128,243
050	1203040SF	DCO-SPACE	28,162	28,162
051	1203109SF	NARROWBAND SATELLITE COMMUNICATIONS	165,892	165,892
052	1203110SF	SATELLITE CONTROL NETWORK (SPACE)	42,199	42,199
053	1203165SF	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	2,062	2,062
054	1203173SF	SPACE AND MISSILE TEST AND EVALUATION CENTER	4,157	4,157
055	1203174SF	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT.	38,103	38,103

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
056	1203182SF	SPACELIFT RANGE SYSTEM (SPACE)	11,658	11,658
057	1203265SF	GPS III SPACE SEGMENT	1,626	1,626
058	1203330SF	SPACE SUPERIORITY ISR	29,128	29,128
059	1203620SF	NATIONAL SPACE DEFENSE CENTER	2,856	2,856
060	1203873SF	BALLISTIC MISSILE DEFENSE RADARS	18,615	21,615
		Upgrades for Perimeter Acquisition Radar Attack Characterization System (PARCS)		[3,000]
061	1203906SF	NCMC—TWAA SYSTEM	7,274	7,274
062	1203913SF	NUDET DETECTION SYSTEM (SPACE)	80,429	80,429
063	1203940SF	SPACE SITUATION AWARENESS OPERATIONS	80,903	80,903
064	1206423SF	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	359,720	359,720
068	1206770SF	ENTERPRISE GROUND SERVICES	123,601	123,601
9999	999999999	CLASSIFIED PROGRAMS	4,973,358	5,306,358
		INDOPACOM UFR—Operationalize near-term space control		[308,000]
		Program adjustment		[25,000]
		SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT	6,103,307	6,439,307
		SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS		
070	1208248SF	SPACE COMMAND & CONTROL—SOFTWARE PILOT PROGRAM	155,053	155,053
		SUBTOTAL SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	155,053	155,053
		UNDISTRIBUTED		
999	999999999	UNDISTRIBUTED		539,491
		Inflation effects		[539,491]
		SUBTOTAL UNDISTRIBUTED		539,491
		TOTAL RDTE, SPACE FORCE	15,819,372	16,589,070
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH	11,584	11,584
002	0601101E	DEFENSE RESEARCH SCIENCES	401,870	494,344
		AI for supply chain		[3,000]
		Math and computer science		[5,000]
		Program increase		[84,474]
003	0601108D8Z	HIGH ENERGY LASER RESEARCH INITIATIVES	16,257	16,257
004	0601110D8Z	BASIC RESEARCH INITIATIVES	62,386	84,686
		CPF—FIU/SOUTHCOM Security Research Hub / Enhanced Domain Awareness (EDA) Initiative		[1,300]
		CPF—HBCU Training for the Future of Aerospace		[1,000]
		Defense established program to stimulate competitive research (DEPSCoR)		[20,000]
005	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	80,874	80,874
006	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	132,347	140,347
		CPF—Florida Memorial Avionics Smart Scholars		[1,000]
		Program increase—Ronald V. Dellums Memorial Fellowship		[5,000]
		SMART		[2,000]
007	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	33,288	131,711
		CPF—Augmenting Quantum Sensing Research, Education and Training in DoD CoE at DSU		[1,111]
		CPF—Florida Memorial University Department of Natural Sciences STEM Equipment		[600]
		Program increase		[66,712]
		Program increase for STEM programs		[30,000]
008	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	34,734	34,734
		SUBTOTAL BASIC RESEARCH	773,340	994,537
		APPLIED RESEARCH		
010	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	18,961	18,961
011	0602115E	BIOMEDICAL TECHNOLOGY	106,958	114,658
		Next-Generation Combat Casualty Care		[7,700]
012	0602128D8Z	PROMOTION AND PROTECTION STRATEGIES	3,275	3,275
014	0602230D8Z	DEFENSE TECHNOLOGY INNOVATION	20,634	60,634
		Open radio access networks for next generation wireless experimentation		[40,000]
015	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	46,159	46,159
016	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	67,666	67,666
017	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	388,270	513,270
		AI/autonomy to cybersecurity and cyberspace operations challenges		[30,000]
		National Security Commission on AI recommendations		[75,000]
		Undereexplored systems for utility-scale quantum computing		[20,000]
018	0602383E	BIOLOGICAL WARFARE DEFENSE	23,059	23,059

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
019	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	256,197	256,197
020	0602668D8Z	CYBER SECURITY RESEARCH	17,264	32,264
		Cyber consortium seedling funding		[10,000]
		Program increase—Pacific intelligence and innovation initiative		[5,000]
021	0602675D8Z	SOCIAL SCIENCES FOR ENVIRONMENTAL SECURITY	4,000	4,000
022	0602702E	TACTICAL TECHNOLOGY	221,883	243,383
		MAD-FIRES		[35,000]
		Program reduction		[-13,500]
023	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	352,976	342,776
		Reduce growth		[-12,500]
		ReVector		[2,300]
024	0602716E	ELECTRONICS TECHNOLOGY	557,745	557,745
025	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH.	192,162	192,162
026	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH.	11,030	11,030
027	0602890D8Z	HIGH ENERGY LASER RESEARCH	48,587	48,587
028	1160401BB	SOF TECHNOLOGY DEVELOPMENT	49,174	49,174
		SUBTOTAL APPLIED RESEARCH	2,386,000	2,585,000
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	34,065	34,065
030	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	4,919	4,919
031	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	72,614	92,614
		United States-Israel Cooperation to Counter Unmanned Aerial Systems.		[15,000]
		VTOL Loitering Munition (ROC-X)		[5,000]
032	0603133D8Z	FOREIGN COMPARATIVE TESTING	26,802	26,802
034	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT.	395,721	395,721
035	0603176BR	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	6,505	6,505
036	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	16,737	16,737
037	0603180C	ADVANCED RESEARCH	22,023	40,023
		Benzoxazine High-Mach System Thermal Protection		[4,000]
		High Temperature Nickel Based Alloy research		[4,000]
		Sounding Rocket Testbed Technology Maturation Tests		[10,000]
038	0603183D8Z	JOINT HYPERSONIC TECHNOLOGY DEVELOPMENT &TRANSITION.	52,156	55,156
		Accelerate co-development of key partner programs		[3,000]
039	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	18,898	18,898
040	0603286E	ADVANCED AEROSPACE SYSTEMS	253,135	350,435
		GlideBreaker		[20,000]
		OpFires		[42,300]
		Tactical Boost Glide (TBG)		[35,000]
041	0603287E	SPACE PROGRAMS AND TECHNOLOGY	81,888	81,888
042	0603288D8Z	ANALYTIC ASSESSMENTS	24,052	24,052
043	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	53,890	61,390
		Emerging opportunities		[7,500]
046	0603338D8Z	DEFENSE MODERNIZATION AND PROTOTYPING	141,561	141,561
047	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	42,925	87,925
		National Security Innovation Capital program increase		[15,000]
		Program increase		[25,000]
		Small craft electric propulsion		[5,000]
048	0603375D8Z	TECHNOLOGY INNOVATION	109,535	309,535
		Accelerating quantum applications		[100,000]
		Domestic Supply Chain for Microelectronics Critical Element Production.		[100,000]
049	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	238,407	233,262
		Biological Defense Vaccines and Advanced Therapeutics		[5,000]
		Poor justification		[-10,145]
050	0603527D8Z	RETRACT LARCH	79,493	79,493
051	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	19,218	19,218
052	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	114,100	114,100
053	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	3,168	3,168
054	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	256,142	743,142
		Advanced textiles		[10,000]
		Artificial intelligence for predictive maintenance		[3,000]
		BioMADE		[30,000]
		Biotechnology Manufacturing Institutes		[300,000]
		CPF—Future Nano and Micro-Fabrication - Advanced Materials Engineering Research Institute.		[4,000]
		CPF—Manufacturing of Advanced Composites for Hypersonics – Aided by Digital Engineering.		[4,000]
		CPF—Scalable comprehensive workforce readiness initiatives in bio-industrial manufacturing that lead to regional bioeconomic transformation and growth.		[4,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
		HPC-enabled advanced manufacturing		[25,000]
		Increase production capacity for hypersonics		[12,000]
		Internet of things and operational technology asset identification and management.		[5,000]
		New bioproducts		[10,000]
		Robotics supply chain research		[15,000]
		Silicon carbide matrix materials for hypersonics		[50,000]
		Tools and methods to improve biomufacturing		[15,000]
055	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	46,166	49,166
		AI-based market research		[3,000]
056	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	13,663	13,663
057	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	58,411	63,411
		SERDP- PFAS remediation technologies		[5,000]
058	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	139,833	139,833
059	0603727D8Z	JOINT WARFIGHTING PROGRAM	2,411	2,411
060	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	250,917	250,917
061	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS ...	305,050	315,050
		DARPA LogX advanced supply chain mapping		[10,000]
062	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	678,562	853,562
		Assault Breaker II		[120,000]
		Classified program		[15,000]
		DARPA network-centric warfare technology		[20,000]
		Non-kinetic/cyber modeling and simulation		[20,000]
063	0603767E	SENSOR TECHNOLOGY	314,502	314,502
064	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	201	201
065	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	13,417	13,417
066	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM.	111,149	111,149
067	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	315,090	350,090
		Program increase		[35,000]
068	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	22,028	42,028
		Mission acceleration centers		[20,000]
069	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	180,170	179,290
		Excess growth		[-10,880]
		Program increase for tristructural-isotropic fuel		[10,000]
072	1160402BB	SOF ADVANCED TECHNOLOGY DEVELOPMENT	118,877	125,877
		Next Generation ISR SOF Enhancement/ Technical Support Systems		[7,000]
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	4,638,401	5,765,176
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
074	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	41,507	41,507
075	0603600D8Z	WALKOFF	133,795	133,795
076	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	84,638	93,638
		ESTCP—PFAS Disposal		[5,000]
		ESTCP—PFAS free fire fighting turnout gear		[1,000]
		Sustainable Technology Evaluation and Demonstration program		[3,000]
077	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	190,216	190,216
078	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	667,524	667,524
079	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEVAL.	291,364	252,010
		Poor justification		[-39,354]
080	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	231,134	231,134
081	0603890C	BMD ENABLING PROGRAMS	591,847	591,847
082	0603891C	SPECIAL PROGRAMS—MDA	316,977	316,977
083	0603892C	AEgis BMD	600,072	600,072
084	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI.	589,374	589,374
085	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	50,269	50,269
086	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	49,367	49,367
087	0603906C	REGARDING TRENCH	12,146	12,146
088	0603907C	SEA BASED X-BAND RADAR (SBX)	164,668	164,668
089	0603913C	ISRAELI COOPERATIVE PROGRAMS	300,000	300,000
090	0603914C	BALLISTIC MISSILE DEFENSE TEST	367,824	367,824
091	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	559,513	619,513
		Advanced Reactive Target Simulation Development		[20,000]
		Hypersonic Maneuvering Extended Range (HMER) Target System ...		[40,000]
092	0603923D8Z	COALITION WARFARE	11,154	11,154

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
093	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G).	249,591	329,591
		5G experimentation, transition, and ORAN activities		[80,000]
094	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,166	3,166
095	0604102C	GUAM DEFENSE DEVELOPMENT	397,936	397,936
096	0604115C	TECHNOLOGY MATURATION INITIATIVES		7,000
		Diode-Pumped Alkali Laser (DPAL) development		[7,000]
097	0604124D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO)—MIP.	33,950	33,950
099	0604181C	HYPERSONIC DEFENSE	225,477	517,977
		MDA UFR—Glide phase defense weapons systems		[292,500]
100	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES	1,145,358	1,182,622
		Cost overestimation—mission support expenses		[-49,236]
		INDOPACOM UFR—Sea Urchin powered quickstrike mines		[30,000]
		INDOPACOM UFR—SIGINT upgrades		[9,500]
		Program increase		[40,000]
		Program increase—pele mobile nuclear microreactor		[7,000]
101	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS	647,226	672,226
		Program increase—radiation-hardened fully-depleted silicon-on-insulator microelectronics.		[20,000]
		Trusted & Assured Microelectronics		[5,000]
102	0604331D8Z	RAPID PROTOTYPING PROGRAM	179,189	179,189
103	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING	24,402	24,402
104	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT.	2,691	2,691
105	0604551BR	CATAPULT	7,130	7,130
106	0604555D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT—NON S&T.	45,779	45,779
108	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA).	3,229	3,229
109	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS.	40,699	44,699
		Excess to need		[-5,000]
		JADC2 experimentation		[9,000]
110	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR)	75,120	75,120
111	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS	1,833,357	1,833,357
112	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST.	69,762	69,762
113	0604878C	AEGIS BMD TEST	182,776	175,619
		Excess growth		[-7,157]
114	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST	88,326	88,326
115	0604880C	LAND-BASED SM-3 (LBSM3)	27,678	27,678
116	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST.	84,075	84,075
117	0202057C	SAFETY PROGRAM MANAGEMENT	2,417	2,417
118	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS	2,664	2,664
120	0305103C	CYBER SECURITY INITIATIVE	1,165	1,165
123	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	129,957	129,957
276	0604795D8Z	ACCELERATE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES (APFIT).		100,000
		Realignment of funds		[100,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	10,756,509	11,324,762
		SYSTEM DEVELOPMENT & DEMONSTRATION		
124	0604123D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO)—DEM/VAL ACTIVITIES.	273,340	273,340
125	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,482	6,482
127	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD ..	312,148	309,073
		Poor justification		[-3,075]
128	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	9,120	9,120
129	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT.	14,403	14,403
130	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	1,244	1,244
131	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	6,191	6,191
132	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	10,145	10,145
133	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	5,938	5,938
136	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM.	23,171	23,171
137	0605141BR	MISSION ASSURANCE RISK MANAGEMENT SYSTEM (MARMS).	14,093	14,093
138	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	6,949	6,949
139	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS	302,963	302,963
140	0605772D8Z	NUCLEAR COMMAND, CONTROL, & COMMUNICATIONS	3,758	3,758
141	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	8,121	8,121

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
142	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION.	16,048	16,048
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	1,014,114	1,011,039
		MANAGEMENT SUPPORT		
143	0603829J	JOINT CAPABILITY EXPERIMENTATION	12,452	12,452
144	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	8,902	8,902
145	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	6,610	6,610
146	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	819,358	1,094,358
		Program increase		[275,000]
147	0604942D8Z	ASSESSMENTS AND EVALUATIONS	4,607	4,607
148	0605001E	MISSION SUPPORT	86,869	86,869
149	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	126,079	151,079
		Joint Mission Environment		[25,000]
150	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	53,278	53,278
152	0605142D8Z	SYSTEMS ENGINEERING	39,009	39,009
153	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	5,716	5,716
154	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	15,379	15,379
155	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	9,449	9,449
156	0605200D8Z	GENERAL SUPPORT TO OUSD(INTELLIGENCE AND SECURITY).	6,112	6,112
157	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	124,475	124,475
158	0605502BP	SMALL BUSINESS INNOVATIVE RESEARCH—CHEMICAL BIOLOGICAL DEF.		5,100
		Operational Rapid Multi-Pathogen Diagnostic Tool		[5,100]
165	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER.	3,820	3,820
166	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE	35,414	35,414
167	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	56,114	56,114
168	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	63,184	63,184
169	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	23,757	23,757
170	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	26,652	26,652
171	0605898E	MANAGEMENT HQ—R&D	14,636	14,636
172	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	3,518	3,518
173	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	15,244	15,244
174	0606114D8Z	ANALYSIS WORKING GROUP (AWG) SUPPORT	4,700	4,700
175	0606135D8Z	CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE OFFICER (CDAO) ACTIVITIES.	13,132	13,132
176	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS	3,323	3,323
177	0606300D8Z	DEFENSE SCIENCE BOARD	2,532	2,532
179	0606771D8Z	CYBER RESILIENCY AND CYBERSECURITY POLICY	32,306	32,306
180	0606853BR	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	12,354	12,354
181	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	3,034	3,034
182	0204571J	JOINT STAFF ANALYTICAL SUPPORT	4,332	4,332
183	0208045K	C4I INTEROPERABILITY	69,698	69,698
189	0305172K	COMBINED ADVANCED APPLICATIONS	16,171	16,171
191	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,072	3,072
192	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA.	37,852	37,852
193	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI).	716	716
194	0901598C	MANAGEMENT HQ—MDA	25,259	25,259
195	0903235K	JOINT SERVICE PROVIDER (JSP)	3,141	3,141
9999	9999999999	CLASSIFIED PROGRAMS	37,841	37,841
		SUBTOTAL MANAGEMENT SUPPORT	1,830,097	2,135,197
		OPERATIONAL SYSTEMS DEVELOPMENT		
200	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT.	588,094	610,094
		Carbon/carbon industrial base enhancement		[3,000]
		CPF—Critical Non-Destructive Inspection and Training for Key U.S. National Defense Interests through College of the Canyons Advanced Technology Center.		[2,000]
		CPF—Partnerships for Manufacturing Training Innovation		[4,000]
		Precision optics manufacturing		[5,000]
		RF microelectronics supply chain		[8,000]
201	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT	15,427	15,427
202	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS).	8,317	8,317
203	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	68,030	68,030

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2023 Request	Conference Authorized
209	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	19,145	19,145
210	0303126K	LONG-HAUL COMMUNICATIONS—DCS	13,195	13,195
211	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	5,746	5,746
212	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	92,018	92,018
213	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	43,135	63,135
		NSA CAE Cybersecurity Workforce pilot program		[20,000]
214	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	593,831	593,831
215	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	7,005	7,005
216	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	10,020	10,020
217	0303153K	DEFENSE SPECTRUM ORGANIZATION	19,708	19,708
221	0303430V	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY.	5,197	5,197
226	0305104D8Z	DEFENSE INDUSTRIAL BASE (DIB) CYBER SECURITY INITIATIVE.	10,000	10,000
229	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES	450	450
230	0305133V	INDUSTRIAL SECURITY ACTIVITIES	1,800	1,800
233	0305146V	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	4,622	4,622
234	0305172D8Z	COMBINED ADVANCED APPLICATIONS	49,380	49,380
237	0305186D8Z	POLICY R&D PROGRAMS	6,214	6,214
238	0305199D8Z	NET CENTRICITY	17,917	17,917
240	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	6,095	6,095
246	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS.	4,575	4,575
247	0305251K	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT	2,497	2,497
248	0305327V	INSIDER THREAT	9,403	9,403
249	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	1,864	1,864
257	0708012K	LOGISTICS SUPPORT ACTIVITIES	1,620	1,620
258	0708012S	PACIFIC DISASTER CENTERS	1,875	1,875
259	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM	3,264	3,264
261	1105219BB	MQ-9 UAV	14,000	29,840
		MQ-9 Mallett reprogramming		[5,840]
		Speed Loader Agile POD		[10,000]
263	1160403BB	AVIATION SYSTEMS	179,499	179,499
264	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT	75,136	75,136
265	1160408BB	OPERATIONAL ENHANCEMENTS	142,900	168,810
		Artificial intelligence for Small Unit Maneuver (AISUM)		[15,000]
		CPF—Intercept, Collect, Analyze, and Disrupt (ICAD) Application ...		[2,300]
		SOCOM UFR—Switchblade shipboard safety cert		[8,610]
266	1160431BB	WARRIOR SYSTEMS	129,133	146,860
		Counter Unmanned Systems (CUXS) Procurement Acceleration		[5,400]
		Maritime Scalable Effects (MSE) Electronic Warfare System Acceleration.		[2,397]
		SOCOM UFR—Ground organic precision strike systems		[9,930]
267	1160432BB	SPECIAL PROGRAMS	518	518
268	1160434BB	UNMANNED ISR	3,354	3,354
269	1160480BB	SOF TACTICAL VEHICLES	13,594	13,594
270	1160483BB	MARITIME SYSTEMS	82,645	112,645
		Dry Combat Submersible (DCS) Next Acceleration		[30,000]
272	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE	7,583	7,583
273	1203610K	TELEPORT PROGRAM	1,270	1,270
9999	9999999999	CLASSIFIED PROGRAMS	7,854,604	7,854,604
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	10,114,680	10,246,157
		SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS		
274	0608197V	NATIONAL BACKGROUND INVESTIGATION SERVICES—SOFTWARE PILOT PROGRAM.	132,524	132,524
275	0608648D8Z	ACQUISITION VISIBILITY—SOFTWARE PILOT PROGRAM	17,123	17,123
276	0608775D8Z	ACCELERATE THE PROCUREMENT AND FIELDING OF INNOVATIVE TECHNOLOGIES (APFIT).	100,000	0
		Realignment of funds		[-100,000]
277	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	34,987	34,987
282	0308609V	NATIONAL INDUSTRIAL SECURITY SYSTEMS (NISS)—SOFTWARE PILOT PROGRAM.	14,749	14,749
9999	9999999999	CLASSIFIED PROGRAMS	265,028	265,028
		SUBTOTAL SOFTWARE AND DIGITAL TECHNOLOGY PILOT PROGRAMS.	564,411	464,411
		UNDISTRIBUTED		
999	999999999	UNDISTRIBUTED		849,931
		Inflation effects		[849,931]
		SUBTOTAL UNDISTRIBUTED		849,931
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	32,077,552	35,376,210

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)				
Line	Program Element	Item	FY 2023 Request	Conference Authorized
OPERATIONAL TEST & EVAL, DEFENSE MANAGEMENT SUPPORT				
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	119,529	119,529
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	99,947	99,947
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	57,718	57,718
		SUBTOTAL MANAGEMENT SUPPORT	277,194	277,194
UNDISTRIBUTED				
999	999999999	UNDISTRIBUTED		9,485
		Inflation effects		[9,485]
		SUBTOTAL UNDISTRIBUTED		9,485
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	277,194	286,679
		TOTAL RDT&E	130,097,410	138,862,616

1 **TITLE XLIII—OPERATION AND**
 2 **MAINTENANCE**
 3 **SEC. 4301. OPERATION AND MAINTENANCE.**

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)				
Line		Item	FY 2023 Request	Conference Authorized
OPERATION & MAINTENANCE, ARMY OPERATING FORCES				
010		MANEUVER UNITS	4,506,811	4,376,811
		Program decrease		[-130,000]
020		MODULAR SUPPORT BRIGADES	177,136	177,136
030		ECHELONS ABOVE BRIGADE	894,629	879,629
		Unjustified growth		[-15,000]
040		THEATER LEVEL ASSETS	2,570,949	2,569,449
		Increase for Army Caisson platoon facility improvements		[5,000]
		Program decrease		[-6,500]
050		LAND FORCES OPERATIONS SUPPORT	1,184,230	1,144,230
		Program decrease		[-40,000]
060		AVIATION ASSETS	2,220,817	2,185,817
		Program decrease		[-35,000]
070		FORCE READINESS OPERATIONS SUPPORT	7,366,299	7,393,698
		Army UFR—Arctic OCIE for Alaska bases, Fort Drum, Fort Carson		[32,500]
		Army UFR—female/small stature body armor		[32,500]
		Army UFR—initial issue of Extended Cold Weather Clothing System Layer 1 and 2		[8,999]
		Program decrease		[-50,000]
		Service Tactical SIGINT Upgrades—INDOPACOM UPL		[3,400]
080		LAND FORCES SYSTEMS READINESS	483,683	483,683
090		LAND FORCES DEPOT MAINTENANCE	1,399,173	1,399,173
100		MEDICAL READINESS	897,522	897,522
110		BASE OPERATIONS SUPPORT	9,330,325	9,286,325
		Base Operating Support for AFFF Replacement, mobile assets and Disposal		[6,000]
		Program decrease		[-50,000]
120		FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,666,658	5,220,598
		Increase for Army Caisson platoon facility improvements		[15,000]
		Increase for FSRM to 100%		[538,940]
130		MANAGEMENT AND OPERATIONAL HEADQUARTERS	284,483	274,983
		Program decrease		[-9,500]
140		ADDITIONAL ACTIVITIES	450,348	450,348
160		RESET	383,360	383,360
170		US AFRICA COMMAND	385,685	445,685
		AFRICOM UFR—intelligence, surveillance, and reconnaissance		[50,000]
		Program increase: USAFRICOM exercise site surveys		[10,000]
180		US EUROPEAN COMMAND	359,602	359,602

1830

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
190	US SOUTHERN COMMAND	204,336	208,436
	SOUTHCOM enhanced domain awareness		[4,100]
200	US FORCES KOREA	67,756	67,756
210	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	495,066	495,066
220	CYBERSPACE ACTIVITIES—CYBERSECURITY	673,701	673,701
230	JOINT CYBER MISSION FORCES	178,033	178,033
	SUBTOTAL OPERATING FORCES	39,180,602	39,551,041
	MOBILIZATION		
240	STRATEGIC MOBILITY	434,423	453,213
	INDOPACOM UFR—Theater campaigning		[18,790]
250	ARMY PREPOSITIONED STOCKS	378,494	378,494
260	INDUSTRIAL PREPAREDNESS	4,001	4,001
	SUBTOTAL MOBILIZATION	816,918	835,708
	TRAINING AND RECRUITING		
270	OFFICER ACQUISITION	173,439	173,439
280	RECRUIT TRAINING	78,826	78,826
290	ONE STATION UNIT TRAINING	128,117	128,117
300	SENIOR RESERVE OFFICERS TRAINING CORPS	554,992	554,992
310	SPECIALIZED SKILL TRAINING	1,115,045	1,115,045
320	FLIGHT TRAINING	1,396,392	1,396,392
330	PROFESSIONAL DEVELOPMENT EDUCATION	221,960	221,960
340	TRAINING SUPPORT	717,318	701,318
	Program decrease		[-16,000]
350	RECRUITING AND ADVERTISING	691,053	691,053
360	EXAMINING	192,832	192,832
370	OFF-DUTY AND VOLUNTARY EDUCATION	235,340	235,340
380	CIVILIAN EDUCATION AND TRAINING	251,378	251,378
390	JUNIOR RESERVE OFFICER TRAINING CORPS	196,088	196,088
	SUBTOTAL TRAINING AND RECRUITING	5,952,780	5,936,780
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
410	SERVICEWIDE TRANSPORTATION	662,083	655,083
	Program decrease		[-7,000]
420	CENTRAL SUPPLY ACTIVITIES	822,018	822,018
430	LOGISTIC SUPPORT ACTIVITIES	806,861	794,861
	Program decrease		[-12,000]
440	AMMUNITION MANAGEMENT	483,187	483,187
450	ADMINISTRATION	486,154	486,154
460	SERVICEWIDE COMMUNICATIONS	1,871,173	1,856,173
	Program decrease		[-15,000]
470	MANPOWER MANAGEMENT	344,668	344,668
480	OTHER PERSONNEL SUPPORT	811,999	811,999
490	OTHER SERVICE SUPPORT	2,267,280	2,245,280
	Program decrease		[-22,000]
500	ARMY CLAIMS ACTIVITIES	191,912	191,912
510	REAL ESTATE MANAGEMENT	288,942	288,942
520	FINANCIAL MANAGEMENT AND AUDIT READINESS	410,983	410,983
530	DEF ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT	38,714	38,714
540	INTERNATIONAL MILITARY HEADQUARTERS	532,377	532,377
550	MISC. SUPPORT OF OTHER NATIONS	35,709	35,709
590A	CLASSIFIED PROGRAMS	2,113,196	2,113,196
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	12,167,256	12,111,256
	UNDISTRIBUTED		
600	UNDISTRIBUTED		790,692
	Foreign currency fluctuations		[-208,000]
	Inflation effects		[1,198,692]
	Program decrease unaccounted for		[-200,000]
	SUBTOTAL UNDISTRIBUTED		790,692
	TOTAL OPERATION & MAINTENANCE, ARMY	58,117,556	59,225,477
	OPERATION & MAINTENANCE, ARMY RES OPERATING FORCES		
010	MODULAR SUPPORT BRIGADES	14,404	14,404
020	ECHELONS ABOVE BRIGADE	662,104	662,104
030	THEATER LEVEL ASSETS	133,599	133,599

1831

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
040	LAND FORCES OPERATIONS SUPPORT	646,693	646,693
050	AVIATION ASSETS	128,883	128,883
060	FORCE READINESS OPERATIONS SUPPORT	409,994	409,994
070	LAND FORCES SYSTEMS READINESS	90,595	90,595
080	LAND FORCES DEPOT MAINTENANCE	44,453	44,453
090	BASE OPERATIONS SUPPORT	567,170	567,170
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	358,772	403,772
	Program increase		[45,000]
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS	22,112	22,112
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	2,929	2,929
130	CYBERSPACE ACTIVITIES—CYBERSECURITY	7,382	7,382
	SUBTOTAL OPERATING FORCES	3,089,090	3,134,090
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	18,994	18,994
150	ADMINISTRATION	20,670	20,670
160	SERVICEWIDE COMMUNICATIONS	31,652	31,652
170	MANPOWER MANAGEMENT	6,852	6,852
180	RECRUITING AND ADVERTISING	61,246	61,246
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	139,414	139,414
	UNDISTRIBUTED		
190	UNDISTRIBUTED		33,838
	Foreign currency fluctuations		[-10,900]
	Historical unobligated balances		[-18,000]
	Inflation effects		[62,738]
	SUBTOTAL UNDISTRIBUTED		33,838
	TOTAL OPERATION & MAINTENANCE, ARMY RES	3,228,504	3,307,342
	OPERATION & MAINTENANCE, ARNG OPERATING FORCES		
010	MANEUVER UNITS	964,237	975,737
	Northern Strike		[11,500]
020	MODULAR SUPPORT BRIGADES	214,191	214,191
030	ECHELONS ABOVE BRIGADE	820,752	820,752
040	THEATER LEVEL ASSETS	97,184	97,184
050	LAND FORCES OPERATIONS SUPPORT	54,595	54,595
060	AVIATION ASSETS	1,169,826	1,160,826
	Unjustified growth		[-9,000]
070	FORCE READINESS OPERATIONS SUPPORT	722,788	722,788
080	LAND FORCES SYSTEMS READINESS	46,580	46,580
090	LAND FORCES DEPOT MAINTENANCE	259,765	259,765
100	BASE OPERATIONS SUPPORT	1,151,215	1,151,215
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	1,053,996	1,184,385
	Program increase		[130,389]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS	1,148,286	1,148,286
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS	8,715	8,715
140	CYBERSPACE ACTIVITIES—CYBERSECURITY	8,307	8,307
	SUBTOTAL OPERATING FORCES	7,720,437	7,853,326
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	6,961	6,961
160	ADMINISTRATION	73,641	79,441
	State Partnership Program		[5,800]
170	SERVICEWIDE COMMUNICATIONS	100,389	100,389
180	MANPOWER MANAGEMENT	9,231	9,231
190	OTHER PERSONNEL SUPPORT	243,491	243,491
200	REAL ESTATE MANAGEMENT	3,087	3,087
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	436,800	442,600
	UNDISTRIBUTED		
210	UNDISTRIBUTED		74,698
	Foreign currency fluctuations		[-29,000]
	Inflation effects		[157,698]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
	Unobligated balances		[-54,000]
	SUBTOTAL UNDISTRIBUTED		74,698
	TOTAL OPERATION & MAINTENANCE, ARNG	8,157,237	8,370,624
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
	COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)		
010	IRAQ	358,015	322,204
	Unjustified request		[-35,811]
020	SYRIA	183,677	165,309
	Unjustified request		[-18,368]
	SUBTOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	541,692	487,513
	UNDISTRIBUTED		
030	UNDISTRIBUTED		15,413
	Inflation effects		[15,413]
	SUBTOTAL UNDISTRIBUTED		15,413
	TOTAL COUNTER ISIS TRAIN AND EQUIP FUND (CTEF)	541,692	502,926
	OPERATION & MAINTENANCE, NAVY OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	7,334,452	7,260,452
	Costs associated with restoring 5 LCS		[6,000]
	Program decrease		[-80,000]
020	FLEET AIR TRAINING	2,793,739	2,793,739
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	65,248	65,248
040	AIR OPERATIONS AND SAFETY SUPPORT	214,767	214,767
050	AIR SYSTEMS SUPPORT	1,075,365	1,075,365
060	AIRCRAFT DEPOT MAINTENANCE	1,751,737	1,859,137
	Aircraft Depot Maintenance Events (Multiple Type/Model/Series)		[107,100]
	Costs associated with restoring 5 LCS		[300]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	70,319	70,319
080	AVIATION LOGISTICS	1,679,193	1,659,193
	Historical underexecution		[-20,000]
090	MISSION AND OTHER SHIP OPERATIONS	6,454,952	6,624,952
	Costs associated with restoring 5 LCS		[10,400]
	Navy UFR—ship maintenance in support of INDOPACOM training and exercises		[150,000]
	Restore USS Ashland		[14,400]
	Restore USS Germantown		[14,400]
	Restore USS Gunston Hall		[15,400]
	Restore USS Tortuga		[15,400]
	Unjustified growth		[-50,000]
100	SHIP OPERATIONS SUPPORT & TRAINING	1,183,237	1,183,237
110	SHIP DEPOT MAINTENANCE	10,038,261	10,383,061
	Costs associated with restoring 5 LCS		[90,000]
	Navy UFR—ship depot maintenance		[189,000]
	Restore USS Ashland		[12,500]
	Restore USS Germantown		[21,400]
	Restore USS Gunston Hall		[12,700]
	Restore USS Tortuga		[12,600]
	Restore USS Vicksburg		[6,600]
120	SHIP DEPOT OPERATIONS SUPPORT	2,422,095	2,818,495
	Restore USS Ashland		[100,000]
	Restore USS Germantown		[100,000]
	Restore USS Gunston Hall		[100,000]
	Restore USS Tortuga		[67,500]
	Restore USS Vicksburg		[28,900]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE ..	1,632,824	1,633,324
	INDOPACOM UFR—SIGINT upgrades		[500]
140	SPACE SYSTEMS AND SURVEILLANCE	339,103	339,103
150	WARFARE TACTICS	881,999	881,999
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	444,150	444,150
170	COMBAT SUPPORT FORCES	2,274,710	2,299,777
	INDOPACOM UFR—Theater campaigning		[18,067]
	INDOPACOM UFR: Stormbreaker		[22,000]
	Program decrease		[-15,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT	194,346	194,346
190	CYBER MISSION FORCES	101,049	101,049
200	COMBATANT COMMANDERS CORE OPERATIONS	65,893	73,893
	INDOPACOM UFR—Asia Pacific Regional Initiative		[8,000]
210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	282,742	316,642
	INDOPACOM UFR—Pacific Movement Coordination Center		[2,400]
	INDOPACOM UFR—PMTEC		[19,000]
	MSV—Carolyn Chouest		[12,500]
230	CYBERSPACE ACTIVITIES	477,540	477,540
240	FLEET BALLISTIC MISSILE	1,664,076	1,664,076
250	WEAPONS MAINTENANCE	1,495,783	1,495,983
	Costs associated with restoring 5 LCS		[7,200]
	Navy UFR—SM-6 expansion of combat usable asset inventory ..		[23,000]
	Program decrease		[-30,000]
260	OTHER WEAPON SYSTEMS SUPPORT	649,371	649,371
270	ENTERPRISE INFORMATION	1,647,834	1,637,834
	Unjustified growth		[-10,000]
280	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,549,311	3,984,311
	Increase for FSRM to 100%		[435,000]
290	BASE OPERATING SUPPORT	5,503,088	5,559,688
	Base Operating Support for AFFF Replacement, mobile assets and Disposal		[16,600]
	Historical underexecution		[-20,000]
	NAS Fallon Range Expansion		[60,000]
	SUBTOTAL OPERATING FORCES	56,287,184	57,761,051
MOBILIZATION			
300	SHIP PREPOSITIONING AND SURGE	467,648	526,248
	ESD—restore 2 ships		[58,600]
310	READY RESERVE FORCE	683,932	683,932
320	SHIP ACTIVATIONS/INACTIVATIONS	364,096	349,596
	Costs associated with restoring 5 LCS		[-7,500]
	Historical underexecution		[-7,000]
330	EXPEDITIONARY HEALTH SERVICES SYSTEMS	133,780	133,780
340	COAST GUARD SUPPORT	21,196	21,196
	SUBTOTAL MOBILIZATION	1,670,652	1,714,752
TRAINING AND RECRUITING			
350	OFFICER ACQUISITION	190,578	190,578
360	RECRUIT TRAINING	14,679	14,679
370	RESERVE OFFICERS TRAINING CORPS	170,845	170,845
380	SPECIALIZED SKILL TRAINING	1,133,889	1,127,389
	Historical underexecution		[-6,500]
390	PROFESSIONAL DEVELOPMENT EDUCATION	334,844	339,144
	Navy O&M Training and Recruiting (Sea Cadets)		[4,300]
400	TRAINING SUPPORT	356,670	356,670
410	RECRUITING AND ADVERTISING	204,498	229,798
	Navy UFR—Recruiting Command marketing and advertising		[25,300]
420	OFF-DUTY AND VOLUNTARY EDUCATION	89,971	89,971
430	CIVILIAN EDUCATION AND TRAINING	69,798	69,798
440	JUNIOR ROTC	55,194	55,194
	SUBTOTAL TRAINING AND RECRUITING	2,620,966	2,644,066
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
450	ADMINISTRATION	1,349,966	1,274,966
	Program decrease		[-75,000]
460	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	227,772	227,772
470	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	667,627	637,627
	Program decrease		[-30,000]
480	MEDICAL ACTIVITIES	284,962	284,962
490	DEF ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT	62,824	62,824
500	SERVICEWIDE TRANSPORTATION	207,501	207,501
520	PLANNING, ENGINEERING, AND PROGRAM SUPPORT	554,265	539,265
	Historical underexecution		[-15,000]
530	ACQUISITION, LOGISTICS, AND OVERSIGHT	798,473	798,473
540	INVESTIGATIVE AND SECURITY SERVICES	791,059	791,059
720A	CLASSIFIED PROGRAMS	628,700	628,700
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	5,573,149	5,453,149

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
UNDISTRIBUTED			
730	UNDISTRIBUTED		1,048,224
	Foreign currency fluctuations		[-263,300]
	Inflation effects		[1,431,524]
	Unobligated balances		[-120,000]
	SUBTOTAL UNDISTRIBUTED		1,048,224
	TOTAL OPERATION & MAINTENANCE, NAVY	66,151,951	68,621,242
OPERATION & MAINTENANCE, MARINE CORPS			
OPERATING FORCES			
010	OPERATIONAL FORCES	1,740,491	1,729,584
	INDOPACOM UFR—Theater campaigning		[14,093]
	Program decrease		[-25,000]
020	FIELD LOGISTICS	1,699,425	1,685,766
	Unjustified growth		[-13,659]
030	DEPOT MAINTENANCE	221,886	221,886
040	MARITIME PREPOSITIONING	139,518	139,518
050	CYBER MISSION FORCES	94,199	94,199
060	CYBERSPACE ACTIVITIES	194,904	194,904
070	SUSTAINMENT, RESTORATION & MODERNIZATION	1,292,219	1,454,219
	Program increase		[162,000]
080	BASE OPERATING SUPPORT	2,699,487	2,680,487
	Historical underexecution		[-19,000]
	SUBTOTAL OPERATING FORCES	8,082,129	8,200,563
TRAINING AND RECRUITING			
090	RECRUIT TRAINING	23,217	23,217
100	OFFICER ACQUISITION	1,268	1,268
110	SPECIALIZED SKILL TRAINING	118,638	118,638
120	PROFESSIONAL DEVELOPMENT EDUCATION	64,626	64,626
130	TRAINING SUPPORT	523,603	517,603
	Unjustified growth		[-6,000]
140	RECRUITING AND ADVERTISING	225,759	225,759
150	OFF-DUTY AND VOLUNTARY EDUCATION	51,882	51,882
160	JUNIOR ROTC	27,660	27,660
	SUBTOTAL TRAINING AND RECRUITING	1,036,653	1,030,653
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
170	SERVICEWIDE TRANSPORTATION	78,542	78,542
180	ADMINISTRATION	401,030	401,030
220A	CLASSIFIED PROGRAMS	62,590	62,590
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	542,162	542,162
UNDISTRIBUTED			
230	UNDISTRIBUTED		168,819
	Foreign currency fluctuations		[-33,800]
	Inflation effects		[222,019]
	Unobligated balances		[-19,400]
	SUBTOTAL UNDISTRIBUTED		168,819
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	9,660,944	9,942,197
OPERATION & MAINTENANCE, NAVY RES			
OPERATING FORCES			
010	MISSION AND OTHER FLIGHT OPERATIONS	669,533	669,533
020	INTERMEDIATE MAINTENANCE	11,134	11,134
030	AIRCRAFT DEPOT MAINTENANCE	164,892	164,892
040	AIRCRAFT DEPOT OPERATIONS SUPPORT	494	494
050	AVIATION LOGISTICS	25,843	25,843
060	COMBAT COMMUNICATIONS	20,135	20,135
070	COMBAT SUPPORT FORCES	131,104	131,104
080	CYBERSPACE ACTIVITIES	289	289
090	ENTERPRISE INFORMATION	27,189	27,189
100	SUSTAINMENT, RESTORATION AND MODERNIZATION	44,784	50,784
	Program increase		[6,000]
110	BASE OPERATING SUPPORT	116,374	116,374

1835

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
	SUBTOTAL OPERATING FORCES	1,211,771	1,217,771
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
120	ADMINISTRATION	1,986	1,986
130	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	12,550	12,550
140	ACQUISITION AND PROGRAM MANAGEMENT	1,993	1,993
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	16,529	16,529
	UNDISTRIBUTED		
160	UNDISTRIBUTED		21,792
	Foreign currency fluctuations		[-3,900]
	Inflation effects		[29,192]
	Unobligated balances		[-3,500]
	SUBTOTAL UNDISTRIBUTED		21,792
	TOTAL OPERATION & MAINTENANCE, NAVY RES	1,228,300	1,256,092
	OPERATION & MAINTENANCE, MC RESERVE OPERATING FORCES		
010	OPERATING FORCES	109,045	109,045
020	DEPOT MAINTENANCE	19,361	19,361
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	45,430	49,811
	Program increase		[4,381]
040	BASE OPERATING SUPPORT	118,364	118,364
	SUBTOTAL OPERATING FORCES	292,200	296,581
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
050	ADMINISTRATION	12,033	12,033
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	12,033	12,033
	UNDISTRIBUTED		
060	UNDISTRIBUTED		1,595
	Foreign currency fluctuations		[-3,900]
	Inflation effects		[7,995]
	Unobligated balances		[-2,500]
	SUBTOTAL UNDISTRIBUTED		1,595
	TOTAL OPERATION & MAINTENANCE, MC RE- SERVE	304,233	310,209
	OPERATION & MAINTENANCE, AIR FORCE OPERATING FORCES		
010	PRIMARY COMBAT FORCES	936,731	975,731
	Historical underexecution		[-21,000]
	Realignment of funds		[60,000]
020	COMBAT ENHANCEMENT FORCES	2,657,865	2,497,865
	Program decrease		[-100,000]
	Realignment of funds		[-60,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,467,518	1,477,518
	Contract Adversary Air		[10,000]
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	4,341,794	4,606,794
	Historical underexecution		[-35,000]
	Increase for Weapon System Sustainment		[300,000]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	4,091,088	4,605,088
	Program increase		[514,000]
060	CYBERSPACE SUSTAINMENT	130,754	223,054
	Air Force UFR—Weapon system sustainment		[82,300]
	PACAF cyber operations for base resilient architecture		[10,000]
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	8,782,940	8,752,940
	Historical underexecution		[-30,000]
080	FLYING HOUR PROGRAM	5,871,718	5,833,718
	Program decrease		[-38,000]
090	BASE SUPPORT	10,638,741	10,598,741
	Base Operating Support for AFFF Replacement, mobile assets, and Disposal		[10,000]
	Program decrease		[-50,000]

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
100	GLOBAL C3I AND EARLY WARNING	1,035,043	1,033,674
	Program decrease—early to need		[-8,500]
	Technical realignment		[7,131]
110	OTHER COMBAT OPS SPT PROGRAMS	1,436,329	1,426,329
	Historical underexecution		[-10,000]
120	CYBERSPACE ACTIVITIES	716,931	716,931
140	LAUNCH FACILITIES	690	690
160	US NORTHCOM/NORAD	197,210	197,210
170	US STRATCOM	503,419	503,419
180	US CYBERCOM	436,807	595,907
	Cyber partnership activities with Jordan		[500]
	CYBERCOM UFR—Cyber mission force operational support		[136,900]
	CYBERCOM UFR—Joint cyberspace warfighting architecture ..		[11,400]
	Hunt Forward operations		[15,300]
	Realignment of funds		[-5,000]
190	US CENTCOM	331,162	331,162
200	US SOCOM	27,318	27,318
220	CENTCOM CYBERSPACE SUSTAINMENT	1,367	1,367
230	USSPACECOM	329,543	329,543
240	JOINT CYBER MISSION FORCE PROGRAMS	186,759	191,759
	Realignment of funds		[5,000]
240A	CLASSIFIED PROGRAMS	1,705,801	1,705,801
	SUBTOTAL OPERATING FORCES	45,827,528	46,632,559
	MOBILIZATION		
250	AIRLIFT OPERATIONS	2,780,616	2,799,533
	INDOPACOM Theater Campaigning		[18,917]
260	MOBILIZATION PREPAREDNESS	721,172	706,172
	Historical underexecution		[-15,000]
	SUBTOTAL MOBILIZATION	3,501,788	3,505,705
	TRAINING AND RECRUITING		
270	OFFICER ACQUISITION	189,721	189,721
280	RECRUIT TRAINING	26,684	26,684
290	RESERVE OFFICERS TRAINING CORPS (ROTC)	135,515	135,515
300	SPECIALIZED SKILL TRAINING	541,511	541,511
310	FLIGHT TRAINING	779,625	779,625
320	PROFESSIONAL DEVELOPMENT EDUCATION	313,556	313,556
330	TRAINING SUPPORT	171,087	171,087
340	RECRUITING AND ADVERTISING	197,956	197,956
350	EXAMINING	8,282	8,282
360	OFF-DUTY AND VOLUNTARY EDUCATION	254,907	254,907
370	CIVILIAN EDUCATION AND TRAINING	355,375	355,375
380	JUNIOR ROTC	69,964	69,964
	SUBTOTAL TRAINING AND RECRUITING	3,044,183	3,044,183
	ADMINISTRATION AND SERVICE-WIDE ACTIVITIES		
390	LOGISTICS OPERATIONS	1,058,129	1,058,129
400	TECHNICAL SUPPORT ACTIVITIES	139,428	139,428
410	ADMINISTRATION	1,283,066	1,274,066
	Program decrease		[-9,000]
420	SERVICEWIDE COMMUNICATIONS	33,222	33,222
430	OTHER SERVICEWIDE ACTIVITIES	1,790,985	1,790,985
440	CIVIL AIR PATROL	30,526	30,526
460	DEF ACQUISITION WORKFORCE DEVELOPMENT ACCOUNT	42,558	42,558
480	INTERNATIONAL SUPPORT	102,065	102,065
480A	CLASSIFIED PROGRAMS	1,427,764	1,427,764
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	5,907,743	5,898,743
	UNDISTRIBUTED		
490	UNDISTRIBUTED		833,829
	Foreign currency fluctuations		[-208,500]
	Inflation effects		[1,254,129]
	Unobligated balances		[-211,800]
	SUBTOTAL UNDISTRIBUTED		833,829
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	58,281,242	59,915,019

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
OPERATION & MAINTENANCE, SPACE FORCE			
OPERATING FORCES			
010	GLOBAL C3I & EARLY WARNING	472,484	472,484
020	SPACE LAUNCH OPERATIONS	187,832	187,832
030	SPACE OPERATIONS	695,228	695,228
040	EDUCATION & TRAINING	153,135	153,135
060	DEPOT MAINTENANCE	285,863	285,863
070	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	235,253	309,053
	NORTHCOM UFR—Cheyenne Mountain Complex		[43,800]
	Program increase		[30,000]
080	CONTRACTOR LOGISTICS AND SYSTEM SUPPORT	1,358,565	1,351,565
	Program decrease		[-7,000]
090	SPACE OPERATIONS -BOS	144,937	144,937
090A	CLASSIFIED PROGRAMS	272,941	272,941
	SUBTOTAL OPERATING FORCES	3,806,238	3,873,038
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
100	ADMINISTRATION	228,420	194,687
	Technical realignment		[-33,733]
110	LOGISTICS OPERATIONS		33,733
	Technical realignment		[33,733]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	228,420	228,420
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
120	UNDISTRIBUTED		82,920
	Foreign currency fluctuations		[-14,100]
	Inflation effects		[112,020]
	Unobligated balances		[-15,000]
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES		82,920
	TOTAL OPERATION & MAINTENANCE, SPACE FORCE	4,034,658	4,184,378
OPERATION & MAINTENANCE, AF RESERVE			
OPERATING FORCES			
010	PRIMARY COMBAT FORCES	1,743,908	1,732,908
	Unjustified growth		[-11,000]
020	MISSION SUPPORT OPERATIONS	193,568	193,568
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	493,664	507,764
	Air Force UFR—Weapon system sustainment		[14,100]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZA- TION	133,782	150,782
	Program increase		[17,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	341,724	341,724
060	BASE SUPPORT	522,195	522,195
070	CYBERSPACE ACTIVITIES	1,706	1,706
	SUBTOTAL OPERATING FORCES	3,430,547	3,450,647
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
080	ADMINISTRATION	102,038	102,038
090	RECRUITING AND ADVERTISING	9,057	9,057
100	MILITARY MANPOWER AND PERS MGMT (ARPC)	14,896	14,896
110	OTHER PERS SUPPORT (DISABILITY COMP)	7,544	7,544
120	AUDIOVISUAL	462	462
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	133,997	133,997
UNDISTRIBUTED			
130	UNDISTRIBUTED		27,565
	Foreign currency fluctuations		[-12,500]
	Inflation effects		[65,065]
	Unobligated balances		[-25,000]
	SUBTOTAL UNDISTRIBUTED		27,565
	TOTAL OPERATION & MAINTENANCE, AF RE- SERVE	3,564,544	3,612,209

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
OPERATION & MAINTENANCE, ANG			
OPERATING FORCES			
010	AIRCRAFT OPERATIONS	2,301,784	2,301,784
020	MISSION SUPPORT OPERATIONS	587,793	587,793
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE	1,193,699	1,253,699
	Air Force UFR—Weapon system sustainment		[60,000]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	437,042	492,042
	Increase for FSRM to 100%		[55,000]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	1,284,264	1,269,264
	Unjustified growth		[-15,000]
060	BASE SUPPORT	967,169	967,169
070	CYBERSPACE SUSTAINMENT	12,661	12,661
080	CYBERSPACE ACTIVITIES	15,886	15,886
	SUBTOTAL OPERATING FORCES	6,800,298	6,900,298
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
090	ADMINISTRATION	52,075	54,375
	State Partnership Program		[2,300]
100	RECRUITING AND ADVERTISING	48,306	48,306
	SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES	100,381	102,681
UNDISTRIBUTED			
110	UNDISTRIBUTED		115,263
	Foreign currency fluctuations		[-24,300]
	Inflation effects		[149,563]
	Unobligated balances		[-10,000]
	SUBTOTAL UNDISTRIBUTED		115,263
	TOTAL OPERATION & MAINTENANCE, ANG	6,900,679	7,118,242
OPERATION AND MAINTENANCE, DEFENSE-WIDE			
OPERATING FORCES			
010	JOINT CHIEFS OF STAFF	445,366	437,366
	Unjustified growth		[-8,000]
020	JOINT CHIEFS OF STAFF—CYBER	9,887	9,887
030	JOINT CHIEFS OF STAFF—JTEEP	679,336	661,336
	Program decrease		[-18,000]
040	OFFICE OF THE SECRETARY OF DEFENSE—MISO	246,259	273,759
	INDOPACOM UFR—Information operations		[27,500]
050	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	2,056,291	2,056,291
060	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	39,178	39,178
070	SPECIAL OPERATIONS COMMAND INTELLIGENCE	1,513,025	1,523,425
	Counter Unmanned Systems (CUxS) Procurement Acceleration ..		[10,400]
080	SPECIAL OPERATIONS COMMAND MAINTENANCE	1,207,842	1,247,493
	Advanced Engine Performance and Restoration Program (Nucleated Foam)		[3,000]
	C-130J Power by the Hour (PBTH) CLS		[21,620]
	Combatant Craft Medium (CCM) Loss Refurbishment		[4,250]
	Counter Unmanned Systems (CUxS) Procurement Acceleration ..		[5,353]
	Maintenance		[-5,000]
	MQ-9 Mallett reprogramming		[-5,840]
	Program increase		[5,000]
	Program increase—multispectral personal signature management		[11,268]
090	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	196,271	196,271
100	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	1,299,309	1,328,909
	Advana Authoritative Data Management and Analytics		[8,000]
	Enterprise Data Stewardship Program		[18,000]
	Identity and Signature Management Modernization		[3,600]
110	SPECIAL OPERATIONS COMMAND THEATER FORCES	3,314,770	3,351,761
	Combat Aviation Advisor mission support		[18,000]
	INDOPACOM UFR: Theater Campaigning		[9,034]
	Special Operations support to irregular warfare		[4,246]
	Tactical Mission Network Digital Force Protection		[5,711]
	SUBTOTAL OPERATING FORCES	11,007,534	11,125,676

1839

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
TRAINING AND RECRUITING			
120	DEFENSE ACQUISITION UNIVERSITY	176,454	176,454
130	JOINT CHIEFS OF STAFF	101,492	101,492
140	SPECIAL OPERATIONS COMMAND/PROFESSIONAL DEVELOPMENT EDUCATION	35,279	35,279
	SUBTOTAL TRAINING AND RECRUITING	313,225	313,225
ADMINISTRATION AND SERVICE-WIDE ACTIVITIES			
150	CIVIL MILITARY PROGRAMS	139,656	273,156
	National Guard Youth Challenge		[83,500]
	STARBASE		[50,000]
170	DEFENSE CONTRACT AUDIT AGENCY	646,072	636,072
	Program decrease		[-10,000]
180	DEFENSE CONTRACT AUDIT AGENCY—CYBER	4,107	4,107
190	DEFENSE CONTRACT MANAGEMENT AGENCY	1,506,300	1,491,300
	Program decrease		[-15,000]
200	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	29,127	29,127
210	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY CY	983,133	983,133
230	DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY— CY—CYBER	10,245	10,245
240	DEFENSE HUMAN RESOURCES ACTIVITY	935,241	932,241
	National Language Fellowship Add		[6,000]
	Program decrease		[-9,000]
250	DEFENSE HUMAN RESOURCES ACTIVITY—CYBER	26,113	26,113
260	DEFENSE INFORMATION SYSTEMS AGENCY	2,266,729	2,249,729
	Unobligated balances		[-17,000]
270	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	643,643	643,643
300	DEFENSE LEGAL SERVICES AGENCY	233,687	233,687
310	DEFENSE LOGISTICS AGENCY	429,060	422,560
	Unobligated balances		[-6,500]
320	DEFENSE MEDIA ACTIVITY	243,631	236,131
	Program decrease		[-7,500]
330	DEFENSE POW/MIA OFFICE	150,021	150,021
340	DEFENSE SECURITY COOPERATION AGENCY	2,445,669	2,274,134
	International Security Cooperation Programs		[198,465]
	Program adjustment—Border Security		[-75,000]
	Program adjustment—Coalition Support Funds		[-5,000]
	Program increase: Irregular Warfare Functional Center		[10,000]
	Transfer to Ukraine Security Assistance Initiative		[-300,000]
350	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	40,063	40,063
360	DEFENSE THREAT REDUCTION AGENCY	941,763	941,763
380	DEFENSE THREAT REDUCTION AGENCY—CYBER	56,052	56,052
390	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	3,276,276	3,346,276
	Department of Defense Education Activity (Impact Aid Students with Disabilities)		[20,000]
	Department of Defense Education Activity (Impact Aid)		[50,000]
400	MISSILE DEFENSE AGENCY	541,787	541,787
430	OFFICE OF THE LOCAL DEFENSE COMMUNITY COOPERATION TATION	108,697	128,697
	Defense Community Infrastructure Program		[20,000]
440	OFFICE OF THE SECRETARY OF DEFENSE	2,239,072	2,242,072
	Bien Hoa dioxin cleanup		[15,000]
	CDC nationwide human health assessment		[20,000]
	Civilian Harm Mitigation and Response Action Plan Implementa- tion		[25,000]
	Program decrease		[-63,000]
	Readiness Environmental Protection Integration Program		[6,000]
450	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	55,255	55,255
500	WASHINGTON HEADQUARTERS SERVICES	369,943	359,943
	Program decrease		[-10,000]
500A	CLASSIFIED PROGRAMS	18,764,415	18,764,415
	SUBTOTAL ADMINISTRATION AND SERVICE- WIDE ACTIVITIES	37,085,757	37,071,722
UNDISTRIBUTED			
510	UNDISTRIBUTED		308,472
	Historical unobligated balances		[-487,500]
	Inflation effects		[765,972]
	Program increase: Congressionally mandated commissions		[30,000]

1840

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
	SUBTOTAL UNDISTRIBUTED		308,472
	TOTAL OPERATION AND MAINTENANCE, DE- FENSE-WIDE	48,406,516	48,819,095
	UKRAINE SECURITY ASSISTANCE		
010	UKRAINE SECURITY ASSISTANCE INITIATIVE		800,000
	Program increase		[500,000]
	Transfer from Defense Security Cooperation Agency		[300,000]
	SUBTOTAL UKRAINE SECURITY ASSISTANCE		800,000
	TOTAL UKRAINE SECURITY ASSISTANCE		800,000
	US COURT OF APPEALS FOR ARMED FORCES, DEF ADMINISTRATION AND ASSOCIATED ACTIVITIES		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DE- FENSE	16,003	16,187
	Inflation effects		[184]
	SUBTOTAL ADMINISTRATION AND ASSOCIATED ACTIVITIES	16,003	16,187
	TOTAL US COURT OF APPEALS FOR ARMED FORCES, DEF	16,003	16,187
	DOD ACQUISITION WORKFORCE DEVELOPMENT FUND		
	ACQUISITION WORKFORCE DEVELOPMENT		
010	ACQ WORKFORCE DEV FD	53,791	53,791
	SUBTOTAL ACQUISITION WORKFORCE DEVEL- OPMENT	53,791	53,791
	TOTAL DOD ACQUISITION WORKFORCE DE- VELOPMENT FUND	53,791	53,791
	OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID		
	HUMANITARIAN ASSISTANCE		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	112,800	150,000
	Program increase		[37,200]
	SUBTOTAL HUMANITARIAN ASSISTANCE	112,800	150,000
	TOTAL OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID	112,800	150,000
	COOPERATIVE THREAT REDUCTION ACCOUNT		
010	COOPERATIVE THREAT REDUCTION	341,598	354,394
	Inflation effects		[12,796]
	SUBTOTAL COOPERATIVE THREAT REDUCTION	341,598	354,394
	TOTAL COOPERATIVE THREAT REDUCTION ACCOUNT	341,598	354,394
	ENVIRONMENTAL RESTORATION, ARMY DEPARTMENT OF THE ARMY		
050	ENVIRONMENTAL RESTORATION, ARMY	196,244	201,828
	Inflation effects		[5,584]
	SUBTOTAL DEPARTMENT OF THE ARMY	196,244	201,828
	TOTAL ENVIRONMENTAL RESTORATION, ARMY	196,244	201,828
	ENVIRONMENTAL RESTORATION, NAVY DEPARTMENT OF THE NAVY		
060	ENVIRONMENTAL RESTORATION, NAVY	359,348	399,573
	Inflation effects		[10,225]
	Program increase		[30,000]
	SUBTOTAL DEPARTMENT OF THE NAVY	359,348	399,573
	TOTAL ENVIRONMENTAL RESTORATION, NAVY	359,348	399,573

1841

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2023 Request	Conference Authorized
ENVIRONMENTAL RESTORATION, AIR FORCE			
DEPARTMENT OF THE AIR FORCE			
070	ENVIRONMENTAL RESTORATION, AIR FORCE	314,474	353,423
	Inflation effects		[8,949]
	Program increase		[30,000]
	SUBTOTAL DEPARTMENT OF THE AIR FORCE	314,474	353,423
	TOTAL ENVIRONMENTAL RESTORATION, AIR FORCE	314,474	353,423
ENVIRONMENTAL RESTORATION, DEFENSE			
DEFENSE-WIDE			
080	ENVIRONMENTAL RESTORATION, DEFENSE	8,924	9,178
	Inflation effects		[254]
	SUBTOTAL DEFENSE-WIDE	8,924	9,178
	TOTAL ENVIRONMENTAL RESTORATION, DE- FENSE	8,924	9,178
ENVIRONMENTAL RESTORATION FORMERLY USED SITES			
DEFENSE-WIDE			
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	227,262	258,728
	Inflation effects		[6,466]
	Military Munitions Response Program		[25,000]
	SUBTOTAL DEFENSE-WIDE	227,262	258,728
	TOTAL ENVIRONMENTAL RESTORATION FOR- MERLY USED SITES	227,262	258,728
SUPPORT FOR INTERNATIONAL SPORTING COM- PETITIONS, DEFENSE			
OPERATIONS SUPPORT			
100	SUPPORT OF INTERNATIONAL SPORTING COMPETITIONS, DEFENSE	10,377	10,673
	Inflation effects		[296]
	SUBTOTAL OPERATIONS SUPPORT	10,377	10,673
	TOTAL SUPPORT FOR INTERNATIONAL SPORTING COMPETITIONS, DEFENSE	10,377	10,673
RED HILL RECOVERY FUND			
010	RED HILL RECOVERY FUND	1,000,000	1,000,000
	SUBTOTAL RED HILL RECOVERY FUND	1,000,000	1,000,000
	TOTAL RED HILL RECOVERY FUND	1,000,000	1,000,000
	TOTAL OPERATION & MAINTENANCE	271,218,877	278,792,827

1 **TITLE XLIV—MILITARY**
2 **PERSONNEL**

3 **SEC. 4401. MILITARY PERSONNEL.**

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2023 Request	Conference Authorized
Military Personnel Appropriations	164,139,628	162,279,628
Additional BAH Absorption Restoration (2%)		[250,000]
BAH Absorption Restoration (1%)		[244,000]
Historical underexecution		[-700,000]
Military Personnel, Navy—Restore Navy Force Structure Cuts (Manpower)		[190,000]
Additional special incentive pays		[100,000]

1842

SEC. 4401. MILITARY PERSONNEL (In Thousands of Dollars)		
Item	FY 2023 Request	Conference Authorized
Air Force end strength—E-10 Sentry AWACS and medical billets		[234,000]
Army end strength reduction		[-2,200,000]
Basic needs allowance		[12,000]
Home leave demonstration program		[10,000]
Medicare-Eligible Retiree Health Care Fund Contributions	9,743,704	9,743,704
TOTAL, Military Personnel	173,883,332	172,023,332

1 **TITLE XLV—OTHER**
2 **AUTHORIZATIONS**
3 **SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2023 Request	Conference Authorized
NATIONAL DEFENSE STOCKPILE TRANSACTION FUND		
DEFENSE STOCKPILE	253,500	1,003,500
Program increase		[750,000]
TOTAL NATIONAL DEFENSE STOCKPILE TRANS- ACTION FUND	253,500	1,003,500
WORKING CAPITAL FUND, ARMY		
ARMY ARSENALS INITIATIVE	28,448	28,448
ARMY SUPPLY MANAGEMENT	1,489	1,489
TOTAL WORKING CAPITAL FUND, ARMY	29,937	29,937
WORKING CAPITAL FUND, AIR FORCE		
TRANSPORTATION		
SUPPLIES AND MATERIALS	80,448	80,448
TOTAL WORKING CAPITAL FUND, AIR FORCE	80,448	80,448
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE AUTOMATION & PRODUCTION SERVICES	2	2
DEFENSE INFORMATION SYSTEMS AGENCY		
WORKING CAPITAL FUND SUPPORT	8,300	2,508,300
Fuel inflation		[2,500,000]
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	8,302	2,508,302
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND SUPPORT	1,211,208	1,435,333
Inflation effects		[14,125]
Program increase		[210,000]
TOTAL WORKING CAPITAL FUND, DECA	1,211,208	1,435,333
CHEM AGENTS & MUNITIONS DESTRUCTION		
CHEM DEMILITARIZATION—O&M	84,612	84,612
CHEM DEMILITARIZATION—RDT&E	975,206	975,206
CHEM DEMILITARIZATION—PROC		
UNDISTRIBUTED		28,929
Inflation effects		[28,929]
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	1,059,818	1,088,747
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
COUNTER-NARCOTICS SUPPORT	619,474	619,474
DRUG DEMAND REDUCTION PROGRAM	130,060	130,060
NATIONAL GUARD COUNTER-DRUG PROGRAM	100,316	100,316
NATIONAL GUARD COUNTER-DRUG SCHOOLS	5,878	5,878
UNDISTRIBUTED		18,898
Inflation effects		[18,898]
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVI- TIES, DEF	855,728	874,626

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)		
Program Title	FY 2023 Request	Conference Authorized
OFFICE OF THE INSPECTOR GENERAL		
OFFICE OF THE INSPECTOR GENERAL—O&M	474,650	474,650
OFFICE OF THE INSPECTOR GENERAL—CYBER	1,321	1,321
OFFICE OF THE INSPECTOR GENERAL—RDT&E	1,864	1,864
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,524	1,524
UNDISTRIBUTED		4,932
Inflation effects		[4,932]
TOTAL OFFICE OF THE INSPECTOR GENERAL	479,359	484,291
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	9,906,943	9,866,753
Medical care contracts excess growth		[-25,082]
Unjustified growth		[-15,108]
PRIVATE SECTOR CARE	18,455,209	18,442,709
Program decrease		[-12,500]
CONSOLIDATED HEALTH SUPPORT	1,916,366	1,875,949
Unjustified growth		[-40,417]
INFORMATION MANAGEMENT	2,251,151	2,247,789
Unjustified growth		[-3,362]
MANAGEMENT ACTIVITIES	338,678	338,678
EDUCATION AND TRAINING	334,845	341,845
TriService Nursing Research Program		[7,000]
BASE OPERATIONS/COMMUNICATIONS	2,111,558	2,108,900
Excess growth		[-2,658]
R&D RESEARCH	39,568	44,568
CRDMP Program for Pancreatic Cancer Research		[5,000]
R&D EXPLORATORY DEVELOPMENT	175,477	175,477
R&D ADVANCED DEVELOPMENT	320,862	333,362
Combat triple negative breast cancer		[10,000]
Post-traumatic stress disorder		[2,500]
R&D DEMONSTRATION/VALIDATION	166,960	166,960
R&D ENGINEERING DEVELOPMENT	103,970	103,970
R&D MANAGEMENT AND SUPPORT	85,186	85,186
R&D CAPABILITIES ENHANCEMENT	17,971	17,971
PROC INITIAL OUTFITTING	21,625	21,625
PROC REPLACEMENT & MODERNIZATION	234,157	234,157
PROC JOINT OPERATIONAL MEDICINE INFORMATION SYSTEM	1,467	1,467
PROC MILITARY HEALTH SYSTEM—DESKTOP TO DATACENTER	72,601	72,601
PROC DOD HEALTHCARE MANAGEMENT SYSTEM MODERNIZATION	240,224	240,224
SOFTWARE & DIGITAL TECHNOLOGY PILOT PROGRAMS	137,356	137,356
TOTAL DEFENSE HEALTH PROGRAM	36,932,174	36,857,547
TOTAL OTHER AUTHORIZATIONS	40,910,474	44,362,731

1 **TITLE XLVI—MILITARY**
 2 **CONSTRUCTION**
 3 **SEC. 4601. MILITARY CONSTRUCTION.**

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
ARMY				
	Alabama			
Army	Anniston Army Depot	General Purpose Warehouse (P&D)	0	2,400
Army	Redstone Arsenal	Building 6231	0	6,000
Army	Redstone Arsenal	Physics Lab	0	44,000
Army	Redstone Arsenal	Warehouse	0	52,000
	Alaska			
Army	Fort Wainwright	Physical Fitness Center	0	50,000
	Arizona			
Army	Yuma Proving Ground	Cost to Complete: Ready Building	0	6,500
	Arkansas			
Army	Pine Bluff Arsenal	Access Control Point (P&D)	0	1,800

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army	Bulgaria Novo Selo Training Area	Cost to Complete: EDI- Ammunition Holding Area	0	3,640
Army	Colorado Fort Carson	Fire Station Support Building	14,200	14,200
Army	Florida Camp Bull Simons	Child Development Center (P&D)	0	4,750
Army	Georgia Fort Gillem	Cost to Complete: Forensic Laboratory	0	24,700
Army	Fort Gordon	Child Development Center (P&D)	0	5,000
Army	Germany East Camp Grafenwoehr	EDI: Battalion Trng Cplx1 (Brks/Veh Maint)	104,000	104,000
Army	East Camp Grafenwoehr	EDI: Battalion Trng Cplx2 (OPS/Veh Maint)	64,000	64,000
Army	Hawaii Fort Shafter	Water System Upgrade	0	33,000
Army	Schofield Barracks	Company Operations Facilities	0	25,000
Army	Tripler Army Medical Center	Upgrade Potable Water System	0	38,000
Army	Japan Kadena Air Force Base	Vehicle Maintenance Shop	0	80,000
Army	Kansas Fort Riley (Custer Hill)	Unaccompanied Enlisted Barracks (P&D)	0	15,930
Army	Kentucky Fort Campbell	Cost to Complete: Vehicle Maintenance Shop	0	13,650
Army	Kwajalein Kwajalein Atoll	Medical Clinic	69,000	69,000
Army	Louisiana Fort Polk	Child Development Center	32,000	32,000
Army	Fort Polk	Cost to Complete: Child Development Center	0	9,000
Army	Fort Polk	Cost to Complete: Information System Facility	0	35,360
Army	Fort Polk	Cost to Complete: Joint Operations Center	0	61,000
Army	Maryland Aberdeen Proving Ground	Cost to Complete: Test Maintenance Fabrication Facility.	0	0
Army	Aberdeen Proving Ground	Test Maintenance Fabrication Facility	0	30,000
Army	Aberdeen Proving Ground	Test Maintenance Fabrication Facility (P&D)	0	7,600
Army	Fort Meade	Cost to Complete: Cantonment Area Roads	0	17,550
Army	Mississippi Engineer Research and Development Center	Lab and Test Building	0	20,000
Army	Missouri Fort Leonard Wood	Central Issue Facility (P&D)	0	5,300
Army	New Jersey Picatinny Arsenal	Precision Munitions Test Tower	0	3,654
Army	New Jersey Picatinny Arsenal	Igloo Storage Installation	0	12,000
Army	New Mexico White Sands Missile Range	Missile Assembly Building (P&D)	0	3,600
Army	New York Fort Drum	Automated Record Fire Plus Range	0	3,600
Army	Fort Drum	Physical Fitness Testing Facility (P&D)	0	5,300
Army	U.S. Military Academy	Engineering Center	39,800	39,800
Army	North Carolina Fort Bragg	Automated Infantry Platoon Battle Course (P&D)	0	1,350
Army	Fort Bragg	Automated Record Fire Range (P&D)	0	2,000
Army	Fort Bragg	Child Development Center (P&D)	0	3,600
Army	Fort Bragg	Multipurpose Machine Gun Range (MPMG 2) (P&D).	0	1,600
Army	Fort Bragg	Multipurpose Training Range	34,000	34,000
Army	Oklahoma Fort Sill	Cost to Complete: Advanced Individual Training Barracks, Phase 2.	0	85,800
Army	McAlester Army Ammunition Plant	Cost to Complete: Ammunition Demolition Shop	0	39,000
Army	Pennsylvania Letterkenny Army Depot	Shipping and Receiving Building	38,000	38,000
Army	Texas Corpus Christi Army Depot	Powertrain Facility (Engine Assembly)	103,000	55,000
Army	Fort Bliss	Fire Station	15,000	15,000
Army	Fort Hood	Automated Infantry Platoon Battle Course (P&D)	0	1,220

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army	Fort Hood	Automated Infantry Squad Battle Course (P&D)	0	600
Army	Fort Hood	Automated Multipurpose Machine Gun Range (P&D).	0	1,240
Army	Fort Hood	Barracks	0	19,000
	Washington			
Army	Joint Base Lewis-McChord	Barracks	49,000	49,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Child Development Center Planning & Design Fund	0	15,000
Army	Unspecified Worldwide Locations	Cost to Complete: FY21 Inflation Effects	0	251,860
Army	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	85,200
Army	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	541,080
Army	Unspecified Worldwide Locations	Exercise-Related Minor Construction (USARPAC)	0	10,500
Army	Unspecified Worldwide Locations	Host Nation Support	26,000	26,000
Army	Unspecified Worldwide Locations	Improving Military Installation Resilience	0	20,000
Army	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Army	Unspecified Worldwide Locations	Lab Revitalization	0	30,000
Army	Unspecified Worldwide Locations	Planning & Design	167,151	192,151
Army	Unspecified Worldwide Locations	Unaccompanied Barracks Planning and Design	0	0
Army	Unspecified Worldwide Locations	Unspecified Minor Military Construction	90,414	110,414
	Military Construction, Army Total		845,565	2,571,949
NAVY				
	Arizona			
Navy	Marine Corps Air Station Yuma	Water Treatment (P&D)	0	5,000
	Australia			
Navy	Royal Australian Air Force Base Darwin	PDI: Aircraft Parking Apron (INC)	72,446	72,446
	California			
Navy	Marine Corps Air Ground Combat Center Twentynine Palms	Range Simulation Training & Operations Fac.	120,382	10,382
Navy	Marine Corps Base Camp Pendleton	Basilone Road Realignment	85,210	14,768
Navy	Marine Corps Base Camp Pendleton	Child Development Center	0	32,100
Navy	Marine Corps Recruit Depot San Diego	Recruit Barracks	0	94,848
Navy	Naval Air Station Lemoore	F-35C Aircraft Maint. Hangar & Airfield Pave	201,261	41,261
Navy	Naval Base Point Loma Annex	Child Development Center	56,450	64,353
Navy	Naval Base San Diego	Floating Dry 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&D)	0	2,845
Navy	Naval Surface Warfare Center Corona Division	Performance Assessment Communications Laboratory.	0	15,000
	Connecticut			
Navy	Naval Submarine Base New London	Relocate Underwater Electromagnetic Measure.	15,514	15,514
	Djibouti			
Navy	Camp Lemonnier	Electrical Power Plant	0	12,000
	Florida			
Navy	Marine Corps Support Facility Blount Island	Communications Infrastructure Modernization (P&D).	0	5,949
Navy	Naval Air Station Jacksonville	Engine Test Cells Modifications	86,232	36,232
Navy	Naval Air Station Whiting Field	Advanced Helicopter Training System Hangar	0	141,500

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Navy	Naval Air Station Whiting Field	AHTS Aircraft Flight Simulator Facility	57,789	57,789
	Georgia			
Navy	Marine Corps Base Albany	Consolidated Communication Facility (P&D)	0	6,400
Navy	Naval Submarine Base Kings Bay	Nuclear Regional Maintenance Facility	213,796	13,796
Navy	Naval Submarine Base Kings Bay	Trident Training Fac. Columbia Trainer Expans.	65,375	65,375
	Guam			
Navy	Marine Corps Base Camp Blaz	PDI: 9th Eng Supp Battalion Equip & Main Fac ...	131,590	41,590
Navy	Marine Corps Base Camp Blaz	PDI: 9th Engineer Support Battalion Ops. Fac.	35,188	35,188
Navy	Marine Corps Base Camp Blaz	PDI: Brown Tree Snake Exclusion Barrier South ..	14,497	14,497
Navy	Marine Corps Base Camp Blaz	PDI: Ground Combat Element Inf Btn 1 & 2 Fac ..	149,314	69,314
	Hawaii			
Navy	Joint Base Pearl Harbor-Hickam	Dry Dock 3 Replacement (INC)	621,185	446,185
Navy	Joint Base Pearl Harbor-Hickam	Missile Magazines	0	10,000
Navy	Joint Base Pearl Harbor-Hickam	Upgrade Main Water Lines—DA	0	15,000
Navy	Joint Base Pearl Harbor-Hickam	Waterfront Production Facility (P&D)	0	40,000
Navy	Marine Corps Base Kaneohe Bay	Bachelor Enlisted Quarters	0	57,900
	Idaho			
Navy	Naval Surface Warfare Center Carderock Division	ARD Range Craft Berthing Facility (P&D)	0	707
	Japan			
Navy	Kadena Air Base	PDI: Marine Corps Bachelor Enlisted Quarters	94,100	29,100
Navy	Kadena Air Base	PDI: Marine Corps Barracks Complex	101,300	31,300
	Maine			
Navy	Portsmouth Naval Shipyard	Child Development Center (P&D)	0	2,500
Navy	Portsmouth Naval Shipyard	Multi-Mission Drydock #1 Extension (INC)	503,282	503,282
	Maryland			
Navy	Naval Surface Warfare Center Carderock Division	SFOMF Storage Laboratory	0	2,073
Navy	Naval Surface Warfare Center Carderock Division	Ship Systems Integration and Design Facility (P&D).	0	2,650
Navy	Naval Surface Warfare Center Indian Head Division	Combustion Laboratory	0	6,000
Navy	Naval Surface Warfare Center Indian Head Division	Contained Burn Facility (P&D)	0	0
Navy	Naval Surface Warfare Center Indian Head Division	Contained Burn Facility (P&D)	0	5,415
Navy	Naval Surface Warfare Center Indian Head Division	EOD Explosive Testing Range 2 Expansion at SN, Building 2107.	0	2,039
	Nevada			
Navy	Naval Air Station Fallon	F-35C Aircraft Maintenance Hangar	97,865	30,865
Navy	Naval Air Station Fallon	Fallon Range Training Complex Land Acquisition Phase 2.	0	48,300
	North Carolina			
Navy	Marine Corps Air Station Cherry Point	Aircraft Maintenance Hangar (INC)	106,000	21,000
Navy	Marine Corps Air Station Cherry Point	CH-53K Gearbox Repair and Test Facility	38,415	38,415
Navy	Marine Corps Air Station Cherry Point	F-35 Flightline Util Modernization PH 2 (INC)	58,000	58,000
Navy	Marine Corps Air Station New River	Three Module Type II Hangar	0	21,000
Navy	Marine Corps Base Camp Lejeune	Regional Communications Station, Hadnot Point ...	47,475	47,475
	Pennsylvania			

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Navy	Naval Surface Warfare Center Philadelphia Division	Machinery Control Developmental Center	0	92,547
	South Carolina			
Navy	Marine Corps Recruit Depot Parris Island	Recruit Barracks	0	37,600
Navy	Marine Corps Recruit Depot Parris Island	Recruit Barracks	0	38,300
	Spain			
Navy	Naval Station Rota	EDI: Missile Magazines	0	92,323
	Virginia			
Navy	Naval Air Station Oceana	Child Development Center (P&D)	0	1,200
Navy	Naval Station Norfolk	Child Development Center (P&D)	0	2,300
Navy	Naval Station Norfolk	Submarine Logistics Support Facilities	16,863	16,863
Navy	Naval Station Norfolk	Submarine Pier 3 (INC)	155,000	125,000
Navy	Naval Surface Warfare Center Dahlgren Division	Weapons Integration and Test Campus (P&D)	0	1,237
Navy	Norfolk Naval Shipyard	Dry Dock Saltwater System for CVN-78 (INC)	47,718	47,718
Navy	Naval Surface Warfare Center Dahlgren Division	Upgrade Electrical Substation 1	0	2,503
	Washington			
Navy	Naval Air Station Whidbey Island	E/A-18G Aircraft Flt. Read. Squad. Train. Fac	37,461	37,461
Navy	Naval Air Station Whidbey Island	P-8A Aircraft Airfield Pavements Improvements	0	68,100
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Child Development Center Planning & Design Fund	0	15,000
Navy	Unspecified Worldwide Locations	Cost to Complete: FY21 Inflation Effects	0	99,384
Navy	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	514,892
Navy	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (P&D)	0	0
Navy	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	298,433
Navy	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (P&D)	0	0
Navy	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (UMMC)	0	0
Navy	Unspecified Worldwide Locations	Improving Military Installation Resilience	0	20,000
Navy	Unspecified Worldwide Locations	INDOPACOM (P&D)	0	50,000
Navy	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Navy	Unspecified Worldwide Locations	Lab Revitalization	0	20,000
Navy	Unspecified Worldwide Locations	MCON Planning and Funds	397,124	422,124
Navy	Unspecified Worldwide Locations	Planning & Design	0	63,400
Navy	Unspecified Worldwide Locations	Red Hill (P&D)	0	0
Navy	Unspecified Worldwide Locations	SIOP Planning & Design	0	75,000
Navy	Unspecified Worldwide Locations	Unspecified Minor Military Construction	109,994	129,994
Navy	Unspecified Worldwide Locations	USMC Planning & Design	0	37,800
Navy	Unspecified Worldwide Locations	Water Treatment and Distribution Infrastructure	0	0
	Military Construction, Navy Total		3,752,391	4,621,097
AIR FORCE				
	Alabama			
Air Force	Maxwell Air Force Base	Commercial Vehicle Inspection Gate	0	15,000
	Alaska			
Air Force	Clear Space Force Station	LRDR Dormitory	68,000	68,000
Air Force	Joint Base Elmendorf-Richardson	Extend Runway 16/34 (INC)	100,000	100,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Air Force	Joint Base Elmendorf-Richardson	PFAS: Contaminated Soil Removal	0	5,200
	Arizona			
Air Force	Davis-Monthan Air Force Base	Combat Rescue Helicopter Simulator	0	7,500
Air Force	Luke Air Force Base	Child Development Center (P&D)	0	4,750
	California			
Air Force	Air Force Test Center—Edwards Air Force Base	Munitions Igloo—East (P&D)	0	650
Air Force	Travis Air Force Base	KC-46A ADAL B179, Simulator Facility	0	7,500
Air Force	Vandenberg Space Force Base	GBSD Consolidated Maintenance Facility	89,000	14,000
	Florida			
Air Force	Air Force Research Laboratory—Eglin Air Force Base	Shock and Applied Impact Laboratory (SAIL) (P&D).	0	530
Air Force	Eglin Air Force Base	F-35A ADAL Squadron Operations (P&D)	0	2,500
Air Force	Eglin Air Force Base	F-35A Developmental Test 2-Bay MX Hangar (P&D).	0	4,100
Air Force	Eglin Air Force Base	F-35A Developmental Test 2-Bay Test Hangar (P&D).	0	3,700
Air Force	Patrick Space Force Base	Consolidated Communications Center	0	97,000
Air Force	Tyndall Air Force Base	Cost to Complete—Natural Disaster Recovery	0	66,000
	Georgia			
Air Force	Moody Air Force Base	23d Security Forces Squadron Operations Facility (P&D).	0	1,100
Air Force	Moody Air Force Base	Rescue Squadron Guardian Angel Operations Facility (P&D).	0	5,770
	Hawaii			
Air Force	Air Force Research Laboratory—Maui Experimental Site #1	Secure Integration Support Lab W/ Land Acquisition.	0	89,000
	Hungary			
Air Force	Papa Air Base	EDI: DABS-FEV Storage	71,000	71,000
	Iceland			
Air Force	Naval Air Station Keflavik	EDI: DABS-FEV Storage	94,000	94,000
	Illinois			
Air Force	Scott Air Force Base	Child Development Center	0	19,893
	Italy			
Air Force	Aviano Air Base	Combat Rescue Helicopter Simulator Facility	15,500	15,500
Air Force	Aviano Air Base	EDI: RADR Storage Facility	31,000	31,000
	Japan			
Air Force	Kadena Air Base	Helicopter Rescue OPS Maintenance Hangar (INC)	71,000	71,000
Air Force	Kadena Air Base	PDI: Theater A/C Corrosion Control Ctr (INC)	77,000	17,000
Air Force	Yokota Air Base	Cost to Complete: PDI: C-130J Corrosion Control Hangar.	0	10,000
	Jordan			
Air Force	Muwaffaq Salti Air Base	Bulk Petroleum/Oil/Lubricants Storage	32,000	32,000
Air Force	Muwaffaq Salti Air Base	Fuel Cell and Phase Maintenance Hangars	18,000	18,000
	Louisiana			
Air Force	Barksdale Air Force Base	Weapons Generation Facility (INC)	125,000	126,500
	Mariana Islands			
Air Force	Timian	PDI: Airfield Development Phase 1 (INC)	58,000	58,000
Air Force	Timian	PDI: Fuel Tanks W/Pipeline & Hydrant Sys, INC	92,000	92,000
Air Force	Timian	PDI: Parking Apron (INC)	41,000	41,000
	Maryland			
Air Force	Joint Base Andrews	Cost to Complete: PAR Relocate Haz Cargo Pad and EOD Range.	0	28,200
	Massachusetts			
Air Force	Hanscom Air Force Base	MIT-Linear Lab (West Lab CSL/MIF), INC	30,200	30,200
	Nebraska			
Air Force	Offutt Air Force Base	Cost to Complete—Natural Disaster Recovery	0	235,000
	Nevada			
Air Force	Nellis Air Force Base	Dormitory (P&D)	0	7,200
	New Mexico			
Air Force	Cannon Air Force Base	Soft Construct Munitions Storage Area (P&D)	0	8,000
Air Force	Holloman Air Force Base	F-16 Formal Training Unit Airfield Requirements (P&D).	0	4,140
Air Force	Holloman Air Force Base	High Speed Test Track (P&D)	0	15,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Air Force	Kirtland Air Force Base	58th SOW/PJ/CRO Pipeline Dorm (432 RM) (P&D).	0	11,160
Air Force	Kirtland Air Force Base	ADAL Systems & Digital Engineering Lab (P&D)	0	2,000
Air Force	Kirtland Air Force Base	Explosives Operations Building (P&D)	0	540
Air Force	Kirtland Air Force Base	Joint Navigational Warfare Center (P&D)	0	4,700
Air Force	Kirtland Air Force Base	Space Rapid Capabilities Office (SPRCO) Headquarters Facility (P&D).	0	4,400
Air Force	New York Air Force Research Laboratory—Rome Research Site	HF Antennas, Newport and Stockbridge Test Annexes.	0	4,200
Air Force	North Carolina Seymour Johnson Air Force Base	Combat Arms and Maintenance Complex (P&D)	0	3,300
Air Force	Seymour Johnson Air Force Base	KC-46 Alert Facility (P&D)	0	530
Air Force	Norway Rygge Air Station	EDI: Base Perimeter Security Fence	8,200	8,200
Air Force	Ohio Wright Patterson Air Force Base	Child Development Center/School Age Center	0	29,000
Air Force	Wright Patterson Air Force Base	Human Performance Wing Laboratory (P&D)	0	4,000
Air Force	Oklahoma Altus Air Force Base	South Gate	0	4,750
Air Force	Tinker Air Force Base	E-7 Operations Center (P&D)	0	15,000
Air Force	Tinker Air Force Base	Facility and Land Acquisition (MROTC)	30,000	30,000
Air Force	Tinker Air Force Base	KC-46A 1-Bay Depot Corrosion Control Hangar ...	0	80,000
Air Force	Tinker Air Force Base	KC-46A 2-Bay Program Depot Maintenance Hangar.	0	90,000
Air Force	Tinker Air Force Base	KC-46A 3-Bay Depot Maintenance Hangar (INC)	49,000	49,000
Air Force	Tinker Air Force Base	KC-46A Fuel POL Infrastructure	13,600	13,600
Air Force	South Carolina Shaw Air Force Base	RAPCON Facility	10,000	10,000
Air Force	South Dakota Ellsworth Air Force Base	B-21 2-Bay LO Restoration Facility (INC)	91,000	41,000
Air Force	Ellsworth Air Force Base	B-21 Radio Frequency Facility	77,000	84,900
Air Force	Ellsworth Air Force Base	B-21 Weapons Generation Facility (INC)	50,000	50,000
Air Force	Spain Moron Air Base	EDI: RADR Storage Facility	29,000	29,000
Air Force	Tennessee Arnold Air Force Base	ARC Heater Test Facility Dragon Fire	38,000	38,000
Air Force	Texas Joint Base San Antonio	BMT Recruit Dormitory 7 (INC)	90,000	0
Air Force	Joint Base San Antonio-Lackland	Cost to Complete: BMT Recruit Dormitory 8	0	5,400
Air Force	Joint Base San Antonio-Randolph	Child Development Center	0	29,000
Air Force	United Kingdom Royal Air Force Lakenheath	Cost to Complete: F-35 PGM Facility	0	3,100
Air Force	Royal Air Force Molesworth	Cost to Complete: Joint Intelligence Analysis Complex.	0	421,000
Air Force	Royal Air Force Molesworth	Cost to Complete: Joint Intelligence Analysis Complex Consolidation, PH3.	0	0
Air Force	Utah Hill Air Force Base	GBSD Organic Software Sustain Ctr (INC)	95,000	95,000
Air Force	Hill Air Force Base	GBSD Technology and Collaboration Center	84,000	44,000
Air Force	Washington Fairchild Air Force Base	ADAL KC-135 Flight Simulator	0	8,000
Air Force	Fairchild Air Force Base	Cost to Complete: Consolidate TFI Base Operations	0	8,000
Air Force	Worldwide Unspecified Unspecified Worldwide Locations	Child Development Center Planning & Design Fund	0	15,000
Air Force	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	291,818
Air Force	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	309,441
Air Force	Unspecified Worldwide Locations	Cost to Complete: Natural Disaster Recovery	0	0

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Air Force	Unspecified Worldwide Locations	Improving Military Installation Resilience	0	20,000
Air Force	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Air Force	Unspecified Worldwide Locations	Lab Revitalization	0	50,000
Air Force	Unspecified Worldwide Locations	Planning & Design	135,794	160,794
Air Force	Unspecified Worldwide Locations	VARLOCS CTC	0	0
Air Force	Various Worldwide Locations	Unspecified Minor Military Construction	66,162	81,162
Wyoming				
Air Force	F.E. Warren Air Force Base	Cost to Complete: Weapons Storage Facility	0	26,000
Air Force	F.E. Warren Air Force Base	GBSD Integrated Command Center Wing A	95,000	45,000
Air Force	F.E. Warren Air Force Base	GBSD Land Acquisition	34,000	34,000
Air Force	F.E. Warren Air Force Base	GBSD Missile Handling Complex Wing A	47,000	47,000
Air Force	F.E. Warren Air Force Base	Military Working Dog Kennel	0	10,000
Military Construction, Air Force Total			2,055,456	3,827,928
DEFENSE-WIDE				
Alabama				
Defense-Wide	Redstone Arsenal	MSIC Advanced Analysis Facility Phase 2 (INC) ...	0	15,000
Defense-Wide	Redstone Arsenal (Missile and Space Intelligence Center)	Backup Power Generation	0	10,700
California				
Defense-Wide	Marine Corps Mountain Warfare Training Center Bridgeport	Microgrid and Backup Power	0	25,560
Defense-Wide	Naval Base Coronado	SOF Operations Support Facility	75,712	75,712
Defense-Wide	Naval Base Ventura County, Point Mugu	Ground Mounted Solar Photovoltaic System	0	13,360
Delaware				
Defense-Wide	Dover Air Force Base	Armed Services Whole Blood Processing Laboratory-East Replacement (P&D).	0	350
Djibouti				
Defense-Wide	Camp Lemonnier	Enhanced Energy Security and Control Systems	0	24,000
Florida				
Defense-Wide	Hurlburt Field	SOF Human Performance Training Center	9,100	9,100
Defense-Wide	MacDill Air Force Base	SOF Joint MISO Web Operations Facility (P&D) ..	0	8,730
Defense-Wide	MacDill Air Force Base	SOF Operations Integration Facility	0	50,000
Defense-Wide	Naval Air Station Jacksonville	Facility Energy Operations Center Renovation	0	2,400
Defense-Wide	Patrick Space Force Base	Underground Electric Distribution System	0	8,400
Defense-Wide	Patrick Space Force Base	Water Distribution Loop	0	7,300
Georgia				
Defense-Wide	Fort Stewart-Hunter Army Airfield	Power Generation and Microgrid	0	25,400
Defense-Wide	Naval Submarine Base Kings Bay	SCADA Modernization	0	11,200
Germany				
Defense-Wide	Baumholder	Baumholder Elementary School	71,000	106,700
Defense-Wide	Baumholder	SOF Battalion Annex	22,468	22,468
Defense-Wide	Baumholder	SOF Communications Annex	9,885	9,885
Defense-Wide	Baumholder	SOF Operations Annex	23,768	23,768
Defense-Wide	Baumholder	SOF Support Annex	21,902	21,902
Defense-Wide	Rhine Ordnance Barracks	Medical Center Replacement (INC 10)	299,790	299,790
Defense-Wide	Wiesbaden	Clay Kaserne Elementary School	60,000	104,779
Guam				
Defense-Wide	Naval Base Guam	Electrical Distribution System	0	34,360
Hawaii				
Defense-Wide	Joint Base Pearl Harbor-Hickam	Primary Electrical Distribution	0	25,000
Japan				
Defense-Wide	Fleet Activities Yokosuka	Kinnick High School (INC 2)	20,000	20,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Defense-Wide	Iwakuni	PDI: Bulk Storage Tanks PH 1	85,000	85,000
Defense-Wide	Kadena Air Base	Lighting Upgrades	0	780
Defense-Wide	Yokota Air Base	PDI: Bulk Storage Tanks PH I (INC)	44,000	44,000
Defense-Wide	Yokota Air Base	PDI: Operations and Warehouse Facilities	72,154	72,154
	Kansas			
Defense-Wide	Fort Riley	Power Generation and Microgrid	0	25,780
	Kuwait			
Defense-Wide	Camp Arifjan	Power Generation and Microgrid	0	26,850
	Maryland			
Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition / Alteration (INC 6)	75,500	75,500
Defense-Wide	Fort Meade	NSAW Mission OPS and Records Center (INC)	140,000	80,000
Defense-Wide	Fort Meade	NSAW Recap Building 4 (INC)	378,000	318,000
Defense-Wide	Fort Meade	Reclaimed Water Infrastructure Expansion	0	23,310
	North Carolina			
Defense-Wide	Camp Lejeune	Lejeune Schools Modernization (P&D)	0	6,600
Defense-Wide	Fort Bragg	Albritton Middle School Addition (P&D)	0	7,500
Defense-Wide	Fort Bragg	SOF Operations Building	18,870	18,870
Defense-Wide	Fort Bragg	SOF Supply Support Activity	15,600	15,600
	South Carolina			
Defense-Wide	Marine Corps Air Station Beaufort	Fuel Pier Replacement (P&D)	0	900
Defense-Wide	Marine Corps Recruit Depot Parris Island	Ambulatory Care Center Replacement (Dental) (P&D).	0	4,800
	Texas			
Defense-Wide	Fort Hood	Power Generation and Microgrid	0	31,500
Defense-Wide	Joint Base San Antonio	Ambulatory Care Center Replacement (Dental)	58,600	58,600
Defense-Wide	U.S. Army Reserve Center, Conroe	Power Generation and Microgrid	0	9,600
	Virginia			
Defense-Wide	Dam Neck	SOF Operations Building Addition	26,600	26,600
Defense-Wide	Naval Support Activity Hampton Roads	Backup Power Generation	0	3,400
Defense-Wide	Naval Support Activity Hampton Roads	Primary Distribution Substation	0	19,000
Defense-Wide	NCE Springfield, Ft Belvoir	Chilled Water Redundancy	0	1,100
Defense-Wide	Pentagon	Commercial Vehicle Inspection Facility	18,000	18,000
	Worldwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	233,520
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (DHA) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (DLA) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (DLA) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (DODEA).	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (ERCIP)	0	81,070
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (NSA)	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (OSD)	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (SOCOM).	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (WHS) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	120,730
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (DHA) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (DLA) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (DODEA).	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (ERCIP)	0	65,800
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (OSD)	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (SOCOM).	0	0
Defense-Wide	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (WHS) ...	0	0
Defense-Wide	Unspecified Worldwide Locations	DLA Planning & Design (DLA)	30,000	30,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Defense-Wide	Unspecified Worldwide Locations	EDI: NATO Eastern Flank Infrastructure Support (P&D).	0	50,000
Defense-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog.	329,000	0
Defense-Wide	Unspecified Worldwide Locations	Exercise-Related Minor Construction	0	16,130
Defense-Wide	Unspecified Worldwide Locations	Exercise-Related Minor Construction (EUCOM)	0	10,100
Defense-Wide	Unspecified Worldwide Locations	Exercise-Related Minor Construction (INDOPACOM).	0	33,360
Defense-Wide	Unspecified Worldwide Locations	Exercise-Related Minor Construction (TJS)	18,644	18,644
Defense-Wide	Unspecified Worldwide Locations	Exercise-Related Minor Construction P&D (EUCOM).	0	500
Defense-Wide	Unspecified Worldwide Locations	Improving Military Installation Resilience	0	15,000
Defense-Wide	Unspecified Worldwide Locations	INDOPACOM- Red Hill Fuel Distribution (P&D) ..	0	25,000
Defense-Wide	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (Defense-Wide)	26,689	51,689
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (DHA)	33,227	33,227
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (DODEA)	20,086	20,086
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (ERCIP)	224,250	224,250
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (MDA)	47,063	47,063
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (NSA)	9,618	9,618
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (SOCOM)	26,978	26,978
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (TJS)	2,360	2,360
Defense-Wide	Unspecified Worldwide Locations	Planning & Design (WHS)	2,106	2,106
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (Defense-Wide).	3,000	23,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (DHA)	15,000	15,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (DODEA)	8,000	8,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (INDOPACOM).	0	16,130
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (NSA)	6,000	6,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Military Construction (SOCOM)	36,726	36,726
Defense-Wide	Various Worldwide Locations	Unspecified Minor Military Construction (DLA)	31,702	31,702
Military Construction, Defense-Wide Total			2,416,398	3,183,097
ARMY NATIONAL GUARD				
Alaska				
Army National Guard	Joint Base Elmendorf-Richardson	Aircraft Maintenance Hangar	0	63,000
Arkansas				
Army National Guard	Camp Robinson	Automated Multipurpose Machine Gun Range	0	9,500
Delaware				
Army National Guard	River Road Training Site	National Guard Readiness Center	16,000	16,000
Florida				
Army National Guard	Camp Blanding	Automated Multipurpose Machine Gun Range	0	8,500
Army National Guard	Camp Blanding	Scout Recce Gunnery Complex	0	16,200
Army National Guard	Gainesville	National Guard Readiness Center	0	21,000
Army National Guard	Palm Coast Flagler Refms 9	National Guard Vehicle Maintenance Shop	12,000	12,000
Georgia				
Army National Guard	Fort Gordon	National Guard/Reserve Center Building (P&D)	0	2,100
Hawaii				

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army National Guard	Kalaeloa	National Guard Readiness Center Addition	29,000	29,000
Army National Guard	Illinois Chicago	National Guard Readiness Center Alteration (P&D)	0	3,500
Army National Guard	Indiana Atlanta Readiness Center	National Guard Readiness Center	20,000	20,000
Army National Guard	Iowa West Des Moines Armory	National Guard Readiness Center	15,000	15,000
Army National Guard	Louisiana Abbeville	National Guard Readiness Center (P&D)	0	1,650
Army National Guard	Maine Camp Beaugard	Energy Resilience Conservation Investment Program Project (P&D).	0	765
Army National Guard	Saco	Southern Maine Readiness Center (P&D)	0	3,000
Army National Guard	Woodville Training Center	Range Complex (P&D)	0	1,400
Army National Guard	Michigan Grayling Airfield	National Guard Readiness Center	16,000	16,000
Army National Guard	Minnesota New Ulm Armory and Fms	National Guard Readiness Center	17,000	17,000
Army National Guard	Missouri Aviation Classification Repair Activity Depot	Aircraft Maintenance Hangar Addition Phase IV (P&D).	0	5,600
Army National Guard	Nevada Harry Reid Training Center	National Guard Readiness Center Add/Alt	18,000	18,000
Army National Guard	New Hampshire Concord	National Guard Wellness Center (P&D)	0	2,000
Army National Guard	New Mexico Rio Rancho	Vehicle Maintenance Shop (P&D)	0	600
Army National Guard	New York Glenn Rd Armory/ Fms 17	National Guard Vehicle Maintenance Shop	17,000	17,000
Army National Guard	Lexington Armory	National Guard Readiness Center Addition/ Alteration (P&D).	0	3,580
Army National Guard	North Carolina Meclansville Camp Burton Road	National Guard Vehicle Maintenance Shop	15,000	15,000
Army National Guard	Morrisville	Army Aviation Flight Facility #1 (P&D)	0	4,500
Army National Guard	Oregon Camp Umatilla	Collective Training Unaccompanied Housing	0	14,243
Army National Guard	Pennsylvania Fort Indiantown Gap	Eastern ARNG Aviation Training Site (EAATS) Post-Initial Military Training Unaccompanied Housing (P&D).	0	2,700
Army National Guard	New Castle	National Guard Readiness Center (P&D)	0	2,360
Army National Guard	Puerto Rico Camp Santiago Joint Maneuver Training Center	Engineering/Housing Maintenance Shops (DPW) ...	14,500	14,500
Army National Guard	Tennessee Smyrna Volunteer Training Site	Army Maintenance Hangar (P&D)	0	780
Army National Guard	Vermont Bennington	National Guard Readiness Center	14,800	0
Army National Guard	Ethan Allen Air Force Base	Civil Support Team Facility (P&D)	0	1,300
Army National Guard	Ethan Allen Air Force Base	Micro-Grid System (P&D)	0	1,170
Army National Guard	Ethan Allen Firing Range	Cantonment Area for Training (P&D)	0	3,500
Army National Guard	Ethan Allen Firing Range	Castle Trail Bypass (All Season Road) (P&D)	0	500
	West Virginia			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army National Guard	Buckhannon Brushy Fork	National Guard Readiness Center Add/Alt	14,000	14,000
Army National Guard	Martinsburg	National Guard Readiness Center (P&D)	0	1,500
	Worldwide Unspecified			
Army National Guard	Unspecified Worldwide Locations	Cost to Complete: FY21 Inflation Effects	0	63,825
Army National Guard	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	89,786
Army National Guard	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	137,339
Army National Guard	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (P&D)	0	0
Army National Guard	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (UMMC)	0	0
Army National Guard	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Army National Guard	Unspecified Worldwide Locations	Planning & Design	28,245	38,245
Army National Guard	Unspecified Worldwide Locations	Unaccompanied Barracks Planning and Design	0	15,243
Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Military Construction	35,933	55,933
	Wyoming			
Army National Guard	Camp Guernsey	Aviation Operations and Fire Rescure Building	0	19,500
Army National Guard	TS NG Sheridan	National Guard Vehicle Maintenance Shop	14,800	14,800
	Military Construction, Army National Guard Total		297,278	813,119
ARMY RESERVE				
	California			
Army Reserve	Camp Pendleton	Area Maintenance Support Activity	0	13,000
	Florida			
Army Reserve	Perrine	Army Reserve Center/AMSA	46,000	46,000
	Georgia			
Army Reserve	Dobbins Air Reserve Base	Army Reserve Center (P&D)	0	5,000
	Massachusetts			
Army Reserve	Fort Devens	Cost to Complete: Multi-Purpose Machine Gun Range.	0	3,000
	Michigan			
Army Reserve	Southfield	Cost to Complete: Area Maintenance Shop	0	1,600
	North Carolina			
Army Reserve	Asheville	Cost to Complete: Army Reserve Center	0	2,000
	Ohio			
Army Reserve	Wright-Patterson Air Force Base	Area Maintenance Support Activity	0	16,000
Army Reserve	Wright-Patterson Air Force Base	Cost to Complete: Army Reserve Center	0	2,000
	Puerto Rico			
Army Reserve	Fort Buchanan	Army Reserve Center	24,000	24,000
	Washington			
Army Reserve	Yakima	Equipment Concentration Site Warehouse	0	22,000
	Wisconsin			
Army Reserve	Fort McCoy	Transient Training Enlisted Barracks	0	38,000
Army Reserve	Fort McCoy	Transient Training Officer Barracks	0	26,000
	Worldwide Unspecified			
Army Reserve	Unspecified Worldwide Locations	Barracks Planning and Design	0	3,000
Army Reserve	Unspecified Worldwide Locations	Cost to Complete: FY21 Inflation Effects	0	28,950
Army Reserve	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	16,000
Army Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	93,000
Army Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (P&D)	0	0
Army Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (UMMC)	0	0
Army Reserve	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Army Reserve	Unspecified Worldwide Locations	Planning & Design	0	20,000
Army Reserve	Unspecified Worldwide Locations	Planning & Design	9,829	29,829
Army Reserve	Unspecified Worldwide Locations	Unaccompanied Barracks Planning and Design	0	20,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Military Construction	20,049	40,049
Military Construction, Army Reserve Total			99,878	449,428
NAVY RESERVE & MARINE CORPS RESERVE				
Hawaii				
Navy/Marine Corps Reserve	Marine Corps Base Kaneohe Bay	C-40 Aircraft Maintenance Hangar	0	40,000
Michigan				
Navy/Marine Corps Reserve	Marine Forces Reserve Battle Creek	Organic Supply Facilities	0	24,300
Virginia				
Navy/Marine Corps Reserve	Marine Forces Reserve Dam Neck Virginia Beach	G/ATOR Support Facilities	0	10,400
Worldwide Unspecified				
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	7,854
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	0
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (UMMC)	0	0
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects (P&D)	0	0
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (P&D)	0	0
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	MCNR Unspecified Minor Construction	27,747	18,747
Navy/Marine Corps Reserve	Unspecified Worldwide Locations	USMCR Planning & Design	2,590	2,590
Military Construction, Navy Reserve Total			30,337	103,891
AIR NATIONAL GUARD				
Alabama				
Air National Guard	Birmingham International Airport	Security and Services Training Facility	7,500	0
Air National Guard	Montgomery Regional Airport	F-35 Weapons Load Crew Training	0	9,200
Arizona				
Air National Guard	Morris Air National Guard Base	Base Entry Complex	0	12,000
Air National Guard	Tucson International Airport	Land Acquisition	10,000	10,000
Florida				
Air National Guard	Jacksonville International Airport	F-35 Construct Flight Simulator Facility	22,200	22,200
Air National Guard	Jacksonville International Airport	F-35 Munitions Maintenance & Inspection Facility (P&D).	0	530
Air National Guard	Jacksonville International Airport	F-35 Munitions Storage Area Administration & Pad (P&D).	0	770
Illinois				
Air National Guard	Scott Air Force Base	Maintenance Hangar & Shops (P&D)	0	2,500
Indiana				
Air National Guard	Fort Wayne International Airport	Munitions Maintenance & Storage Complex	12,800	12,800
Louisiana				
Air National Guard	New Orleans	Munitions Administrative Facility (P&D)	0	1,650
Missouri				
Air National Guard	Jefferson Barracks Air Guard Station	Combat Arms Training and Maintenance Facility (P&D).	0	730
Air National Guard	Jefferson Barracks Air Guard Station	Consolidated Air Operations Group (157th Air Operations Group) (P&D).	0	2,100
Air National Guard	Rosecrans Air National Guard Base	Maintenance Hangar (P&D)	0	3,400
Air National Guard	Rosecrans Air National Guard Base	Parking Apron (P&D)	0	2,000
New Hampshire				
Air National Guard	Pease Air National Guard Base	Small Arms Range (P&D)	0	2,000
New Jersey				
Air National Guard	Atlantic City International Airport	ADAL Main Hangar (P&D)	0	3,000

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
	Ohio			
Air National Guard	Rickenbacker Air National Guard Base	Small Arms Range	0	8,000
	Rhode Island			
Air National Guard	Quonset State Airport	Consolidated Headquarters Medical & Dining Facility.	0	35,000
	Tennessee			
Air National Guard	McGhee Tyson Airport	KC-135 Maintenance Shops	23,800	23,800
	Vermont			
Air National Guard	Burlington International Airport	Cyber Operations Squadron Building (P&D)	0	1,000
	West Virginia			
Air National Guard	MelLaughlin Air National Guard Base	C-130J Apron Expansion	0	10,000
Air National Guard	MelLaughlin Air National Guard Base	Indoor Small Arms Range (P&D)	0	640
Air National Guard	MelLaughlin Air National Guard Base	Squadron Operations Building (P&D)	0	1,500
	Worldwide Unspecified			
Air National Guard	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	67,800
Air National Guard	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	33,900
Air National Guard	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Air National Guard	Unspecified Worldwide Locations	Planning & Design	28,412	40,412
Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Military Construction	44,171	57,171
	Military Construction, Air National Guard Total		148,883	364,103
AIR FORCE RESERVE				
	Arizona			
Air Force Reserve	Davis Monthan Air Force Base	610th CACS Command & Control Facility	0	8,000
	California			
Air Force Reserve	Beale Air Force Base	940 ARW Squad OPS/AMU	33,000	0
	Massachusetts			
Air Force Reserve	Westover Air Reserve Base	Taxiway Golf Extension (P&D)	0	1,900
	Mississippi			
Air Force Reserve	Keesler Air Force Base	Aeromedical Evacuation Training Facility	0	10,000
	New York			
Air Force Reserve	Niagara Falls Arsenal	Combined Operations and Alert Facility (P&D)	0	2,800
	Oklahoma			
Air Force Reserve	Tinker Air Force Base	10th Flight Test Squadron Facility	0	12,500
	Virginia			
Air Force Reserve	Langley Air Force Base	Intelligence Group Facility	0	10,500
	Worldwide Unspecified			
Air Force Reserve	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	11,800
Air Force Reserve	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	37,500
Air Force Reserve	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
Air Force Reserve	Unspecified Worldwide Locations	Planning & Design	11,773	21,773
Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Military Construction	11,850	31,850
Air Force Reserve	Unspecified Worldwide Locations	Unspecified UPL Project	0	0
	Military Construction, Air Force Reserve Total		56,623	148,623
NATO SECURITY INVESTMENT PROGRAM				
	Worldwide Unspecified			
NATO	NATO Security Investment Program	Inflation & Market Adjustment Fund	0	0
NATO	NATO Security Investment Program	NATO Security Investment Program	210,139	210,139
	NATO Security Investment Program Total		210,139	210,139
FAMILY HOUSING CONSTRUCTION, ARMY				
	Germany			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
FH Con, Army	Baumholder	Cost to Complete: FY19 Family Housing New Construction.	0	48,100
FH Con, Army	Baumholder	Cost to Complete: FY20 Family Housing New Construction.	0	57,222
FH Con, Army	Baumholder	Cost to Complete: FY23 Family Housing New Construction.	0	16,500
FH Con, Army	Baumholder	Family Housing Improvements	0	20,000
FH Con, Army	Baumholder	Family Housing Replacement Construction	57,000	57,000
FH Con, Army	Vilseck	Cost to Complete: Family Housing New Construction.	0	13,000
	Italy			
FH Con, Army	Vicenza	Cost to Complete: FY21 Family Housing New Construction.	0	16,510
FH Con, Army	Vicenza	Cost to Complete: FY22 Family Housing New Construction.	0	7,280
FH Con, Army	Vicenza	Cost to Complete: FY23 Family Housing New Construction.	0	27,750
FH Con, Army	Vicenza	Family Housing New Construction	95,000	40,000
	Kwajalein			
FH Con, Army	Kwajalein Atoll	Cost to Complete: Family Housing Replacement	0	47,060
FH Con, Army	Kwajalein Atoll	Cost to Complete: Family Housing Replacement (FY21).	0	39,400
	Worldwide Unspecified			
FH Con, Army	Unspecified Worldwide Locations	Cost to Complete: Family Housing Construction	0	138,783
FH Con, Army	Unspecified Worldwide Locations	Cost to Complete: FY21 Inflation Effects	0	202,682
FH Con, Army	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	29,800
FH Con, Army	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	73,050
FH Con, Army	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects (P&D)	0	0
FH Con, Army	Unspecified Worldwide Locations	Family Housing P&D	17,339	17,339
FH Con, Army	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
	Family Housing Construction, Army Total		169,339	851,476
FAMILY HOUSING O&M, ARMY				
	Worldwide Unspecified			
FH Ops, Army	Unspecified Worldwide Locations	Furnishings	22,911	22,911
FH Ops, Army	Unspecified Worldwide Locations	Housing Privatization Support	65,740	70,740
FH Ops, Army	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
FH Ops, Army	Unspecified Worldwide Locations	Leasing	127,499	127,499
FH Ops, Army	Unspecified Worldwide Locations	Maintenance	117,555	117,555
FH Ops, Army	Unspecified Worldwide Locations	Management	45,718	50,718
FH Ops, Army	Unspecified Worldwide Locations	Miscellaneous	559	559
FH Ops, Army	Unspecified Worldwide Locations	Services	9,580	9,580
FH Ops, Army	Unspecified Worldwide Locations	Utilities	46,849	46,849
	Family Housing Operation and Maintenance, Army Total		436,411	446,411
FAMILY HOUSING CONSTRUCTION, NAVY & MARINE CORPS				
	District of Columbia			
FH Con, Navy	United States Marine Corps Headquarters	Design	7,043	7,043
FH Con, Navy	United States Marine Corps Headquarters	Improvements	74,540	74,540
	Guam			
FH Con, Navy	Naval Support Activity Andersen	Replace Andersen Housing PH IV	86,390	98,485
FH Con, Navy	Naval Support Activity Andersen	Replace Andersen Housing PH V	93,259	106,315
FH Con, Navy	Naval Support Activity Andersen	Replace Andersen Housing PH VI	68,985	68,985
	Worldwide Unspecified			
FH Con, Navy	Unspecified Worldwide Locations	Cost to Complete: FY22 Inflation Effects	0	0

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
FH Con, Navy	Unspecified Worldwide Locations	Cost to Complete: FY23 Inflation Effects	0	45,244
FH Con, Navy	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
FH Con, Navy	Unspecified Worldwide Locations	USMC DPRI/Guam Planning & Design	7,080	7,080
Family Housing Construction, Navy and Marine Corps Total			337,297	407,692
FAMILY HOUSING O&M, NAVY & MARINE CORPS				
Worldwide Unspecified				
FH Ops, Navy	Unspecified Worldwide Locations	Furnishings	16,182	16,182
FH Ops, Navy	Unspecified Worldwide Locations	Housing Privatization Support	61,605	66,605
FH Ops, Navy	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
FH Ops, Navy	Unspecified Worldwide Locations	Leasing	66,333	66,333
FH Ops, Navy	Unspecified Worldwide Locations	Maintenance	105,470	105,470
FH Ops, Navy	Unspecified Worldwide Locations	Management	59,312	64,312
FH Ops, Navy	Unspecified Worldwide Locations	Miscellaneous	411	411
FH Ops, Navy	Unspecified Worldwide Locations	Services	16,494	16,494
FH Ops, Navy	Unspecified Worldwide Locations	Utilities	42,417	42,417
Family Housing Operation and Maintenance, Navy and Marine Corps Total			368,224	378,224
FAMILY HOUSING CONSTRUCTION, AIR FORCE				
Delaware				
FH Con, Air Force	Dover Air Force Base	MHPI Restructure	25,492	25,492
Florida				
FH Con, Air Force	Tyndall Air Force Base	AETC Restructuring	150,685	150,685
Illinois				
FH Con, Air Force	Scott Air Force Base	MHPI Restructure	52,003	52,003
Japan				
FH Con, Air Force	Kadena Air Base	Family Housing North Terrance Improvement, Phase 2 (4 Units)	0	3,800
Maryland				
FH Con, Air Force	Andrews Air Force Base	MHPI Equity Contribution CMSSF House	1,878	1,878
Worldwide Unspecified				
FH Con, Air Force	Unspecified Worldwide	Family Housing Construction P&D	0	15,000
FH Con, Air Force	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
FH Con, Air Force	Unspecified Worldwide Locations	Planning & Design	2,730	2,730
Family Housing Construction, Air Force Total			232,788	251,588
FAMILY HOUSING O&M, AIR FORCE				
Worldwide Unspecified				
FH Ops, Air Force	Unspecified Worldwide Locations	Furnishings	27,379	27,379
FH Ops, Air Force	Unspecified Worldwide Locations	Housing Privatization	33,517	38,517
FH Ops, Air Force	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
FH Ops, Air Force	Unspecified Worldwide Locations	Leasing	7,882	7,882
FH Ops, Air Force	Unspecified Worldwide Locations	Maintenance	150,375	150,375
FH Ops, Air Force	Unspecified Worldwide Locations	Management	77,042	82,042
FH Ops, Air Force	Unspecified Worldwide Locations	Miscellaneous	2,240	2,240
FH Ops, Air Force	Unspecified Worldwide Locations	Services	10,570	10,570
FH Ops, Air Force	Unspecified Worldwide Locations	Utilities	46,217	46,217

SEC. 4601. MILITARY CONSTRUCTION				
(In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2023 Request	Conference Authorized
		Family Housing Operation and Maintenance, Air Force Total	355,222	365,222
FAMILY HOUSING O&M, DEFENSE-WIDE				
	Worldwide Unspecified			
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Furnishings	87	87
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Furnishings	656	656
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Leasing	13,306	13,306
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Leasing	31,849	31,849
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Maintenance	34	34
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Utilities	15	15
FH Ops, Defense-Wide	Unspecified Worldwide Locations	Utilities	4,166	4,166
		Family Housing Operation and Maintenance, Defense-Wide Total	50,113	50,113
FAMILY HOUSING IMPROVEMENT FUND				
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Administrative Expenses—FHIF	6,442	6,442
FHIF	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
		Family Housing Improvement Fund Total	6,442	6,442
UNACCOMPANIED HOUSING IMPROVEMENT FUND				
	Worldwide Unspecified			
UHIF	Unspecified Worldwide Locations	Administrative Expenses—UHIF	494	494
		Unaccompanied Housing Improvement Fund Total	494	494
BASE REALIGNMENT AND CLOSURE, ARMY				
	Worldwide Unspecified			
BRAC, Army	Unspecified Worldwide Locations	Base Realignment & Closure	67,706	117,706
BRAC, Army	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
		Base Realignment and Closure—Army Total	67,706	117,706
BASE REALIGNMENT AND CLOSURE, NAVY				
	Worldwide Unspecified			
BRAC, Navy	Unspecified Worldwide Locations	Base Realignment & Closure	106,664	156,664
BRAC, Navy	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
		Base Realignment and Closure—Navy Total	106,664	156,664
BASE REALIGNMENT AND CLOSURE, AIR FORCE				
	Worldwide Unspecified			
BRAC, Air Force	Unspecified Worldwide Locations	Base Realignment & Closure	107,311	157,311
BRAC, Air Force	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
		Base Realignment and Closure—Air Force Total	107,311	157,311
BASE REALIGNMENT AND CLOSURE, DEFENSE-WIDE				
	Worldwide Unspecified			
BRAC, Defense-Wide	Unspecified Worldwide Locations	Inflation & Market Adjustment Fund	0	0
BRAC, Defense-Wide	Unspecified Worldwide Locations	INT-4: DLA Activities	3,006	3,006
		Base Realignment and Closure—Defense-wide Total	3,006	3,006
		Total, Military Construction	12,153,965	19,485,723

1 **TITLE XLVII—DEPARTMENT OF**
 2 **ENERGY NATIONAL SECURITY**
 3 **PROGRAMS**

4 **SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY**
 5 **PROGRAMS.**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
Discretionary Summary by Appropriation		
Energy and Water Development and Related Agencies		
Appropriation Summary:		
Energy Programs		
Nuclear Energy	156,600	156,600
Atomic Energy Defense Activities		
National Nuclear Security Administration:		
Weapons Activities	16,486,298	17,359,798
Defense Nuclear Nonproliferation	2,346,257	2,353,257
Naval Reactors	2,081,445	2,081,445
Federal Salaries and Expenses	496,400	496,400
Total, National Nuclear Security Administration	21,410,400	22,290,900
Defense Environmental Cleanup	6,914,532	6,802,611
Defense Uranium Enrichment D&D	0	0
Other Defense Activities	978,351	978,351
Total, Atomic Energy Defense Activities	29,303,283	30,071,862
Total, Discretionary Funding	29,459,883	30,228,462
Nuclear Energy		
Safeguards and security	156,600	156,600
Total, Nuclear Energy	156,600	156,600
National Nuclear Security Administration		
Weapons Activities		
Stockpile management		
Stockpile major modernization		
B61 Life extension program	672,019	672,019
W88 Alteration program	162,057	162,057
W80-4 Life extension program	1,122,451	1,122,451
W80-4 ALT SLCM	0	20,000
Research and development for a nuclear warhead for a nuclear-capable sea-launched cruise missile		(20,000)
W87-1 Modification Program	680,127	680,127
W93	240,509	240,509
Subtotal, Stockpile major modernization	2,877,163	2,897,163
Stockpile sustainment	1,321,139	1,321,139
Weapons dismantlement and disposition	50,966	50,966
Production operations	630,894	630,894
Nuclear enterprise assurance	48,911	48,911
Total, Stockpile management	4,929,073	4,949,073
Production Modernization		
Primary Capability Modernization		
Plutonium Modernization		
Los Alamos Plutonium Modernization		
Los Alamos Plutonium Operations	767,412	767,412

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
21-D-512, Plutonium Pit Production Project, LANL	588,234	588,234
15-D-302, TA-55 Reinvestments Project, Phase 3, LANL	30,002	30,002
07-D-220-04, Transuranic Liquid Waste Facility, LANL	24,759	24,759
04-D-125, Chemistry and Metallurgy Research Replacement Project, LANL	162,012	162,012
Subtotal, Los Alamos Plutonium Modernization	1,572,419	1,572,419
Savannah River Plutonium Modernization		
Savannah River Plutonium Operations	58,300	58,300
21-D-511, Savannah River Plutonium Processing Facility, SRS	700,000	1,200,000
Program increase—glovebox long lead procurement		(200,000)
Program increase—long lead items		(100,000)
Program increase—demolition of MOX building		(165,000)
Program increase—site prep		(35,000)
Subtotal, Savannah River Plutonium Modernization	758,300	1,258,300
Enterprise Plutonium Support	88,993	88,993
Total, Plutonium Modernization	2,419,712	2,919,712
High Explosives & Energetics		
High Explosives & Energetics	101,380	101,380
23-D-516, Energetic Materials Characterization Facility, LANL	19,000	19,000
21-D-510, HE Synthesis, Formulation, and Production, PX	108,000	133,000
Project risk reduction		(25,000)
15-D-301, HE Science & Engineering Facility, PX	20,000	30,000
Project risk reduction		(10,000)
Subtotal, High Explosives & Energetics	248,380	283,380
Total, Primary Capability Modernization	2,668,092	3,203,092
Secondary Capability Modernization		
Secondary Capability Modernization	536,363	544,363
Program increase—calciner		(8,000)
18-D-690, Lithium Processing Facility, Y-12	216,886	216,886
06-D-141, Uranium Processing Facility, Y-12	362,000	362,000
Total, Secondary Capability Modernization	1,115,249	1,123,249
Tritium and Domestic Uranium Enrichment		
Tritium and Domestic Uranium Enrichment	506,649	506,649
18-D-650, Tritium Finishing Facility, SRS	73,300	73,300
Total, Tritium and Domestic Uranium Enrichment	579,949	579,949
Non-Nuclear Capability Modernization	123,084	123,084
Capability Based Investments	154,220	154,220
Total, Production Modernization	4,640,594	5,183,594
Stockpile research, technology, and engineering		
Assessment Science		
Assessment Science	801,668	861,668
Enhanced Capability for Subcritical Experiments (ECSE) and Hydrodynamic and Subcritical Experiment Execution Support		(60,000)
17-D-640, U1a Complex Enhancements Project, NNSS	53,130	53,130
Total, Assessment Science	854,798	914,798
Engineering and integrated assessments	366,455	366,455
Inertial confinement fusion	544,095	624,095
Program increase		(80,000)
Advanced simulation and computing	742,646	842,146
Program increase		(99,500)
Weapon technology and manufacturing maturation	286,165	296,165
Program increase		(10,000)
Academic programs	100,499	100,499
Total, Stockpile research, technology, and engineering	2,894,658	3,144,158
Infrastructure and operations		
Operating		
Operations of facilities	1,038,000	1,046,000
Program increase		(8,000)
Safety and Environmental Operations	162,000	162,000
Maintenance and Repair of Facilities	680,000	725,000
Deferred maintenance		(45,000)
Recapitalization		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
Infrastructure and Safety	561,663	561,663
Planning for Programmatic Construction (Pre-CD-1)	0	0
Subtotal, Recapitalization	561,663	561,663
Total, Operating	2,441,663	2,494,663
Mission enabling construction		
22-D-514 Digital Infrastructure Capability Expansion	67,300	67,300
22-D-517 Electrical Power Capacity Upgrade, LANL	24,000	24,000
22-D-518 Plutonium Modernization Ops & Waste Mngmt Office Bldg, LANL	48,500	48,500
23-D-519 Special Material Facility, Y-12	49,500	49,500
Total, Mission enabling construction	189,300	189,300
Total, Infrastructure and operations	2,630,963	2,683,963
Secure transportation asset		
Operations and equipment	214,367	214,367
Program direction	130,070	130,070
Total, Secure transportation asset	344,437	344,437
Defense nuclear security		
Operations and maintenance	878,363	878,363
Construction:		
17-D-710, West end protected area reduction project, Y-12	3,928	11,928
Program increase		(8,000)
Subtotal, Construction	3,928	11,928
Total, Defense nuclear security	882,291	890,291
Information technology and cybersecurity	445,654	445,654
Legacy contractor pensions and settlement payments	114,632	114,632
Total, Weapons Activities	16,882,302	17,755,802
Adjustments		
Use of prior year balances	-396,004	-396,004
Total, Adjustments	-396,004	-396,004
Total, Weapons Activities	16,486,298	17,359,798
Defense Nuclear Nonproliferation		
Material management and minimization		
Conversion (formerly HEU Reactor Conversion)	153,260	153,260
Nuclear material removal	41,600	41,600
Material disposition	256,025	256,025
Total, Material management & minimization	450,885	450,885
Global material security		
International nuclear security	81,155	81,155
Radiological security	244,827	244,827
Nuclear smuggling detection and deterrence	178,095	178,095
Total, Global material security	504,077	504,077
Nonproliferation and arms control	207,656	207,656
Defense nuclear nonproliferation R&D		
Proliferation detection	287,283	287,283
Nonproliferation stewardship program	109,343	109,343
Nuclear detonation detection	279,205	279,205
Forensics R&D	44,414	44,414
Nonproliferation fuels development	0	0
Nuclear Fuels Development	0	20,000
Total, Defense Nuclear Nonproliferation R&D	720,245	740,245
Nonproliferation construction		
18-D-150 Surplus Plutonium Disposition Project, SRS	71,764	71,764
Total, Nonproliferation construction	71,764	71,764
NNSA Bioassurance Program	20,000	5,000
Program reduction		(-15,000)
Legacy contractor pensions and settlement payments	55,708	55,708
Nuclear counterterrorism and incident response program		
Emergency Operations	29,896	29,896
Counterterrorism and Counterproliferation	409,074	409,074
NA-82 Counterproliferation classified program increase	0	2,000
Total, Nuclear counterterrorism and incident response pro- gram	438,970	438,970
Subtotal, Defense Nuclear Nonproliferation	2,469,305	2,476,305

1863

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
Adjustments		
Use of prior year balances	-123,048	-123,048
Total, Adjustments	-123,048	-123,048
Total, Defense Nuclear Nonproliferation	2,346,257	2,353,257
Naval Reactors		
Naval reactors development	798,590	798,590
Columbia-Class reactor systems development	53,900	53,900
S8G Prototype refueling	20,000	20,000
Naval reactors operations and infrastructure	695,165	695,165
Program direction	58,525	58,525
Construction:		
23-D-533 BL Component Test Complex	57,420	57,420
22-D-532 Security Upgrades KL	0	0
22-D-531 KL Chemistry & Radiological Health Building	0	0
14-D-901 Spent Fuel Handling Recapitalization Project, NRF	397,845	397,845
21-D-530 KL Steam and Condensate Upgrades	0	0
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	21,410,400	22,290,900
Defense Environmental Cleanup		
Closure sites administration	4,067	4,067
Richland		
River corridor and other cleanup operations	135,000	221,000
Program increase		(86,000)
Central plateau remediation	650,240	672,240
Program increase		(22,000)
Richland community and regulatory support	10,013	10,013
18-D-404 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-404 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	925,603
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		(10,000)
Construction		
23-D-403 Hanford 200 West Area Tank Farms Risk Management Project	4,408	4,408
18-D-16 Waste treatment and immobilization plant—LBL/Direct feed LAW	0	0
01-D-16D, High-level waste facility	316,200	358,939
Program increase		(42,739)
01-D-16E, Pretreatment Facility	20,000	20,000
Subtotal, Construction	340,608	383,347
ORP Low-level waste offsite disposal	0	0
Total, Office of River Protection	1,604,408	1,657,147
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
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		(10,000)
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
Program increase		(5,000)
U233 Disposition Program	47,628	47,628
OR cleanup and waste disposition	62,000	62,000
Construction		
17-D-401 On-site waste disposal facility	35,000	35,000
14-D-403 Outfall 200 Mercury Treatment Facility	0	0
Subtotal, Construction	35,000	35,000
OR community & regulatory support	5,300	5,300
OR technology development and deployment	3,000	3,000
Total, Oak Ridge Reservation	487,149	492,149
Savannah River Site:		
Savannah River risk management operations	416,317	460,317
Program increase		(44,000)
Savannah River legacy pensions	132,294	132,294
Savannah River community and regulatory support	12,137	12,137
Savannah River National Laboratory O&M	41,000	41,000
Construction:		
20-D-401 Saltstone Disposal Unit #10, 11, 12	37,668	37,668
19-D-701 SR Security systems replacement	5,000	5,000
18-D-402 Saltstone Disposal Unit #8, 9	49,832	49,832
18-D-402 Emergency Operations Center Replacement, SR	25,568	25,568
Subtotal, Construction	118,068	118,068
Radioactive liquid tank waste stabilization	851,660	931,000
Program increase		(79,340)
Total, Savannah River Site	1,571,476	1,694,816
Waste Isolation Pilot Plant		
Waste Isolation Pilot Plant	371,943	371,943
Construction:		
15-D-411 Safety significant confinement ventilation system, WIPP	59,073	59,073
15-D-412 Exhaust shaft, WIPP	25,000	25,000
Program increase		6,000
Total, Construction	84,073	90,073
Total, Waste Isolation Pilot Plant	456,016	462,016
Program direction—Defense Environmental Cleanup	317,002	317,002
Program support—Defense Environmental Cleanup	103,239	103,239
Safeguards and Security—Defense Environmental Cleanup	309,573	309,573
Technology development and deployment	25,000	25,000
Federal contribution to the Uranium Enrichment D&D Fund	417,000	0
Program reduction		(–417,000)
Subtotal, Defense Environmental Cleanup	6,914,532	6,802,611
TOTAL, Defense Environmental Cleanup	6,914,532	6,802,611
Defense Uranium Enrichment D&D	0	0
Other Defense Activities		
Environment, health, safety and security		
Environment, health, safety and security mission support	138,854	138,854
Program direction	76,685	76,685
Total, Environment, health, safety and security	215,539	215,539

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)		
Program	FY 2023 Request	Conference Authorized
Office of Enterprise Assessments		
Enterprise assessments	27,486	27,486
Program direction	57,941	57,941
Total, Office of Enterprise Assessments	85,427	85,427
Specialized security activities	306,067	306,067
Legacy Management		
Legacy Management Activities—Defense	174,163	174,163
Program Direction	21,983	21,983
Total, Legacy Management	196,146	196,146
Defense-related administrative support	170,695	170,695
Office of hearings and appeals	4,477	4,477
Subtotal, Other defense activities	978,351	978,351
Use of prior year balances	0	0
Total, Other Defense Activities	978,351	978,351

1 **DIVISION E—NON-DEPARTMENT**
2 **OF DEFENSE MATTERS**
3 **TITLE LI—VETERANS AFFAIRS**
4 **MATTERS**

Subtitle A—Advisory Committees

- Sec. 5101. Annual report from Advisory Committee on Women Veterans.
Sec. 5102. Department of Veterans Affairs Advisory Committee on United States Outlying Areas and Freely Associated States.

Subtitle B—Studies and Reports

- Sec. 5111. Secretary of Veterans Affairs study on dissemination of information on Department of Veterans Affairs home loan benefits.
Sec. 5112. GAO study on post-market surveillance of medical devices by Department of Veterans Affairs.
Sec. 5113. Department of Veterans Affairs report on supportive services and housing insecurity.
Sec. 5114. Report on handling of certain records of the Department of Veterans Affairs.

Subtitle C—Other Matters

- Sec. 5121. Improved application of employment and reemployment rights of all members of uniformed services.
Sec. 5122. Competitive pay for health care providers of Department of Veterans Affairs.
Sec. 5123. Definition of land use revenue under West Los Angeles Leasing Act of 2016.
Sec. 5124. Technical corrections to Honoring our PACT Act of 2022.
Sec. 5125. Improving pilot program on acceptance by the Department of Veterans Affairs of donated facilities and related improvements.
Sec. 5126. Improvement of Vet Centers at Department of Veterans Affairs.

Sec. 5127. Information on certain veterans with prior medical occupations; program on intermediate care technicians of Department of Veterans Affairs.

1 **Subtitle A—Advisory Committees**

2 **SEC. 5101. ANNUAL REPORT FROM ADVISORY COMMITTEE** 3 **ON WOMEN VETERANS.**

4 Section 542(c)(1) of title 38, United States Code, is
5 amended by striking “even-numbered year” and inserting
6 “year”.

7 **SEC. 5102. DEPARTMENT OF VETERANS AFFAIRS ADVISORY** 8 **COMMITTEE ON UNITED STATES OUTLYING** 9 **AREAS AND FREELY ASSOCIATED STATES.**

10 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—
11 Subchapter III of chapter 5 of title 38, United States
12 Code, is amended by adding at the end the following new
13 section (and conforming the table of sections at the begin-
14 ning of such chapter accordingly):

15 **“§ 548. Advisory Committee on United States Out-** 16 **lying Areas and Freely Associated States**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish an advisory committee, to be known as the ‘Advisory
19 Committee on United States Outlying Areas and Freely
20 Associated States’, to provide advice and guidance to the
21 Secretary on matters relating to covered veterans.

22 “(b) DUTIES.—The duties of the Committee shall be
23 the following:

1 “(1) To advise the Secretary on matters relat-
2 ing to covered veterans, including how the Secretary
3 may improve the programs and services of the De-
4 partment to better serve such veterans.

5 “(2) To identify for the Secretary evolving
6 issues of relevance to covered veterans.

7 “(3) To propose clarifications, recommenda-
8 tions, and solutions to address issues raised by cov-
9 ered veterans.

10 “(4) To provide a forum for covered veterans,
11 veterans service organizations serving covered vet-
12 erans, and the Department to discuss issues and
13 proposals for changes to regulations, policies, and
14 procedures of the Department.

15 “(5) To identify priorities for and provide ad-
16 vice to the Secretary on appropriate strategies for
17 consultation with veterans service organizations serv-
18 ing covered veterans.

19 “(6) To encourage the Secretary to work with
20 the heads of other Federal departments and agen-
21 cies, and Congress, to ensure covered veterans are
22 provided the full benefits of their status as covered
23 veterans.

24 “(7) To highlight contributions of covered vet-
25 erans in the Armed Forces.

1 “(8) To conduct other duties as determined ap-
2 propriate by the Secretary.

3 “(c) MEMBERSHIP.—(1) The Committee shall be
4 comprised of 15 voting members appointed by the Sec-
5 retary.

6 “(2) In appointing members pursuant to paragraph
7 (1), the Secretary shall ensure the following:

8 “(A) At least one member is appointed to rep-
9 resent covered veterans in each of the following
10 areas:

11 “(i) American Samoa.

12 “(ii) Guam.

13 “(iii) Puerto Rico.

14 “(iv) The Commonwealth of the Northern
15 Mariana Islands.

16 “(v) The Virgin Islands of the United
17 States.

18 “(vi) The Federated States of Micronesia.

19 “(vii) The Republic of the Marshall Is-
20 lands.

21 “(viii) The Republic of Palau.

22 “(B) Not fewer than half of the members ap-
23 pointed are covered veterans, unless the Secretary
24 determines that an insufficient number of qualified
25 covered veterans are available.

1 “(C) Each member appointed resides in an area
2 specified in subparagraph (A).

3 “(3) In appointing members pursuant to paragraph
4 (1), the Secretary may consult with any Member of Con-
5 gress who represents an area specified in paragraph
6 (2)(A).

7 “(4) In addition to the members appointed pursuant
8 to paragraph (1), the Committee shall be comprised of
9 such ex officio members as the Secretary of State and the
10 Secretary of the Interior shall appoint from among em-
11 ployees of the Department of State and the Department
12 of the Interior, respectively.

13 “(d) TERMS; VACANCIES.—(1) A member of the
14 Committee—

15 “(A) shall be appointed for a term of two years;
16 and

17 “(B) may be reappointed to serve an additional
18 two-year term.

19 “(2) Not later than 180 days after the Secretary (or
20 in the case of an ex officio member, the Secretary of State
21 or the Secretary of the Interior, as the case may be) re-
22 ceives notice of a vacancy in the Committee, the vacancy
23 shall be filled in the same manner as the original appoint-
24 ment.

1 “(e) MEETING FORMAT AND FREQUENCY.—(1) Ex-
2 cept as provided in paragraph (2), the Committee shall
3 meet in-person with the Secretary not less frequently than
4 once each year and hold monthly conference calls as nec-
5 essary.

6 “(2) Meetings held under paragraph (1) may be con-
7 ducted virtually if determined necessary based on—

8 “(A) Department protocols; and

9 “(B) timing and budget considerations.

10 “(f) ADDITIONAL REPRESENTATION.—(1) Rep-
11 resentatives of relevant Federal departments and agencies
12 may attend meetings of the Committee and provide infor-
13 mation to the Committee.

14 “(2) One representative of the Department shall at-
15 tend each meeting of the Committee.

16 “(3) Representatives attending meetings under this
17 subsection—

18 “(A) may not be considered voting members of
19 the Committee; and

20 “(B) may not receive additional compensation
21 for services performed with respect to the Com-
22 mittee.

23 “(g) SUBCOMMITTEES.—(1) The Committee may es-
24 tablish subcommittees.

1 “(2) The Secretary may, in consultation with the
2 Committee, appoint a member to a subcommittee estab-
3 lished under paragraph (1) who is not a member of the
4 Committee.

5 “(3) A subcommittee established under paragraph (1)
6 may enhance the function of the Committee, but may not
7 supersede the authority of the Committee or provide direct
8 advice or work products to the Secretary.

9 “(h) REPORTS.—(1) Not less frequently than once
10 every two years, the Committee shall submit to the Sec-
11 retary and the appropriate congressional committees a re-
12 port—

13 “(A) containing such recommendations as the
14 Committee may have for legislative or administrative
15 action; and

16 “(B) describing the activities of the Committee
17 during the previous two years.

18 “(2) Not later than 120 days after the date on which
19 the Secretary receives a report under paragraph (1), the
20 Secretary shall submit to the appropriate congressional
21 committees a written response to the report after—

22 “(A) giving the Committee an opportunity to
23 review such written response; and

24 “(B) including in such written response any
25 comments the Committee considers appropriate.

1 “(3) The Secretary shall make publicly available on
2 an internet website of the Department—

3 “(A) each report the Secretary receives under
4 paragraph (1); and

5 “(B) each written response the Secretary sub-
6 mits under paragraph (2).

7 “(i) COMMITTEE PERSONNEL MATTERS.—A member
8 of the Committee shall be allowed travel expenses, includ-
9 ing per diem in lieu of subsistence, at rates authorized
10 for an employee of an agency under subchapter I of chap-
11 ter 57 of title 5 while away from the home or regular place
12 of business of the member in the performance of the duties
13 of the Committee.

14 “(j) CONSULTATION.—In carrying out this section,
15 the Secretary shall consult with veterans service organiza-
16 tions serving covered veterans.

17 “(k) TERMINATION.—The Committee shall terminate
18 on the date that is 10 years after the date of the enact-
19 ment of this section.

20 “(l) DEFINITIONS.—In this section:

21 “(1) The term ‘appropriate congressional com-
22 mittees’ means—

23 “(A) the Committee on Veterans’ Affairs
24 of the House of Representatives; and

1 “(B) the Committee on Veterans’ Affairs
2 of the Senate.

3 “(2) The term ‘Committee’ means the Advisory
4 Committee on United States Outlying Areas and
5 Freely Associated States established under sub-
6 section (a).

7 “(3) The term ‘covered veteran’ means a vet-
8 eran residing in an area specified in subsection
9 (c)(2)(A).

10 “(4) The term ‘veterans service organization
11 serving covered veterans’ means any organization
12 that—

13 “(A) serves the interests of covered vet-
14 erans;

15 “(B) has covered veterans in substantive
16 and policymaking positions within the organiza-
17 tion; and

18 “(C) has demonstrated experience working
19 with covered veterans.”.

20 (b) DEADLINE FOR ESTABLISHMENT.—Not later
21 than 180 days after the date of the enactment of this Act,
22 the Secretary of Veterans Affairs shall establish the advi-
23 sory committee required by section 548 of title 38, United
24 States Code, as added by subsection (a) of this section.

1 (c) DEADLINE FOR INITIAL APPOINTMENTS.—Not
2 later than 90 days after the date on which the Secretary
3 establishes the advisory committee required by such sec-
4 tion 548, the members of such advisory committee shall
5 be appointed.

6 (d) INITIAL MEETING.—Not later than 180 days
7 after the date on which the Secretary establishes the advi-
8 sory committee required by such section 548, such advi-
9 sory committee shall hold its first meeting.

10 **Subtitle B—Studies and Reports**

11 **SEC. 5111. SECRETARY OF VETERANS AFFAIRS STUDY ON** 12 **DISSEMINATION OF INFORMATION ON DE-** 13 **PARTMENT OF VETERANS AFFAIRS HOME** 14 **LOAN BENEFITS.**

15 (a) STUDY.—The Secretary of Veterans Affairs shall
16 conduct a study to identify the means by which the Sec-
17 retary informs lenders and veterans about the availability
18 of loans guaranteed by the Department of Veterans Af-
19 fairs under chapter 37 of title 38, United States Code,
20 for any purpose described in section 3710(a) of such title.

21 (b) REPORT.—Not later than six months after the
22 date of the enactment of this Act, the Secretary of Vet-
23 erans Affairs shall—

24 (1) submit to the Committee on Veterans' Af-
25 fairs of the Senate and the Committee on Veterans'

1 Affairs of the House of Representatives a report on
2 the results of the study conducted under subsection
3 (a); and

4 (2) make such report publicly available on an
5 appropriate website of the Department of Veterans
6 Affairs.

7 **SEC. 5112. GAO STUDY ON POST-MARKET SURVEILLANCE**
8 **OF MEDICAL DEVICES BY DEPARTMENT OF**
9 **VETERANS AFFAIRS.**

10 (a) STUDY.—The Comptroller General of the United
11 States shall conduct a study on the efforts of the Under
12 Secretary of Veterans Affairs for Health relating to post-
13 market surveillance of implantable medical devices.

14 (b) REPORT.—Not later than one year after the date
15 of the enactment of this Act, the Comptroller General shall
16 submit to the Committees on Veterans' Affairs of the
17 House of Representatives and the Senate a report on the
18 findings of the study under subsection (a). Such report
19 shall include the following:

20 (1) A description of the process used by the
21 Under Secretary of Veterans Affairs for Health for
22 documenting implantable medical devices issued to
23 patients.

24 (2) An evaluation of the capability of the Under
25 Secretary of Veterans Affairs for Health to identify,

1 in a timely manner, adverse events and safety issues
2 relating to implantable medical devices.

3 (3) An evaluation of the process for, and poten-
4 tial barriers to, the Under Secretary of Veterans Af-
5 fairs for Health notifying patients of an implantable
6 medical device recall.

7 (4) An evaluation of the accessibility of the ad-
8 verse event reporting systems of the Veterans Health
9 Administration for patients with disabilities.

10 (5) Recommendations to address gaps in such
11 adverse event reporting systems, to better identify
12 adverse events and safety issues from implantable
13 medical devices.

14 **SEC. 5113. DEPARTMENT OF VETERANS AFFAIRS REPORT**
15 **ON SUPPORTIVE SERVICES AND HOUSING IN-**
16 **SECURITY.**

17 Not later than one year after the date of the enact-
18 ment of this Act, the Secretary of Veterans Affairs, in co-
19 ordination with the Secretary of Housing and Urban De-
20 velopment and the Secretary of Labor, shall submit to
21 Congress a report on how often and what type of sup-
22 portive services (including career transition and mental
23 health services and services for elderly veterans) are being
24 offered to and used by veterans, and any correlation be-
25 tween a lack of supportive services programs and the like-

1 lihood of veterans falling back into housing insecurity. The
2 Secretary of Veterans Affairs shall ensure that any med-
3 ical information included in the report is de-identified.

4 **SEC. 5114. REPORT ON HANDLING OF CERTAIN RECORDS**
5 **OF THE DEPARTMENT OF VETERANS AF-**
6 **FAIRS.**

7 (a) REPORT.—Not later than one year after the date
8 of the enactment of this Act, the Inspector General of the
9 Department of Veterans Affairs, in coordination with the
10 Secretary of Defense, shall submit to Congress a report
11 on the extent to which the procedures outlined in provision
12 M21-1 III.ii.2.F.1 of the Adjudication Procedures Manual
13 of the Department of Veterans Affairs, or any successor
14 document, are followed in assisting veterans obtain or re-
15 construct service records or medical information damaged
16 or destroyed in the fire that occurred at the National
17 Processing Records Center in St. Louis, Missouri, in July
18 of 1973.

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

21 (1) The determination of the Inspector General
22 as to whether employees of the Department of Vet-
23 erans Affairs receive sufficient training on the proce-
24 dures specified in such subsection.

1 (2) The determination of the Inspector General
2 as to whether veterans are informed of actions nec-
3 essary to adhere to such procedures.

4 (3) The percentage of cases regarding such
5 service records and medical information in which
6 employees of the Department of Veterans Affairs
7 follow such procedures.

8 (4) The average duration of time to resolve an
9 issue using such procedures.

10 (5) Recommendations on how to improve the
11 implementation of such procedures.

12 **Subtitle C—Other Matters**

13 **SEC. 5121. IMPROVED APPLICATION OF EMPLOYMENT AND** 14 **REEMPLOYMENT RIGHTS OF ALL MEMBERS** 15 **OF UNIFORMED SERVICES.**

16 (a) IN GENERAL.—Paragraph (5) of section 4303 of
17 title 38, United States Code, is amended to read as fol-
18 lows:

19 “(5) The term ‘Federal executive agency’—

20 “(A) except as provided in subparagraph

21 (B), includes—

22 “(i) the United States Postal Service;

23 “(ii) the Postal Regulatory Commis-

24 sion;

1 “(iii) any nonappropriated fund in-
2 strumentality of the United States;

3 “(iv) any Executive agency (as defined
4 in section 105 of title 5); and

5 “(v) any military department (as de-
6 fined in section 102 of title 5) with respect
7 to the civilian employees of that depart-
8 ment; and

9 “(B) does not include—

10 “(i) an agency referred to in section
11 2302(a)(2)(C)(ii) of title 5;

12 “(ii) the National Oceanic and Atmos-
13 pheric Administration with respect to
14 members of the commissioned officer corps
15 of the National Oceanic and Atmospheric
16 Administration; or

17 “(iii) the Public Health Service with
18 respect to members of the Commissioned
19 Corps of the Public Health Service serving
20 on active duty, active duty for training, or
21 inactive duty training.”.

22 (b) TECHNICAL CORRECTION.—Paragraph (17) of
23 such section is amended by striking “commissioned corps
24 of the Public Health Service” and inserting “Commis-
25 sioned Corps of the Public Health Service”.

1 **SEC. 5122. COMPETITIVE PAY FOR HEALTH CARE PRO-**
2 **VIDERS OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 Section 7451(c) of title 38, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(4)(A) The director of each medical center of the
8 Department shall submit to the Secretary an annual local-
9 ity pay survey and rates of basic pay for covered positions
10 at such medical center to ensure that pay rates remain
11 competitive in the local labor market.

12 “(B) Not less than once per fiscal year, the Secretary
13 shall submit to the Committees on Veterans’ Affairs of
14 the House of Representatives and the Senate a report on
15 rates of basic pay for covered positions at medical centers
16 of the Department.”.

17 **SEC. 5123. DEFINITION OF LAND USE REVENUE UNDER**
18 **WEST LOS ANGELES LEASING ACT OF 2016.**

19 Section 2(d)(2) of the West Los Angeles Leasing Act
20 of 2016 (Public Law 114–226) is amended—

21 (1) in subparagraph (A), by striking “; and”
22 and inserting a semicolon;

23 (2) by redesignating subparagraph (B) as sub-
24 paragraph (C); and

25 (3) by inserting after subparagraph (A) the fol-
26 lowing new subparagraph:

1 “(B) to the extent specified in advance in
2 an appropriations Act for a fiscal year, any
3 funds received as compensation for an easement
4 described in subsection (e); and”.

5 **SEC. 5124. TECHNICAL CORRECTIONS TO HONORING OUR**
6 **PACT ACT OF 2022.**

7 (a) PRESUMPTION OF SERVICE CONNECTION FOR
8 CERTAIN DISEASES ASSOCIATED WITH EXPOSURE TO
9 BURN PITS AND OTHER TOXINS.—Section 1120(b)(2) of
10 title 38, United States Code, is amended—

11 (1) by striking subparagraph (G); and

12 (2) by redesignating subparagraphs (H)
13 through (K) as subparagraphs (G) through (J), re-
14 spectively.

15 (b) CONGRESSIONAL APPROVAL OF CERTAIN MED-
16 ICAL FACILITY ACQUISITIONS.—Section 703(c)(5)(C) of
17 the Honoring our PACT Act of 2022 (Public Law 117–
18 168; 136 Stat. 1797) is amended to read as follows:

19 “(C) by striking ‘or a major medical facil-
20 ity lease (as defined in subsection (a)(3)(B))’;”.

21 (c) USE OF COMPETITIVE PROCEDURES TO ACQUIRE
22 SPACE FOR THE PURPOSE OF PROVIDING HEALTH-CARE
23 RESOURCES TO VETERANS.—Section 8103(h)(1) of title
24 38, United States Code, is amended by striking “section
25 2304 of title 10” and inserting “section 3301 of title 41”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect as if included in the enact-
3 ment of the Honoring our PACT Act of 2022 (Public Law
4 117–168).

5 **SEC. 5125. IMPROVING PILOT PROGRAM ON ACCEPTANCE**
6 **BY THE DEPARTMENT OF VETERANS AFFAIRS**
7 **OF DONATED FACILITIES AND RELATED IM-**
8 **PROVEMENTS.**

9 (a) IN GENERAL.—Section 2 of the Communities
10 Helping Invest through Property and Improvements Need-
11 ed for Veterans Act of 2016 (Public Law 114–294; 38
12 U.S.C. 8103 note) is amended—

13 (1) in subsection (b)(1)(A), by inserting before
14 the semicolon the following: “or for which funds are
15 available from the Construction, Minor Projects, or
16 Construction, Major Projects appropriations ac-
17 counts”;

18 (2) in subsection (e)(1)—

19 (A) in subparagraph (A)—

20 (i) by striking “The Secretary” and
21 inserting “Except as otherwise provided in
22 this paragraph, the Secretary”; and

23 (ii) by inserting “or funds already
24 generally available in the Construction,
25 Minor Projects, or Construction, Major

1 Projects appropriations accounts” after
2 “that are in addition to the funds appro-
3 priated for the facility”;

4 (B) in subparagraph (B), by striking “sub-
5 paragraph (A)” and inserting “this paragraph”;

6 (C) by redesignating subparagraph (B) as
7 subparagraph (F); and

8 (D) by inserting after subparagraph (A)
9 the following new subparagraphs:

10 “(B) UNOBLIGATED AMOUNTS.—The Sec-
11 retary may provide additional funds to help an
12 entity described in subsection (a)(2) finance,
13 design, or construct a facility in connection with
14 real property and improvements to be donated
15 under the pilot program and proposed to be ac-
16 cepted by the Secretary under subsection
17 (b)(1)(B) if—

18 “(i) the Secretary determines that
19 doing so is in the best interest of the De-
20 partment and consistent with the mission
21 of the Department; and

22 “(ii) funding provided under this sub-
23 paragraph—

24 “(I) is in addition to amounts
25 that have been appropriated for the

1 facility before the date on which the
2 Secretary and the entity enter into a
3 formal agreement under subsection (c)
4 for the construction and donation of
5 the real property and improvements;
6 and

7 “(II) is derived only from
8 amounts that—

9 “(aa) are unobligated bal-
10 ances available in the Construc-
11 tion, Minor Projects, or Con-
12 struction, Major Projects appro-
13 priations accounts of the Depart-
14 ment that—

15 “(AA) are not associ-
16 ated with a specific project;
17 or

18 “(BB) are amounts
19 that are associated with a
20 specific project, but are un-
21 obligated because they are
22 the result of bid savings;
23 and

1 “(bb) were appropriated to
2 such an account before the date
3 described in subclause (I).

4 “(C) ESCALATION CLAUSES.—

5 “(i) IN GENERAL.—The Secretary
6 may include an escalation clause in a for-
7 mal agreement under subsection (c) that
8 authorizes an escalation of not more than
9 an annual amount based on a rate estab-
10 lished in the formal agreement and mutu-
11 ally agreed upon by the Secretary and an
12 entity to account for inflation for an area
13 if the Secretary determines, after consulta-
14 tion with the head of an appropriate Fed-
15 eral entity that is not part of the Depart-
16 ment, that such escalation is necessary and
17 in the best interest of the Department.

18 “(ii) USE OF EXISTING AMOUNTS.—
19 The Secretary may obligate funds pursu-
20 ant to clause (i) in connection with a for-
21 mal agreement under subsection (c) using
22 amounts that—

23 “(I) are unobligated balances
24 available in the Construction, Minor
25 Projects, or Construction, Major

1 Projects appropriations accounts of
2 the Department that—

3 “(aa) are not associated
4 with a specific project; or

5 “(bb) are amounts that are
6 associated with a specific project,
7 but are unobligated because they
8 are the result of bid savings; and

9 “(II) were appropriated to such
10 an account before the date on which
11 the Secretary and the entity entered
12 into the formal agreement.

13 “(D) AVAILABILITY.—Unobligated
14 amounts shall be available pursuant to subpara-
15 graphs (B) and (C) only to the extent and in
16 such amounts as provided in advance in appro-
17 priations Acts subsequent to the date of the en-
18 actment of this subparagraph, subject to sub-
19 paragraph (E).

20 “(E) LIMITATION.—Unobligated amounts
21 made available pursuant to subparagraphs (B)
22 and (C) may not exceed 40 percent of the
23 amount appropriated for the facility before the
24 date on which the Secretary and the entity en-

1 tered into a formal agreement under subsection
2 (e).”; and

3 (3) in subsection (j)—

4 (A) by striking “RULE” and inserting
5 “RULES”;

6 (B) by striking “Nothing in” and inserting
7 the following:

8 “(1) ENTERING ARRANGEMENTS AND AGREE-
9 MENTS.—Nothing in”;

10 (C) by adding at the end the following new
11 paragraph:

12 “(2) TREATMENT OF ASSISTANCE.—Nothing
13 provided under this section shall be treated as Fed-
14 eral financial assistance as defined in section 200.40
15 of title 2, Code of Federal Regulations, as in effect
16 on February 21, 2021.”.

17 (b) AMENDMENTS TO EXISTING AGREEMENTS.—
18 Each agreement entered into under section (2)(e) of such
19 Act before the date of the enactment of this Act that was
20 in effect on the date of the enactment of this Act may
21 be amended to incorporate terms authorized by subpara-
22 graphs (B) and (C) of section 2(e)(1) of such Act, as
23 added by subsection (a)(2)(D) of this section.

1 **SEC. 5126. IMPROVEMENT OF VET CENTERS AT DEPART-**
2 **MENT OF VETERANS AFFAIRS.**

3 (a) **PRODUCTIVITY EXPECTATIONS FOR READJUST-**
4 **MENT COUNSELORS OF VET CENTERS.—**

5 (1) **EVALUATION OF PRODUCTIVITY EXPECTA-**
6 **TIONS.—**Not later than one year after the date of
7 the enactment of this Act, the Secretary of Veterans
8 Affairs shall evaluate productivity expectations for
9 readjustment counselors of Vet Centers, including by
10 obtaining systematic feedback from counselors on
11 such expectations, including with respect to fol-
12 lowing:

13 (A) Any potential effects of productivity
14 expectations, whether positive or negative, on
15 client care and the welfare of readjustment
16 counselors.

17 (B) Distances readjustment counselors
18 may travel to appointments, especially with re-
19 spect to serving rural veterans.

20 (C) The possibility that some veterans may
21 not want to use nor benefit from telehealth or
22 group counseling.

23 (D) Availability and access of veteran pop-
24 ulations to broadband and telehealth.

1 (E) Any effect of productivity expectations
2 on readjustment counselors, including with re-
3 spect to recruitment, retention, and welfare.

4 (F) Whether productivity expectations pro-
5 vide incentives or pressure to inaccurately re-
6 port client visits.

7 (G) Whether directors and readjustment
8 counselors of Vet Centers need additional train-
9 ing or guidance on how productivity expecta-
10 tions are calculated.

11 (H) Such other criteria as the Secretary
12 considers appropriate.

13 (2) SYSTEMATIC FEEDBACK.—

14 (A) IN GENERAL.—The Secretary shall—

15 (i) make every effort to ensure that all
16 readjustment counselors of Vet Centers are
17 given the opportunity to fully provide feed-
18 back, positive or negative, including
19 through a survey containing open- and
20 close-ended questions, on all items under
21 paragraph (1);

22 (ii) in obtaining feedback under para-
23 graph (1), ensure that the items under
24 paragraph (1) are adequately and com-
25 pletely addressed in a way that permits re-

1 sponses to be relevant to the evaluation of
2 productivity expectations;

3 (iii) collect and safely store the feed-
4 back obtained under paragraph (1)—

5 (I) in an electronic database that
6 cannot be altered by any party;

7 (II) in an anonymized manner, in
8 order to protect the privacy of each
9 respondent; and

10 (III) in a manner that allows for
11 evaluation by third parties of the feed-
12 back, such as audit of the feedback by
13 the Government Accountability Office;
14 and

15 (iv) provide the feedback obtained
16 under paragraph (1) in an anonymized
17 manner to the working group established
18 under subsection (c).

19 (B) GOVERNMENT ACCOUNTABILITY OF-
20 FICE AUDIT.—Not less frequently than once
21 each year during the five-year period beginning
22 on the date of the enactment of this Act, the
23 Comptroller General of the United States shall
24 audit the feedback obtained from readjustment
25 counselors of Vet Centers under paragraph (1).

1 (3) IMPLEMENTATION OF CHANGES.—Not later
2 than 90 days after the date of the completion of the
3 evaluation required by paragraph (1), the Secretary
4 shall implement any needed changes to the produc-
5 tivity expectations described in such paragraph in
6 order to ensure—

7 (A) quality of care and access to care for
8 veterans; and

9 (B) the welfare of readjustment counselors.

10 (4) REPORT TO CONGRESS.—Not later than
11 180 days after the date of the completion of the
12 evaluation required by paragraph (1), the Secretary
13 shall submit to Congress a report on—

14 (A) the findings of the evaluation; and

15 (B) any planned or implemented changes
16 described in paragraph (3).

17 (5) PLAN FOR REASSESSMENT AND IMPLEMEN-
18 TATION.—

19 (A) PLAN.—Not later than one year after
20 the date of the enactment of this Act, the Sec-
21 retary shall develop and implement a plan for—

22 (i) reassessing productivity expecta-
23 tions for readjustment counselors of Vet
24 Centers, in consultation with such coun-
25 selors; and

1 (ii) implementing any needed changes
2 to such expectations, as the Secretary de-
3 termines appropriate.

4 (B) REASSESSMENTS.—Under the plan re-
5 quired by subparagraph (A), the Secretary shall
6 conduct a reassessment described in such para-
7 graph not less frequently than once each year.

8 (b) STAFFING MODEL FOR VET CENTERS.—

9 (1) IN GENERAL.—Not later than one year
10 after the date of the enactment of this Act, the Sec-
11 retary of Veterans Affairs shall develop and imple-
12 ment a staffing model for Vet Centers that incor-
13 porates key practices in the design of such staffing
14 model.

15 (2) ELEMENTS.—In developing the staffing
16 model under paragraph (1), the Secretary shall—

17 (A) involve key stakeholders, including re-
18 adjustment counselors, outreach specialists, and
19 directors of Vet Centers;

20 (B) incorporate key work activities and the
21 frequency and time required to conduct such
22 activities;

23 (C) ensure the data used in the model is
24 high quality to provide assurance that staffing
25 estimates are reliable; and

- 1 (D) incorporate—
- 2 (i) risk factors, including case com-
- 3 plexity;
- 4 (ii) geography;
- 5 (iii) availability, advisability, and will-
- 6 ingness of veterans to use telehealth or
- 7 group counseling; and
- 8 (iv) such other factors as the Sec-
- 9 retary considers appropriate.

10 (3) PLAN FOR ASSESSMENTS AND UPDATES.—

11 Not later than one year after the date of the enact-

12 ment of this Act, the Secretary shall develop a plan

13 for—

14 (A) assessing and updating the staffing

15 model developed and implemented under para-

16 graph (1) not less frequently than once every

17 four years; and

18 (B) implementing any needed changes to

19 such model, as the Secretary determines appro-

20 priate.

21 (c) WORKING GROUP OF READJUSTMENT COUN-

22 SELORS, OUTREACH SPECIALISTS, AND DIRECTORS OF

23 VET CENTERS.—

24 (1) IN GENERAL.—In conducting the evaluation

25 of productivity expectations under subsection (a) (1)

1 and developing the staffing model for Vet Centers
2 under subsection (b)(1), the Secretary of Veterans
3 Affairs shall establish a working group to assess—

4 (A) the efficacy, impact, and composition
5 of performance metrics for such expectations
6 with respect to—

7 (i) quality of care and access to care
8 for veterans; and

9 (ii) the welfare of readjustment coun-
10 selors and other employees of Vet Centers;
11 and

12 (B) key considerations for the development
13 of such staffing model, including with respect
14 to—

15 (i) quality of care and access to care
16 for veterans and other individuals eligible
17 for care through Vet Centers; and

18 (ii) recruitment, retention, and wel-
19 fare of employees of Vet Centers.

20 (2) MEMBERSHIP.—The working group estab-
21 lished under paragraph (1) shall be composed of re-
22 adjustment counselors, outreach specialists, and di-
23 rectors of Vet Centers.

1 (3) FEEDBACK AND RECOMMENDATIONS.—The
2 working group established under paragraph (1) shall
3 provide to the Secretary—

4 (A) feedback from readjustment coun-
5 selors, outreach specialists, and directors of Vet
6 Centers; and

7 (B) recommendations on how to improve—

8 (i) quality of care and access to care
9 for veterans; and

10 (ii) the welfare of readjustment coun-
11 selors and other employees of Vet Centers.

12 (d) IMPROVEMENTS OF HIRING PRACTICES AT VET
13 CENTERS.—

14 (1) STANDARDIZATION OF POSITION DESCRIP-
15 TIONS.—

16 (A) IN GENERAL.—Not later than one year
17 after the date of the enactment of this Act, the
18 Secretary of Veterans Affairs shall standardize
19 descriptions of position responsibilities at Vet
20 Centers.

21 (B) REPORTING REQUIREMENT.—In each
22 of the first two annual reports submitted under
23 section 7309(e) of title 38, United States Code,
24 after the date of the enactment of this Act, the
25 Secretary shall include a description of the ac-

1 tions taken by the Secretary to carry out sub-
2 paragraph (A).

3 (2) EXPANSION OF REPORTING REQUIREMENTS
4 ON READJUSTMENT COUNSELING TO INCLUDE AC-
5 TIONS TO REDUCE STAFFING VACANCIES AND TIME
6 TO HIRE.—Section 7309(e)(2) of title 38, United
7 States Code, is amended by adding at the end the
8 following new subparagraph:

9 “(D) A description of actions taken by the Sec-
10 retary to reduce—

11 “(i) vacancies in counselor positions in the
12 Readjustment Counseling Service; and

13 “(ii) the time it takes to hire such coun-
14 selors.”.

15 (e) REPORT BY GOVERNMENT ACCOUNTABILITY OF-
16 FICE ON VET CENTER INFRASTRUCTURE AND FUTURE
17 INVESTMENTS.—

18 (1) IN GENERAL.—Not later than one year
19 after the date of the enactment of this Act, the
20 Comptroller General of the United States shall sub-
21 mit to Congress a report on physical infrastructure
22 and future investments with respect to Vet Centers.

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

25 (A) An assessment of—

1 (i) the condition of the physical infra-
2 structure of all assets of Vet Centers,
3 whether owned or leased by the Depart-
4 ment of Veterans Affairs; and

5 (ii) the short-, medium-, and long-
6 term plans of the Department to maintain
7 and upgrade the physical infrastructure of
8 Vet Centers to address the operational
9 needs of Vet Centers as of the date of the
10 submittal of the report and future needs.

11 (B) An assessment of management and
12 strategic planning for the physical infrastruc-
13 ture of Vet Centers, including whether the De-
14 partment should buy or lease existing or addi-
15 tional locations in areas with stable or growing
16 populations of veterans.

17 (C) An assessment of whether, as of the
18 date of the submittal of the report, Vet Center
19 buildings, mobile Vet Centers, community ac-
20 cess points, and similar infrastructure are suffi-
21 cient to care for veterans or if such infrastruc-
22 ture is negatively affecting care due to limited
23 space for veterans and Vet Center personnel or
24 other factors.

1 (D) An assessment of the areas with the
2 greatest need for investments in—

3 (i) improved physical infrastructure,
4 including upgraded Vet Centers; or

5 (ii) additional physical infrastructure
6 for Vet Centers, including new Vet Centers
7 owned or leased by the Department.

8 (E) A description of the authorities and re-
9 sources that may be required for the Secretary
10 to make such investments.

11 (F) A review of all annual reports sub-
12 mitted under 7309(e) of title 38, United States
13 Code, before the date of the submittal of the re-
14 port under paragraph (1).

15 (f) PILOT PROGRAM TO COMBAT FOOD INSECURITY
16 AMONG VETERANS AND FAMILY MEMBERS OF VET-
17 ERANS.—

18 (1) IN GENERAL.—Not later than 18 months
19 after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs shall establish a pilot pro-
21 gram to award grants to eligible entities to support
22 partnerships that address food insecurity among vet-
23 erans and family members of veterans who receive
24 services through Vet Centers or other facilities of
25 the Department as determined by the Secretary.

1 (2) DURATION OF PILOT.—The Secretary shall
2 carry out the pilot program for a three-year period
3 beginning on the date of the establishment of the
4 pilot program.

5 (3) TRAINING AND TECHNICAL ASSISTANCE.—
6 The Secretary may provide eligible entities receiving
7 grant funding under the pilot program with training
8 and technical assistance on the provision of food in-
9 security assistance services to veterans and family
10 members of veterans.

11 (4) ELIGIBLE ENTITIES.—For purposes of the
12 pilot program, an eligible entity is—

13 (A) a nonprofit organization;

14 (B) an organization recognized by the Sec-
15 retary for the representation of veterans under
16 section 5902 of title 38, United States Code;

17 (C) a public agency;

18 (D) a community-based organization; or

19 (E) an institution of higher education.

20 (5) APPLICATION.—An eligible entity seeking a
21 grant under the pilot program shall submit to the
22 Secretary an application therefor at such time, in
23 such manner, and containing such information and
24 commitments as the Secretary may require.

1 (6) SELECTION.—The Secretary shall select eli-
2 gible entities that submit applications under para-
3 graph (5) for the award of grants under the pilot
4 program using a competitive process that takes into
5 account the following:

6 (A) Capacity of the applicant entity to
7 serve veterans and family members of veterans.

8 (B) Demonstrated need of the population
9 the applicant entity would serve.

10 (C) Demonstrated need of the applicant
11 entity for assistance from the grant.

12 (D) Such other criteria as the Secretary
13 considers appropriate.

14 (7) DISTRIBUTION.—The Secretary shall en-
15 sure, to the extent practicable, an equitable geo-
16 graphic distribution of grants awarded under this
17 subsection.

18 (8) MINIMUM PROGRAM REQUIREMENTS.—Any
19 grant awarded under this subsection shall be used—

20 (A) to coordinate with the Secretary with
21 respect to the provision of assistance to address
22 food insecurity among veterans and family
23 members of veterans described in paragraph
24 (1);

1 (B) to increase participation in nutrition
2 counseling programs and provide educational
3 materials and counseling to veterans and family
4 members of veterans to address food insecurity
5 and healthy diets among those individuals;

6 (C) to increase access to and enrollment in
7 Federal assistance programs, including the sup-
8 plemental nutrition assistance program under
9 the Food and Nutrition Act of 2008 (7 U.S.C.
10 2011 et seq.), the special supplemental nutri-
11 tion program for women, infants, and children
12 established by section 17 of the Child Nutrition
13 Act of 1966 (42 U.S.C. 1786), the low-income
14 home energy assistance program established
15 under the Low-Income Home Energy Assist-
16 ance Act of 1981 (42 U.S.C. 8621 et seq.), and
17 any other assistance program that the Sec-
18 retary considers advisable; and

19 (D) to fulfill such other criteria as the Sec-
20 retary considers appropriate to further the pur-
21 pose of the grant and serve veterans.

22 (9) PROVISION OF INFORMATION.—Each entity
23 that receives a grant under this subsection shall pro-
24 vide to the Secretary, at least once each year during
25 the duration of the grant term, data on—

1 (A) the number of veterans and family
2 members of veterans screened for, and enrolled
3 in, programs described in subparagraphs (B)
4 and (C) of paragraph (8);

5 (B) other services provided by the entity to
6 veterans and family members of veterans using
7 funds from the grant; and

8 (C) such other data as the Secretary may
9 require.

10 (10) REPORT ON DATA COLLECTED.—For each
11 year of operation of the pilot program, the Secretary
12 shall submit to the appropriate committees of Con-
13 gress a report on the data collected under paragraph
14 (9) during such year.

15 (11) GOVERNMENT ACCOUNTABILITY OFFICE
16 REPORT.—

17 (A) IN GENERAL.—Not later than one year
18 after the date on which the pilot program ter-
19 minates, the Comptroller General of the United
20 States shall submit to Congress a report evalu-
21 ating the effectiveness and outcomes of the ac-
22 tivities carried out under this subsection in re-
23 ducing food insecurity among veterans and fam-
24 ily members of veterans.

1 (B) ELEMENTS.—The report required by
2 subparagraph (A) shall include the following:

3 (i) A summary of the activities carried
4 out under this subsection.

5 (ii) An assessment of the effectiveness
6 and outcomes of the grants awarded under
7 this subsection, including with respect to
8 eligibility screening contacts, application
9 assistance consultations, and changes in
10 food insecurity among the population
11 served by the grant.

12 (iii) Best practices regarding the use
13 of partnerships to improve the effectiveness
14 and outcomes of public benefit programs to
15 address food insecurity among veterans
16 and family members of veterans.

17 (iv) An assessment of the feasibility
18 and advisability of making the pilot pro-
19 gram permanent and expanding to other
20 locations.

21 (12) AUTHORIZATION OF APPROPRIATIONS.—

22 (A) IN GENERAL.—There is authorized to
23 be appropriated to carry out the pilot program
24 established under paragraph (1) \$15,000,000
25 for each fiscal year in which the program is car-

1 ried out, beginning with the fiscal year in which
2 the program is established.

3 (B) ADMINISTRATIVE EXPENSES.—Of the
4 amounts authorized to be appropriated under
5 subparagraph (A), not more than ten percent
6 may be used for administrative expenses of the
7 Department of Veterans Affairs associated with
8 administering grants under this subsection.

9 (13) DEFINITIONS.—In this subsection:

10 (A) The term “appropriate committees of
11 Congress” means—

12 (i) the Committee on Veterans’ Af-
13 fairs, the Committee on Appropriations,
14 and the Committee on Agriculture, Nutri-
15 tion, and Forestry of the Senate; and

16 (ii) the Committee on Veterans’ Af-
17 fairs, the Committee on Appropriations,
18 and the Committee on Agriculture of the
19 House of Representatives.

20 (B) The term “facilities of the Depart-
21 ment” has the meaning given that term in sec-
22 tion 1701(3) of title 38, United States Code.

23 (C) The term “institution of higher edu-
24 cation” has the meaning given that term in sec-

1 tion 101 of the Higher Education Act of 1965
2 (20 U.S.C. 1001).

3 (D) The term “public agency” means a de-
4 partment, agency, other unit, or instrumentality
5 of Federal, State, Tribal, or local government.

6 (E) The term “State” has the meaning
7 given that term in section 101(20) of title 38,
8 United States Code.

9 (F) The term “veteran” means an indi-
10 vidual who served in the Armed Forces, includ-
11 ing an individual who served in a reserve com-
12 ponent of the Armed Forces, and who was dis-
13 charged or released therefrom, regardless of the
14 conditions of such discharge or release.

15 (g) DEFINITION OF VET CENTER.—In this section,
16 the term “Vet Center” has the meaning given that term
17 in section 1712A(h) of title 38, United States Code.

18 **SEC. 5127. INFORMATION ON CERTAIN VETERANS WITH**
19 **PRIOR MEDICAL OCCUPATIONS; PROGRAM**
20 **ON INTERMEDIATE CARE TECHNICIANS OF**
21 **DEPARTMENT OF VETERANS AFFAIRS.**

22 (a) UPDATE OF WEB PORTAL TO IDENTIFY CERTAIN
23 VETERANS.—

24 (1) UPDATE.—The Secretary of Veterans Af-
25 fairs shall update web portals of the Department of

1 Veterans Affairs to provide for a method by which
2 a veteran who served in a medical occupation while
3 serving as a member of the Armed Forces may elect
4 to provide the information described in paragraph
5 (2).

6 (2) INFORMATION IN PORTAL.—The informa-
7 tion described in this paragraph is the following:

8 (A) Contact information for the veteran.

9 (B) A history of the medical experience
10 and trained competencies of the veteran.

11 (3) INCLUSIONS IN HISTORY.—To the extent
12 practicable, the history of a veteran provided under
13 paragraph (2)(B) shall include individual critical
14 task lists specific to the military occupational spe-
15 cialty of the veteran that align with standard occu-
16 pational codes maintained by the Commissioner of
17 the Bureau of Labor Statistics.

18 (4) SHARING OF INFORMATION.—For purposes
19 of facilitating civilian medical credentialing and hir-
20 ing opportunities for veterans seeking to respond to
21 a national emergency, including a public health
22 emergency declared by the Secretary of Health and
23 Human Services under section 319 of the Public
24 Health Service Act (42 U.S.C. 247d), the Secretary
25 of Veterans Affairs, in coordination with the Sec-

1 retary of Defense and the Secretary of Labor, shall
2 establish a program to share the information de-
3 scribed in paragraph (2) with the following:

4 (A) State departments of veterans affairs.

5 (B) Veterans service organizations.

6 (C) State credentialing bodies.

7 (D) State homes.

8 (E) Other stakeholders involved in State-
9 level credentialing, as determined appropriate
10 by the Secretary of Veterans Affairs.

11 (b) PROGRAM ON TRAINING OF INTERMEDIATE CARE
12 TECHNICIANS OF DEPARTMENT OF VETERANS AF-
13 FAIRS.—

14 (1) ESTABLISHMENT.—The Secretary of Vet-
15 erans Affairs shall establish a program to train, cer-
16 tify, and employ covered veterans as intermediate
17 care technicians of the Department of Veterans Af-
18 fairs.

19 (2) LOCATIONS.—The Secretary of Veterans
20 Affairs may assign an intermediate care technician
21 of the Department of Veterans Affairs trained under
22 the program under paragraph (1) to any medical
23 center of the Department of Veterans Affairs, giving
24 priority to locations with a significant staffing short-
25 age.

1 (3) INCLUSION OF INFORMATION IN TRANSI-
2 TION ASSISTANCE PROGRAM.—As part of the Transi-
3 tion Assistance Program under sections 1142 and
4 1144 of title 10, United States Code, the Secretary
5 of Veterans Affairs shall conduct a communications
6 campaign to convey to appropriate members of the
7 Armed Forces separating from active duty opportu-
8 nities for training, certification, and employment
9 under the program under paragraph (1).

10 (4) REPORT ON EXPANSION OF PROGRAM.—Not
11 later than 180 days after the date of the enactment
12 of this Act, the Secretary of Veterans Affairs shall
13 submit to the Committees on Veterans' Affairs of
14 the House of Representatives and the Senate a re-
15 port on whether the program under paragraph (1)
16 may be replicated for other medical positions within
17 the Department of Veterans Affairs.

18 (c) NOTIFICATION OF OPPORTUNITIES FOR VET-
19 ERANS.—The Secretary of Veterans Affairs shall notify
20 veterans service organizations and, in coordination with
21 the Secretary of Defense, members of the reserve compo-
22 nents of the Armed Forces of opportunities for veterans
23 under this section.

24 (d) DEFINITIONS.—In this section:

1 (1) The term “covered veteran” means a vet-
2 eran whom the Secretary of Veterans Affairs deter-
3 mines served as a basic health care technician while
4 serving in the Armed Forces.

5 (2) The terms “State home” and “veteran”
6 have the meanings given those terms in section 101
7 of title 38, United States Code.

8 (3) The term “veterans service organization”
9 means an organization that provides services to vet-
10 erans, including organizations recognized by the Sec-
11 retary of Veterans Affairs under section 5902 of
12 title 38, United States Code.

13 **TITLE LII—INSPECTOR GEN-**
14 **ERAL INDEPENDENCE AND**
15 **EMPOWERMENT MATTERS**

 Subtitle A—Inspector General Independence

- Sec. 5201. Short title.
Sec. 5202. Removal or transfer of Inspectors General; placement on non-duty status.
Sec. 5203. Vacancy in position of Inspector General.
Sec. 5204. Office of Inspector General whistleblower complaints.

 Subtitle B—Presidential Explanation of Failure to Nominate an Inspector General

- Sec. 5221. Presidential explanation of failure to nominate an Inspector General.

 Subtitle C—Integrity Committee of the Council of Inspectors General on Integrity and Efficiency Transparency

- Sec. 5231. Short title.
Sec. 5232. Additional information to be included in requests and reports to Congress.
Sec. 5233. Availability of information to Congress on certain allegations of wrongdoing closed without referral.
Sec. 5234. Semiannual report.
Sec. 5235. Additional reports.

Sec. 5236. Requirement to report final disposition to Congress.

Sec. 5237. Investigations of Offices of Inspector General of establishments by the Integrity Committee.

Subtitle D—Notice of Ongoing Investigations When There Is a Change in Status of Inspector General

Sec. 5241. Notice of ongoing investigations when there is a change in status of Inspector General.

Subtitle E—Council of the Inspectors General on Integrity and Efficiency Report on Expenditures

Sec. 5251. CIGIE report on expenditures.

Subtitle F—Notice of Refusal to Provide Inspectors General Access

Sec. 5261. Notice of refusal to provide information or assistance to Inspectors General.

Subtitle G—Training Resources for Inspectors General and Other Matters

Sec. 5271. Training resources for Inspectors General.

Sec. 5272. Definition of appropriate congressional committees.

Sec. 5273. Semiannual reports.

Sec. 5274. Submission of reports that specifically identify non-governmental organizations or business entities.

Sec. 5275. Review relating to vetting, processing, and resettlement of evacuees from Afghanistan and the Afghanistan special immigrant visa program.

1 **Subtitle A—Inspector General**
2 **Independence**

3 **SEC. 5201. SHORT TITLE.**

4 This subtitle may be cited as the “Securing Inspector
5 General Independence Act of 2022”.

6 **SEC. 5202. REMOVAL OR TRANSFER OF INSPECTORS GEN-**
7 **ERAL; PLACEMENT ON NON-DUTY STATUS.**

8 (a) IN GENERAL.—The Inspector General Act of
9 1978 (5 U.S.C. App.) is amended—

10 (1) in section 3(b)—

11 (A) by inserting “(1)(A)” after “(b)”;

12 (B) in paragraph (1), as so designated—

1 (i) in subparagraph (A), as so des-
2 ignated, in the second sentence—

3 (I) by striking “reasons” and in-
4 serting the following: “substantive ra-
5 tionale, including detailed and case-
6 specific reasons,”; and

7 (II) by inserting “(including to
8 the appropriate congressional commit-
9 tees)” after “Houses of Congress”;
10 and

11 (ii) by adding at the end the fol-
12 lowing:

13 “(B) If there is an open or completed in-
14 quiry into an Inspector General that relates to
15 the removal or transfer of the Inspector General
16 under subparagraph (A), the written commu-
17 nication required under that subparagraph
18 shall—

19 “(i) identify each entity that is con-
20 ducting, or that conducted, the inquiry;
21 and

22 “(ii) in the case of a completed in-
23 quiry, contain the findings made during
24 the inquiry.”; and

25 (C) by adding at the end the following:

1 “(2)(A) Subject to the other provisions of this
2 paragraph, only the President may place an Inspec-
3 tor General on non-duty status.

4 “(B) If the President places an Inspector Gen-
5 eral on non-duty status, the President shall commu-
6 nicate in writing the substantive rationale, including
7 detailed and case-specific reasons, for the change in
8 status to both Houses of Congress (including to the
9 appropriate congressional committees) not later than
10 15 days before the date on which the change in sta-
11 tus takes effect, except that the President may sub-
12 mit that communication not later than the date on
13 which the change in status takes effect if—

14 “(i) the President has made a determina-
15 tion that the continued presence of the Inspec-
16 tor General in the workplace poses a threat de-
17 scribed in any of clauses (i) through (iv) of sec-
18 tion 6329b(b)(2)(A) of title 5, United States
19 Code; and

20 “(ii) in the communication, the President
21 includes a report on the determination de-
22 scribed in clause (i), which shall include—

23 “(I) a specification of which clause of
24 section 6329b(b)(2)(A) of title 5, United
25 States Code, the President has determined

1 applies under clause (i) of this subpara-
2 graph;

3 “(II) the substantive rationale, includ-
4 ing detailed and case-specific reasons, for
5 the determination made under clause (i);

6 “(III) an identification of each entity
7 that is conducting, or that conducted, any
8 inquiry upon which the determination
9 under clause (i) was made; and

10 “(IV) in the case of an inquiry de-
11 scribed in subclause (III) that is com-
12 pleted, the findings made during that in-
13 quiry.

14 “(C) The President may not place an Inspector
15 General on non-duty status during the 30-day period
16 preceding the date on which the Inspector General
17 is removed or transferred under paragraph (1)(A)
18 unless the President—

19 “(i) has made a determination that the
20 continued presence of the Inspector General in
21 the workplace poses a threat described in any
22 of clauses (i) through (iv) of section
23 6329b(b)(2)(A) of title 5, United States Code;
24 and

1 “(ii) not later than the date on which the
2 change in status takes effect, submits to both
3 Houses of Congress (including to the appro-
4 priate congressional committees) a written com-
5 munication that contains the information re-
6 quired under subparagraph (B), including the
7 report required under clause (ii) of that sub-
8 paragraph.

9 “(D) For the purposes of this paragraph—

10 “(i) the term ‘Inspector General’—

11 “(I) means an Inspector General who
12 was appointed by the President, without
13 regard to whether the Senate provided ad-
14 vice and consent with respect to that ap-
15 pointment; and

16 “(II) includes the Inspector General
17 of an establishment, the Special Inspector
18 General for Afghanistan Reconstruction,
19 the Special Inspector General for the Trou-
20 bled Asset Relief Program, and the Special
21 Inspector General for Pandemic Recovery;
22 and

23 “(ii) a reference to the removal or transfer
24 of an Inspector General under paragraph (1),

1 or to the written communication described in
2 that paragraph, shall be considered to be—

3 “(I) in the case of the Special Inspec-
4 tor General for Afghanistan Reconstruc-
5 tion, a reference to section 1229(c)(6) of
6 the National Defense Authorization Act for
7 Fiscal Year 2008 (Public Law 110–181;
8 122 Stat. 378);

9 “(II) in the case of the Special In-
10 spector General for the Troubled Asset Re-
11 lief Program, a reference to section
12 121(b)(4) of the Emergency Economic Sta-
13 bilization Act of 2008 (12 U.S.C.
14 5231(b)(4)); and

15 “(III) in the case of the Special In-
16 spector General for Pandemic Recovery, a
17 reference to section 4018(b)(3) of the
18 CARES Act (15 U.S.C. 9053(b)(3)).”;

19 (2) in section 8G(e)—

20 (A) in paragraph (1), by inserting “or
21 placement on non-duty status” after “a re-
22 moval”;

23 (B) in paragraph (2)—

24 (i) by inserting “(A)” after “(2)”;

1 (ii) in subparagraph (A), as so des-
2 ignated, in the first sentence—

3 (I) by striking “reasons” and in-
4 serting the following: “substantive ra-
5 tionale, including detailed and case-
6 specific reasons,”; and

7 (II) by inserting “(including to
8 the appropriate congressional commit-
9 tees)” after “Houses of Congress”;
10 and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(B) If there is an open or completed in-
14 quiry into an Inspector General that relates to
15 the removal or transfer of the Inspector General
16 under subparagraph (A), the written commu-
17 nication required under that subparagraph
18 shall—

19 “(i) identify each entity that is con-
20 ducting, or that conducted, the inquiry;
21 and

22 “(ii) in the case of a completed in-
23 quiry, contain the findings made during
24 the inquiry.”; and

25 (C) by adding at the end the following:

1 “(3)(A) Subject to the other provisions of this
2 paragraph, only the head of the applicable des-
3 ignated Federal entity (referred to in this paragraph
4 as the ‘covered official’) may place an Inspector
5 General on non-duty status.

6 “(B) If a covered official places an Inspector
7 General on non-duty status, the covered official shall
8 communicate in writing the substantive rationale, in-
9 cluding detailed and case-specific reasons, for the
10 change in status to both Houses of Congress (includ-
11 ing to the appropriate congressional committees) not
12 later than 15 days before the date on which the
13 change in status takes effect, except that the covered
14 official may submit that communication not later
15 than the date on which the change in status takes
16 effect if—

17 “(i) the covered official has made a deter-
18 mination that the continued presence of the In-
19 spector General in the workplace poses a threat
20 described in any of clauses (i) through (iv) of
21 section 6329b(b)(2)(A) of title 5, United States
22 Code; and

23 “(ii) in the communication, the covered of-
24 ficial includes a report on the determination de-
25 scribed in clause (i), which shall include—

1 “(I) a specification of which clause of
2 section 6329b(b)(2)(A) of title 5, United
3 States Code, the covered official has deter-
4 mined applies under clause (i) of this sub-
5 paragraph;

6 “(II) the substantive rationale, includ-
7 ing detailed and case-specific reasons, for
8 the determination made under clause (i);

9 “(III) an identification of each entity
10 that is conducting, or that conducted, any
11 inquiry upon which the determination
12 under clause (i) was made; and

13 “(IV) in the case of an inquiry de-
14 scribed in subclause (III) that is com-
15 pleted, the findings made during that in-
16 quiry.

17 “(C) A covered official may not place an In-
18 spector General on non-duty status during the 30-
19 day period preceding the date on which the Inspec-
20 tor General is removed or transferred under para-
21 graph (2)(A) unless the covered official—

22 “(i) has made a determination that the
23 continued presence of the Inspector General in
24 the workplace poses a threat described in any
25 of clauses (i) through (iv) of section

1 6329b(b)(2)(A) of title 5, United States Code;
2 and

3 “(ii) not later than the date on which the
4 change in status takes effect, submits to both
5 Houses of Congress (including to the appro-
6 priate congressional committees) a written com-
7 munication that contains the information re-
8 quired under subparagraph (B), including the
9 report required under clause (ii) of that sub-
10 paragraph.

11 “(D) Nothing in this paragraph may be con-
12 strued to limit or otherwise modify—

13 “(i) any statutory protection that is af-
14 forded to an Inspector General; or

15 “(ii) any other action that a covered offi-
16 cial may take under law with respect to an In-
17 spector General.”;

18 (3) in section 103H(c) of the National Security
19 Act (50 U.S.C. 3033(c))—

20 (A) in paragraph (4)—

21 (i) by inserting “(A)” after “(4)”;

22 (ii) in subparagraph (A), as so des-
23 ignated, in the second sentence, by striking
24 “reasons” and inserting “substantive ra-

1 tionale, including detailed and case-specific
2 reasons,”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(B) If there is an open or completed inquiry
6 into the Inspector General that relates to the re-
7 moval or transfer of the Inspector General under
8 subparagraph (A), the written communication re-
9 quired under that subparagraph shall—

10 “(i) identify each entity that is conducting,
11 or that conducted, the inquiry; and

12 “(ii) in the case of a completed inquiry,
13 contain the findings made during the inquiry.”;
14 and

15 (B) by adding at the end the following:

16 “(5)(A) Subject to the other provisions of this
17 paragraph, only the President may place the Inspec-
18 tor General on nonduty status.

19 “(B) If the President places the Inspector Gen-
20 eral on nonduty status, the President shall commu-
21 nicate in writing the substantive rationale, including
22 detailed and case-specific reasons, for the change in
23 status to the congressional intelligence committees
24 not later than 15 days before the date on which the
25 change in status takes effect, except that the Presi-

1 dent may submit that communication not later than
2 the date on which the change in status takes effect
3 if—

4 “(i) the President has made a determina-
5 tion that the continued presence of the Inspec-
6 tor General in the workplace poses a threat de-
7 scribed in any of clauses (i) through (iv) of sec-
8 tion 6329b(b)(2)(A) of title 5, United States
9 Code; and

10 “(ii) in the communication, the President
11 includes a report on the determination de-
12 scribed in clause (i), which shall include—

13 “(I) a specification of which clause of
14 section 6329b(b)(2)(A) of title 5, United
15 States Code, the President has determined
16 applies under clause (i);

17 “(II) the substantive rationale, includ-
18 ing detailed and case-specific reasons, for
19 the determination made under clause (i);

20 “(III) an identification of each entity
21 that is conducting, or that conducted, any
22 inquiry upon which the determination
23 under clause (i) was made; and

24 “(IV) in the case of an inquiry de-
25 scribed in subclause (III) that is com-

1 pleted, the findings made during that in-
2 quiry.

3 “(C) The President may not place the Inspector
4 General on nonduty status during the 30-day period
5 preceding the date on which the Inspector General
6 is removed or transferred under paragraph (4)(A)
7 unless the President—

8 “(i) has made a determination that the
9 continued presence of the Inspector General in
10 the workplace poses a threat described in any
11 of clauses (i) through (iv) of section
12 6329b(b)(2)(A) of title 5, United States Code;
13 and

14 “(ii) not later than the date on which the
15 change in status takes effect, submits to the
16 congressional intelligence committees a written
17 communication that contains the information
18 required under subparagraph (B), including the
19 report required under clause (ii) of that sub-
20 paragraph.”; and

21 (4) in section 17(b) of the Central Intelligence
22 Agency Act of 1949 (50 U.S.C. 3517(b))—

23 (A) in paragraph (6)—

24 (i) by inserting “(A)” after “(6)”;

1 (ii) in subparagraph (A), as so des-
2 ignated, in the second sentence, by striking
3 “reasons” and inserting “substantive ra-
4 tionale, including detailed and case-specific
5 reasons,”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(B) If there is an open or completed inquiry
9 into the Inspector General that relates to the re-
10 moval or transfer of the Inspector General under
11 subparagraph (A), the written communication re-
12 quired under that subparagraph shall—

13 “(i) identify each entity that is conducting,
14 or that conducted, the inquiry; and

15 “(ii) in the case of a completed inquiry,
16 contain the findings made during the inquiry.”;
17 and

18 (B) by adding at the end the following:

19 “(7)(A) Subject to the other provisions of this
20 paragraph, only the President may place the Inspec-
21 tor General on nonduty status.

22 “(B) If the President places the Inspector Gen-
23 eral on nonduty status, the President shall commu-
24 nicate in writing the substantive rationale, including
25 detailed and case-specific reasons, for the change in

1 status to the congressional intelligence committees
2 not later than 15 days before the date on which the
3 change in status takes effect, except that the Presi-
4 dent may submit that communication not later than
5 the date on which the change in status takes effect
6 if—

7 “(i) the President has made a determina-
8 tion that the continued presence of the Inspec-
9 tor General in the workplace poses a threat de-
10 scribed in any of clauses (i) through (iv) of sec-
11 tion 6329b(b)(2)(A) of title 5, United States
12 Code; and

13 “(ii) in the communication, the President
14 includes a report on the determination de-
15 scribed in clause (i), which shall include—

16 “(I) a specification of which clause of
17 section 6329b(b)(2)(A) of title 5, United
18 States Code, the President has determined
19 applies under clause (i);

20 “(II) the substantive rationale, includ-
21 ing detailed and case-specific reasons, for
22 the determination made under clause (i);

23 “(III) an identification of each entity
24 that is conducting, or that conducted, any

1 inquiry upon which the determination
2 under clause (i) was made; and

3 “(IV) in the case of an inquiry de-
4 scribed in subclause (III) that is com-
5 pleted, the findings made during that in-
6 quiry.

7 “(C) The President may not place the Inspector
8 General on non-duty status during the 30-day period
9 preceding the date on which the Inspector General
10 is removed or transferred under paragraph (6)(A)
11 unless the President—

12 “(i) has made a determination that the
13 continued presence of the Inspector General in
14 the workplace poses a threat described in any
15 of clauses (i) through (iv) of section
16 6329b(b)(2)(A) of title 5, United States Code;
17 and

18 “(ii) not later than the date on which the
19 change in status takes effect, submits to the
20 congressional intelligence committees a written
21 communication that contains the information
22 required under subparagraph (B), including the
23 report required under clause (ii) of that sub-
24 paragraph.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 Section 12(3) of the Inspector General Act of 1978 (5
3 U.S.C. App.) is amended by inserting “except as otherwise
4 expressly provided,” before “the term”.

5 **SEC. 5203. VACANCY IN POSITION OF INSPECTOR GENERAL.**

6 (a) IN GENERAL.—Section 3 of the Inspector General
7 Act of 1978 (5 U.S.C. App.) is amended by adding at the
8 end the following:

9 “(h)(1) In this subsection—

10 “(A) the term ‘first assistant to the position of
11 Inspector General’ means, with respect to an Office
12 of Inspector General—

13 “(i) an individual who, as of the day before
14 the date on which the Inspector General dies,
15 resigns, or otherwise becomes unable to perform
16 the functions and duties of that position—

17 “(I) is serving in a position in that
18 Office; and

19 “(II) has been designated in writing
20 by the Inspector General, through an order
21 of succession or otherwise, as the first as-
22 sistant to the position of Inspector Gen-
23 eral; or

24 “(ii) if the Inspector General has not made
25 a designation described in clause (i)(II)—

1 “(I) the Principal Deputy Inspector
2 General of that Office, as of the day before
3 the date on which the Inspector General
4 dies, resigns, or otherwise becomes unable
5 to perform the functions and duties of that
6 position; or

7 “(II) if there is no Principal Deputy
8 Inspector General of that Office, the Dep-
9 uty Inspector General of that Office, as of
10 the day before the date on which the In-
11 spector General dies, resigns, or otherwise
12 becomes unable to perform the functions
13 and duties of that position; and

14 “(B) the term ‘Inspector General’—

15 “(i) means an Inspector General who is ap-
16 pointed by the President, by and with the ad-
17 vice and consent of the Senate; and

18 “(ii) includes the Inspector General of an
19 establishment, the Special Inspector General for
20 the Troubled Asset Relief Program, and the
21 Special Inspector General for Pandemic Recov-
22 ery.

23 “(2) If an Inspector General dies, resigns, or is other-
24 wise unable to perform the functions and duties of the po-
25 sition—

1 “(A) section 3345(a) of title 5, United States
2 Code, and section 103(e) of the National Security
3 Act of 1947 (50 U.S.C. 3025(e)) shall not apply;

4 “(B) subject to paragraph (4), the first assist-
5 ant to the position of Inspector General shall per-
6 form the functions and duties of the Inspector Gen-
7 eral temporarily in an acting capacity subject to the
8 time limitations of section 3346 of title 5, United
9 States Code; and

10 “(C) notwithstanding subparagraph (B), and
11 subject to paragraphs (4) and (5), the President
12 (and only the President) may direct an officer or
13 employee of any Office of an Inspector General to
14 perform the functions and duties of the Inspector
15 General temporarily in an acting capacity subject to
16 the time limitations of section 3346 of title 5,
17 United States Code, only if—

18 “(i) during the 365-day period preceding
19 the date of death, resignation, or beginning of
20 inability to serve of the Inspector General, the
21 officer or employee served in a position in an
22 Office of an Inspector General for not less than
23 90 days, except that—

1 “(I) the requirement under this clause
2 shall not apply if the officer is an Inspec-
3 tor General; and

4 “(II) for the purposes of this subpara-
5 graph, performing the functions and duties
6 of an Inspector General temporarily in an
7 acting capacity does not qualify as service
8 in a position in an Office of an Inspector
9 General;

10 “(ii) the rate of pay for the position of the
11 officer or employee described in clause (i) is
12 equal to or greater than the minimum rate of
13 pay payable for a position at GS-15 of the
14 General Schedule;

15 “(iii) the officer or employee has dem-
16 onstrated ability in accounting, auditing, finan-
17 cial analysis, law, management analysis, public
18 administration, or investigations; and

19 “(iv) not later than 30 days before the
20 date on which the direction takes effect, the
21 President communicates in writing to both
22 Houses of Congress (including to the appro-
23 priate congressional committees) the sub-
24 stantive rationale, including the detailed and
25 case-specific reasons, for such direction, includ-

1 ing the reason for the direction that someone
2 other than the individual who is performing the
3 functions and duties of the Inspector General
4 temporarily in an acting capacity (as of the
5 date on which the President issues that direc-
6 tion) perform those functions and duties tempo-
7 rarily in an acting capacity.

8 “(3) Notwithstanding section 3345(a) of title 5,
9 United States Code, and subparagraphs (B) and (C) of
10 paragraph (2), and subject to paragraph (4), during any
11 period in which an Inspector General is on non-duty sta-
12 tus—

13 “(A) the first assistant to the position of In-
14 spector General shall perform the functions and du-
15 ties of the position temporarily in an acting capacity
16 subject to the time limitations of section 3346 of
17 title 5, United States Code; and

18 “(B) if the first assistant described in subpara-
19 graph (A) dies, resigns, or becomes otherwise unable
20 to perform those functions and duties, the President
21 (and only the President) may direct an officer or
22 employee in that Office of Inspector General to per-
23 form those functions and duties temporarily in an
24 acting capacity, subject to the time limitations of
25 section 3346 of title 5, United States Code, if—

1 “(i) that direction satisfies the require-
2 ments under clauses (ii), (iii), and (iv) of para-
3 graph (2)(C); and

4 “(ii) that officer or employee served in a
5 position in that Office of Inspector General for
6 not fewer than 90 of the 365 days preceding
7 the date on which the President makes that di-
8 rection.

9 “(4) An individual may perform the functions and
10 duties of an Inspector General temporarily and in an act-
11 ing capacity under subparagraph (B) or (C) of paragraph
12 (2), or under paragraph (3), with respect to only 1 Inspec-
13 tor General position at any given time.

14 “(5) If the President makes a direction under para-
15 graph (2)(C), during the 30-day period preceding the date
16 on which the direction of the President takes effect, the
17 functions and duties of the position of the applicable In-
18 specter General shall be performed by—

19 “(A) the first assistant to the position of In-
20 specter General; or

21 “(B) the individual performing those functions
22 and duties temporarily in an acting capacity, as of
23 the date on which the President issues that direc-
24 tion, if that individual is an individual other than

1 the first assistant to the position of Inspector Gen-
2 eral.”.

3 (b) AMENDMENT TO NATIONAL SECURITY ACT.—
4 Section 103H(c) of the National Security Act (50 U.S.C.
5 3033(c)), as amended by section 5202, is further amended
6 by adding at the end the following:

7 “(6)(A) In this subsection, the term ‘first as-
8 sistant to the position of Inspector General’ has the
9 meaning given in section 3 of the Inspector General
10 Act of 1978 (5 U.S.C. App.).

11 “(B) If the Inspector General dies, resigns, or
12 is otherwise unable to perform the functions and du-
13 ties of the position—

14 “(i) section 3345(a) of title 5, United
15 States Code, and section 103(e) of the National
16 Security Act of 1947 (50 U.S.C. 3025(e)) shall
17 not apply;

18 “(ii) subject to subparagraph (D), the first
19 assistant to the position of Inspector General
20 shall perform the functions and duties of the
21 Inspector General temporarily in an acting ca-
22 pacity subject to the time limitations of section
23 3346 of title 5, United States Code; and

24 “(iii) notwithstanding clause (ii), and sub-
25 ject to subparagraphs (D) and (E), the Presi-

1 dent (and only the President) may direct an of-
2 ficer or employee of any Office of an Inspector
3 General to perform the functions and duties of
4 the Inspector General temporarily in an acting
5 capacity subject to the time limitations of sec-
6 tion 3346 of title 5, United States Code, only
7 if—

8 “(I) during the 365-day period pre-
9 ceding the date of death, resignation, or
10 beginning of inability to serve of the In-
11 spector General, the officer or employee
12 served in a position in an Office of an In-
13 spector General for not less than 90 days,
14 except that—

15 “(aa) the requirement under this
16 subclause shall not apply if the officer
17 is an Inspector General; and

18 “(bb) for the purposes of this
19 clause, performing the functions and
20 duties of an Inspector General tempo-
21 rarily in an acting capacity does not
22 qualify as service in a position in an
23 Office of an Inspector General;

24 “(II) the rate of pay for the position
25 of the officer or employee described in sub-

1 clause (I) is equal to or greater than the
2 minimum rate of pay payable for a position
3 at GS-15 of the General Schedule;

4 “(III) the officer or employee has
5 demonstrated ability in accounting, audit-
6 ing, financial analysis, law, management
7 analysis, public administration, or inves-
8 tigations; and

9 “(IV) not later than 30 days before
10 the date on which the direction takes ef-
11 fect, the President communicates in writ-
12 ing to the congressional intelligence com-
13 mittees the substantive rationale, including
14 the detailed and case-specific reasons, for
15 such direction, including the reason for the
16 direction that someone other than the indi-
17 vidual who is performing the functions and
18 duties of the Inspector General temporarily
19 in an acting capacity (as of the date on
20 which the President issues that direction)
21 perform those functions and duties tempo-
22 rarily in an acting capacity.

23 “(C) Notwithstanding section 3345(a) of title 5,
24 United States Code, section 103(e) of the National
25 Security Act of 1947 (50 U.S.C. 3025(e)), and

1 clauses (ii) and (iii) of subparagraph (B), and sub-
2 ject to subparagraph (D), during any period in
3 which the Inspector General is on nonduty status—

4 “(i) the first assistant to the position of
5 Inspector General shall perform the functions
6 and duties of the position temporarily in an act-
7 ing capacity subject to the time limitations of
8 section 3346 of title 5, United States Code; and

9 “(ii) if the first assistant described in
10 clause (i) dies, resigns, or becomes otherwise
11 unable to perform those functions and duties,
12 the President (and only the President) may di-
13 rect an officer or employee in the Office of In-
14 spector General to perform those functions and
15 duties temporarily in an acting capacity, subject
16 to the time limitations of section 3346 of title
17 5, United States Code, if—

18 “(I) that direction satisfies the re-
19 quirements under subclauses (II), (III),
20 and (IV) of subparagraph (B)(iii); and

21 “(II) that officer or employee served
22 in a position in that Office of Inspector
23 General for not fewer than 90 of the 365
24 days preceding the date on which the
25 President makes that direction.

1 “(D) An individual may perform the functions
2 and duties of the Inspector General temporarily and
3 in an acting capacity under clause (ii) or (iii) of sub-
4 paragraph (B), or under subparagraph (C), with re-
5 spect to only 1 Inspector General position at any
6 given time.

7 “(E) If the President makes a direction under
8 subparagraph (B)(iii), during the 30-day period pre-
9 ceding the date on which the direction of the Presi-
10 dent takes effect, the functions and duties of the po-
11 sition of the Inspector General shall be performed
12 by—

13 “(i) the first assistant to the position of
14 Inspector General; or

15 “(ii) the individual performing those func-
16 tions and duties temporarily in an acting capac-
17 ity, as of the date on which the President issues
18 that direction, if that individual is an individual
19 other than the first assistant to the position of
20 Inspector General.”.

21 (c) AMENDMENT TO CENTRAL INTELLIGENCE AGEN-
22 CY ACT.—Section 17(b) of the Central Intelligence Agency
23 Act of 1949 (50 U.S.C. 3517(b)), as amended by section
24 5202, is further amended by adding at the end the fol-
25 lowing:

1 “(8)(A) In this subsection, the term ‘first as-
2 sistant to the position of Inspector General’ has the
3 meaning given in section 3 of the Inspector General
4 Act of 1978 (5 U.S.C. App.).

5 “(B) If the Inspector General dies, resigns, or
6 is otherwise unable to perform the functions and du-
7 ties of the position—

8 “(i) section 3345(a) of title 5, United
9 States Code shall not apply;

10 “(ii) subject to subparagraph (D), the first
11 assistant to the position of Inspector General
12 shall perform the functions and duties of the
13 Inspector General temporarily in an acting ca-
14 pacity subject to the time limitations of section
15 3346 of title 5, United States Code; and

16 “(iii) notwithstanding clause (ii), and sub-
17 ject to subparagraphs (D) and (E), the Presi-
18 dent (and only the President) may direct an of-
19 ficer or employee of any Office of an Inspector
20 General to perform the functions and duties of
21 the Inspector General temporarily in an acting
22 capacity subject to the time limitations of sec-
23 tion 3346 of title 5, United States Code, only
24 if—

1 “(I) during the 365-day period pre-
2 ceding the date of death, resignation, or
3 beginning of inability to serve of the In-
4 spector General, the officer or employee
5 served in a position in an Office of an In-
6 spector General for not less than 90 days,
7 except that—

8 “(aa) the requirement under this
9 subclause shall not apply if the officer
10 is an Inspector General; and

11 “(bb) for the purposes of this
12 clause, performing the functions and
13 duties of an Inspector General tempo-
14 rarily in an acting capacity does not
15 qualify as service in a position in an
16 Office of an Inspector General;

17 “(II) the rate of pay for the position
18 of the officer or employee described in sub-
19 clause (I) is equal to or greater than the
20 minimum rate of pay payable for a position
21 at GS-15 of the General Schedule;

22 “(III) the officer or employee has
23 demonstrated ability in accounting, audit-
24 ing, financial analysis, law, management

1 analysis, public administration, or inves-
2 tigation; and

3 “(IV) not later than 30 days before
4 the date on which the direction takes ef-
5 fect, the President communicates in writ-
6 ing to the congressional intelligence com-
7 mittees the substantive rationale, including
8 the detailed and case-specific reasons, for
9 such direction, including the reason for the
10 direction that someone other than the indi-
11 vidual who is performing the functions and
12 duties of the Inspector General temporarily
13 in an acting capacity (as of the date on
14 which the President issues that direction)
15 perform those functions and duties tempo-
16 rarily in an acting capacity.

17 “(C) Notwithstanding section 3345(a) of title 5,
18 United States Code and clauses (ii) and (iii) of sub-
19 paragraph (B), and subject to subparagraph (D),
20 during any period in which the Inspector General is
21 on nonduty status—

22 “(i) the first assistant to the position of
23 Inspector General shall perform the functions
24 and duties of the position temporarily in an act-

1 ing capacity subject to the time limitations of
2 section 3346 of title 5, United States Code; and

3 “(ii) if the first assistant described in
4 clause (i) dies, resigns, or becomes otherwise
5 unable to perform those functions and duties,
6 the President (and only the President) may di-
7 rect an officer or employee in the Office of In-
8 spector General to perform those functions and
9 duties temporarily in an acting capacity, subject
10 to the time limitations of section 3346 of title
11 5, United States Code, if—

12 “(I) that direction satisfies the re-
13 quirements under subclauses (II), (III),
14 and (IV) of subparagraph (B)(iii); and

15 “(II) that officer or employee served
16 in a position in that Office of Inspector
17 General for not fewer than 90 of the 365
18 days preceding the date on which the
19 President makes that direction.

20 “(D) An individual may perform the functions
21 and duties of the Inspector General temporarily and
22 in an acting capacity under clause (ii) or (iii) of sub-
23 paragraph (B), or under subparagraph (C), with re-
24 spect to only 1 Inspector General position at any
25 given time.

1 “(E) If the President makes a direction under
2 subparagraph (B)(iii), during the 30-day period pre-
3 ceding the date on which the direction of the Presi-
4 dent takes effect, the functions and duties of the po-
5 sition of the Inspector General shall be performed
6 by—

7 “(i) the first assistant to the position of
8 Inspector General; or

9 “(ii) the individual performing those func-
10 tions and duties temporarily in an acting capac-
11 ity, as of the date on which the President issues
12 that direction, if that individual is an individual
13 other than the first assistant to the position of
14 Inspector General.”.

15 (d) RULE OF CONSTRUCTION.—Nothing in the
16 amendment made by subsection (a) may be construed to
17 limit the applicability of sections 3345 through 3349d of
18 title 5, United States Code (commonly known as the “Fed-
19 eral Vacancies Reform Act of 1998”), other than with re-
20 spect to section 3345(a) of that title.

21 (e) EFFECTIVE DATE.—

22 (1) DEFINITION.—In this subsection, the term
23 “Inspector General” has the meaning given the term
24 in subsection (h)(1)(B) of section 3 of the Inspector

1 General Act of 1978 (5 U.S.C. App.), as added by
2 subsection (a) of this section.

3 (2) APPLICABILITY.—

4 (A) IN GENERAL.—Except as provided in
5 subparagraph (B), this section, and the amend-
6 ments made by this section, shall take effect on
7 the date of enactment of this Act.

8 (B) EXISTING VACANCIES.—If, as of the
9 date of enactment of this Act, an individual is
10 performing the functions and duties of an In-
11 spector General temporarily in an acting capac-
12 ity, this section, and the amendments made by
13 this section, shall take effect with respect to
14 that Inspector General position on the date that
15 is 30 days after the date of enactment of this
16 Act.

17 **SEC. 5204. OFFICE OF INSPECTOR GENERAL WHISTLE-**
18 **BLOWER COMPLAINTS.**

19 (a) WHISTLEBLOWER PROTECTION COORDINATOR.—
20 Section 3(d)(1)(C) of the Inspector General Act of 1978
21 (5 U.S.C. App.) is amended—

22 (1) in clause (i), in the matter preceding sub-
23 clause (I), by inserting “, including employees of
24 that Office of Inspector General” after “employees”;
25 and

1 (2) in clause (iii), by inserting “(including the
2 Integrity Committee of that Council)” after “and
3 Efficiency”.

4 (b) COUNCIL OF THE INSPECTORS GENERAL ON IN-
5 TEGRITY AND EFFICIENCY.—Section 11(c)(5)(B) of the
6 Inspector General Act of 1978 (5 U.S.C. App.) is amended
7 by striking “, allegations of reprisal,” and inserting the
8 following: “and allegations of reprisal (including the timely
9 and appropriate handling and consideration of protected
10 disclosures and allegations of reprisal that are internal to
11 an Office of Inspector General)”.

12 **Subtitle B—Presidential Expla-**
13 **nation of Failure to Nominate**
14 **an Inspector General**

15 **SEC. 5221. PRESIDENTIAL EXPLANATION OF FAILURE TO**
16 **NOMINATE AN INSPECTOR GENERAL.**

17 (a) IN GENERAL.—Subchapter III of chapter 33 of
18 title 5, United States Code, is amended by inserting after
19 section 3349d the following:

20 **“§ 3349e. Presidential explanation of failure to nomi-**
21 **nate an inspector general**

22 “If the President fails to make a formal nomination
23 for a vacant inspector general position that requires a for-
24 mal nomination by the President to be filled within the
25 period beginning on the later of the date on which the

1 vacancy occurred or on which a nomination is rejected,
2 withdrawn, or returned, and ending on the day that is 210
3 days after that date, the President shall communicate,
4 within 30 days after the end of such period and not later
5 than June 1 of each year thereafter, to the appropriate
6 congressional committees, as defined in section 12 of the
7 Inspector General Act of 1978 (5 U.S.C. App.)—

8 “(1) the reasons why the President has not yet
9 made a formal nomination; and

10 “(2) a target date for making a formal nomina-
11 tion.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for subchapter III of chapter 33 of
14 title 5, United States Code, is amended by inserting after
15 the item relating to section 3349d the following:

“3349e. Presidential explanation of failure to nominate an Inspector General.”.

16 (c) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect—

18 (1) on the date of enactment of this Act with
19 respect to any vacancy first occurring on or after
20 that date; and

21 (2) on the day that is 210 days after the date
22 of enactment of this Act with respect to any vacancy
23 that occurred before the date of enactment of this
24 Act.

1 **Subtitle C—Integrity Committee of**
2 **the Council of Inspectors Gen-**
3 **eral on Integrity and Efficiency**
4 **Transparency**

5 **SEC. 5231. SHORT TITLE.**

6 This subtitle may be cited as the “Integrity Com-
7 mittee Transparency Act of 2022”.

8 **SEC. 5232. ADDITIONAL INFORMATION TO BE INCLUDED IN**
9 **REQUESTS AND REPORTS TO CONGRESS.**

10 Section 11(d) of the Inspector General Act of 1978
11 (5 U.S.C. App.) is amended—

12 (1) in paragraph (5)(B)(ii), by striking the pe-
13 riod at the end and inserting “, the length of time
14 the Integrity Committee has been evaluating the al-
15 legation of wrongdoing, and a description of any pre-
16 vious written notice provided under this clause with
17 respect to the allegation of wrongdoing, including
18 the description provided for why additional time was
19 needed.”; and

20 (2) in paragraph (8)(A)(ii), by inserting “or
21 corrective action” after “disciplinary action”.

1 **SEC. 5233. AVAILABILITY OF INFORMATION TO CONGRESS**
2 **ON CERTAIN ALLEGATIONS OF WRONGDOING**
3 **CLOSED WITHOUT REFERRAL.**

4 Section 11(d)(5)(B) of the Inspector General Act of
5 1978 (5 U.S.C. App.) is amended by adding at the end
6 the following:

7 “(iii) AVAILABILITY OF INFORMATION
8 TO CONGRESS ON CERTAIN ALLEGATIONS
9 OF WRONGDOING CLOSED WITHOUT RE-
10 FERRAL.—With respect to an allegation of
11 wrongdoing made by a member of Con-
12 gress that is closed by the Integrity Com-
13 mittee without referral to the Chairperson
14 of the Integrity Committee to initiate an
15 investigation, the Chairperson of the Integ-
16 rity Committee shall, not later than 60
17 days after closing the allegation of wrong-
18 doing, provide a written description of the
19 nature of the allegation of wrongdoing and
20 how the Integrity Committee evaluated the
21 allegation of wrongdoing to—

22 “(I) the Chair and Ranking Mi-
23 nority Member of the Committee on
24 Homeland Security and Governmental
25 Affairs of the Senate; and

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1 “(II) the Chair and Ranking Mi-
2 nority Member of the Committee on
3 Oversight and Reform of the House of
4 Representatives.”.

5 **SEC. 5234. SEMIANNUAL REPORT.**

6 Section 11(d)(9) of the Inspector General Act of
7 1978 (5 U.S.C. App.) is amended to read as follows:

8 “(9) SEMIANNUAL REPORT.—On or before May
9 31, 2023, and every 6 months thereafter, the Coun-
10 cil shall submit to Congress and the President a re-
11 port on the activities of the Integrity Committee
12 during the immediately preceding 6-month periods
13 ending March 31 and September 30, which shall in-
14 clude the following with respect to allegations of
15 wrongdoing that are made against Inspectors Gen-
16 eral and staff members of the various Offices of In-
17 specter General described in paragraph (4)(C):

18 “(A) An overview and analysis of the alle-
19 gations of wrongdoing disposed of by the Integ-
20 rity Committee, including—

21 “(i) analysis of the positions held by
22 individuals against whom allegations were
23 made, including the duties affiliated with
24 such positions;

1 “(ii) analysis of the categories or
2 types of the allegations of wrongdoing; and

3 “(iii) a summary of disposition of all
4 the allegations.

5 “(B) The number of allegations received by
6 the Integrity Committee.

7 “(C) The number of allegations referred to
8 the Department of Justice or the Office of Spe-
9 cial Counsel, including the number of allega-
10 tions referred for criminal investigation.

11 “(D) The number of allegations referred to
12 the Chairperson of the Integrity Committee for
13 investigation, a general description of the status
14 of such investigations, and a summary of the
15 findings of investigations completed.

16 “(E) An overview and analysis of allega-
17 tions of wrongdoing received by the Integrity
18 Committee during any previous reporting pe-
19 riod, but remained pending during some part of
20 the six months covered by the report, includ-
21 ing—

22 “(i) analysis of the positions held by
23 individuals against whom allegations were
24 made, including the duties affiliated with
25 such positions;

1 “(ii) analysis of the categories or
2 types of the allegations of wrongdoing; and

3 “(iii) a summary of disposition of all
4 the allegations.

5 “(F) The number and category or type of
6 pending investigations.

7 “(G) For each allegation received—

8 “(i) the date on which the investiga-
9 tion was opened;

10 “(ii) the date on which the allegation
11 was disposed of, as applicable; and

12 “(iii) the case number associated with
13 the allegation.

14 “(H) The nature and number of allega-
15 tions to the Integrity Committee closed without
16 referral, including the justification for why each
17 allegation was closed without referral.

18 “(I) A brief description of any difficulty
19 encountered by the Integrity Committee when
20 receiving, evaluating, investigating, or referring
21 for investigation an allegation received by the
22 Integrity Committee, including a brief descrip-
23 tion of—

24 “(i) any attempt to prevent or hinder
25 an investigation; or

1950

1 “(ii) concerns about the integrity or
2 operations at an Office of Inspector Gen-
3 eral.

4 “(J) Other matters that the Council con-
5 siders appropriate.”.

6 **SEC. 5235. ADDITIONAL REPORTS.**

7 Section 5 of the Inspector General Act of 1978 (5
8 U.S.C. App.) is amended—

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

11 (2) by inserting after subsection (d) the fol-
12 lowing:

13 “(e) **ADDITIONAL REPORTS.—**

14 “(1) **REPORT TO INSPECTOR GENERAL.—**The
15 Chairperson of the Integrity Committee of the Coun-
16 cil of the Inspectors General on Integrity and Effi-
17 ciency shall, immediately whenever the Chairperson
18 of the Integrity Committee becomes aware of par-
19 ticularly serious or flagrant problems, abuses, or de-
20 ficiencies relating to the administration of programs
21 and operations of an Office of Inspector General for
22 which the Integrity Committee may receive, review,
23 and refer for investigation allegations of wrongdoing
24 under section 11(d), submit a report to the Inspec-
25 tor General who leads the Office at which the seri-

1 ous or flagrant problems, abuses, or deficiencies
2 were alleged.

3 “(2) REPORT TO PRESIDENT, CONGRESS, AND
4 THE ESTABLISHMENT.—Not later than 7 days after
5 the date on which an Inspector General receives a
6 report submitted under paragraph (1), the Inspector
7 General shall submit to the President, the appro-
8 priate congressional committees, and the head of the
9 establishment—

10 “(A) the report received under paragraph
11 (1); and

12 “(B) a report by the Inspector General
13 containing any comments the Inspector General
14 determines appropriate.”.

15 **SEC. 5236. REQUIREMENT TO REPORT FINAL DISPOSITION**
16 **TO CONGRESS.**

17 Section 11(d)(8)(B) of the Inspector General Act of
18 1978 (5 U.S.C. App.) is amended by inserting “and the
19 appropriate congressional committees” after “Integrity
20 Committee”.

21 **SEC. 5237. INVESTIGATIONS OF OFFICES OF INSPECTOR**
22 **GENERAL OF ESTABLISHMENTS BY THE IN-**
23 **TEGRITY COMMITTEE.**

24 Section 11(d)(7)(B)(i)(V) of the Inspector General
25 Act of 1978 (5 U.S.C. App.) is amended by inserting “,

1 and that an investigation of an Office of Inspector General
2 of an establishment is conducted by another Office of In-
3 spector General of an establishment” after “size”.

4 **Subtitle D—Notice of Ongoing In-**
5 **vestigations When There Is a**
6 **Change in Status of Inspector**
7 **General**

8 **SEC. 5241. NOTICE OF ONGOING INVESTIGATIONS WHEN**
9 **THERE IS A CHANGE IN STATUS OF INSPEC-**
10 **TOR GENERAL.**

11 Section 5 of the Inspector General Act of 1978 (5
12 U.S.C. App.) is amended by inserting after subsection (e),
13 as added by section 5625 of this title, the following:

14 “(f)(1) Except as provided in paragraph (2), not later
15 than 15 days after an Inspector General is removed,
16 placed on paid or unpaid nonduty status, or transferred
17 to another position or location within an establishment,
18 the officer or employee performing the functions and du-
19 ties of the Inspector General temporarily in an acting ca-
20 pacity shall submit to the appropriate congressional com-
21 mittees information regarding work being conducted by
22 the Office as of the date on which the Inspector General
23 was removed, placed on paid or unpaid non-duty status,
24 or transferred, which shall include—

25 “(A) for each investigation—

1 “(i) the type of alleged offense;

2 “(ii) the fiscal quarter in which the Office
3 initiated the investigation;

4 “(iii) the relevant Federal agency, includ-
5 ing the relevant component of that Federal
6 agency for any Federal agency listed in section
7 901(b) of title 31, United States Code, under
8 investigation or affiliated with the individual or
9 entity under investigation; and

10 “(iv) whether the investigation is adminis-
11 trative, civil, criminal, or a combination thereof,
12 if known; and

13 “(B) for any work not described in subpara-
14 graph (A)—

15 “(i) a description of the subject matter and
16 scope;

17 “(ii) the relevant agency, including the rel-
18 evant component of that Federal agency, under
19 review;

20 “(iii) the date on which the Office initiated
21 the work; and

22 “(iv) the expected time frame for comple-
23 tion.

24 “(2) With respect to an inspector general of an ele-
25 ment of the intelligence community specified in section

1 8G(d)(2) of the Inspector General Act of 1978 (5 U.S.C.
2 App.), the submission required by paragraph (1) shall only
3 be made to the committees of Congress specified in section
4 8G(d)(2)(E).”.

5 **Subtitle E—Council of the Inspec-**
6 **tors General on Integrity and**
7 **Efficiency Report on Expendi-**
8 **tures**

9 **SEC. 5251. CIGIE REPORT ON EXPENDITURES.**

10 Section 11(c)(3) of the Inspector General Act of 1978
11 (5 U.S.C. App.) is amended by adding at the end the fol-
12 lowing:

13 “(D) REPORT ON EXPENDITURES.—Not
14 later than November 30 of each year, the
15 Chairperson shall submit to the appropriate
16 committees or subcommittees of Congress, in-
17 cluding the Committee on Appropriations of the
18 Senate and the Committee on Appropriations of
19 the House of Representatives, a report on the
20 expenditures of the Council for the preceding
21 fiscal year, including from direct appropriations
22 to the Council, interagency funding pursuant to
23 subparagraph (A), a revolving fund pursuant to
24 subparagraph (B), or any other source.”.

1 **Subtitle F—Notice of Refusal to**
2 **Provide Inspectors General Access**

3 **SEC. 5261. NOTICE OF REFUSAL TO PROVIDE INFORMATION**
4 **OR ASSISTANCE TO INSPECTORS GENERAL.**

5 Section 6(c) of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended by adding at the end the fol-
7 lowing:

8 “(3) If the information or assistance that is the
9 subject of a report under paragraph (2) is not pro-
10 vided to the Inspector General by the date that is 30
11 days after the report is made, the Inspector General
12 shall submit a notice that the information or assist-
13 ance requested has not been provided by the head of
14 the establishment involved or the head of the Fed-
15 eral agency involved, as applicable, to the appro-
16 priate congressional committees.”.

17 **Subtitle G—Training Resources for**
18 **Inspectors General and Other**
19 **Matters**

20 **SEC. 5271. TRAINING RESOURCES FOR INSPECTORS GEN-**
21 **ERAL.**

22 Section 11(c)(1) of the Inspector General Act of 1978
23 (5 U.S.C. App.) is amended—

1 (1) by redesignating subparagraphs (E)
2 through (I) as subparagraphs (F) through (J), re-
3 spectively; and

4 (2) by inserting after subparagraph (D) the fol-
5 lowing:

6 “(E) support the professional development
7 of Inspectors General, including by providing
8 training opportunities on the duties, responsibil-
9 ities, and authorities under this Act and on top-
10 ics relevant to Inspectors General and the work
11 of Inspectors General, as identified by Inspec-
12 tors General and the Council.”.

13 **SEC. 5272. DEFINITION OF APPROPRIATE CONGRESSIONAL**
14 **COMMITTEES.**

15 The Inspector General Act of 1978 (5 U.S.C. App.)
16 is amended—

17 (1) in section 5—

18 (A) in subsection (b), in the matter pre-
19 ceding paragraph (1), by striking “committees
20 or subcommittees of the Congress” and insert-
21 ing “congressional committees”; and

22 (B) in subsection (d), by striking “commit-
23 tees or subcommittees of Congress” and insert-
24 ing “congressional committees”;

25 (2) in section 6(h)(4)—

1957

1 (A) in subparagraph (B), by striking
2 “Government”; and

3 (B) by amending subparagraph (C) to read
4 as follows:

5 “(C) Any other relevant congressional com-
6 mittee or subcommittee of jurisdiction.”;

7 (3) in section 8—

8 (A) in subsection (b)—

9 (i) in paragraph (3), by striking “the
10 Committees on Armed Services and Gov-
11 ernmental Affairs of the Senate and the
12 Committee on Armed Services and the
13 Committee on Government Reform and
14 Oversight of the House of Representatives
15 and to other appropriate committees or
16 subcommittees of the Congress” and in-
17 serting “the appropriate congressional
18 committees, including the Committee on
19 Armed Services of the Senate and the
20 Committee on Armed Services of the
21 House of Representatives”; and

22 (ii) in paragraph (4), by striking “and
23 to other appropriate committees or sub-
24 committees”; and

25 (B) in subsection (f)—

1 (i) in paragraph (1), by striking “the
2 Committees on Armed Services and on
3 Homeland Security and Governmental Af-
4 fairs of the Senate and the Committees on
5 Armed Services and on Oversight and Gov-
6 ernment Reform of the House of Rep-
7 resentatives and to other appropriate com-
8 mittees or subcommittees of Congress” and
9 inserting “the appropriate congressional
10 committees, including the Committee on
11 Armed Services of the Senate and the
12 Committee on Armed Services of the
13 House of Representatives”; and

14 (ii) in paragraph (2), by striking
15 “committees or subcommittees of the Con-
16 gress” and inserting “congressional com-
17 mittees”;

18 (4) in section 8D—

19 (A) in subsection (a)(3), by striking “Com-
20 mittees on Governmental Affairs and Finance
21 of the Senate and the Committees on Govern-
22 ment Operations and Ways and Means of the
23 House of Representatives, and to other appro-
24 priate committees or subcommittees of the Con-
25 gress” and inserting “appropriate congressional

1 committees, including the Committee on Fi-
2 nance of the Senate and the Committee on
3 Ways and Means of the House of Representa-
4 tives”; and

5 (B) in subsection (g)—

6 (i) in paragraph (1)—

7 (I) by striking “committees or
8 subcommittees of the Congress” and
9 inserting “congressional committees”;
10 and

11 (II) by striking “Committees on
12 Governmental Affairs and Finance of
13 the Senate and the Committees on
14 Government Reform and Oversight
15 and Ways and Means of the House of
16 Representatives” and inserting “Com-
17 mittee on Finance of the Senate and
18 the Committee on Ways and Means of
19 the House of Representatives”; and

20 (ii) in paragraph (2), by striking
21 “committees or subcommittees of Con-
22 gress” and inserting “congressional com-
23 mittees”;

24 (5) in section 8E—

1960

1 (A) in subsection (a)(3), by striking “Com-
2 mittees on Governmental Affairs and Judiciary
3 of the Senate and the Committees on Govern-
4 ment Operations and Judiciary of the House of
5 Representatives, and to other appropriate com-
6 mittees or subcommittees of the Congress” and
7 inserting “appropriate congressional commit-
8 tees, including the Committee on the Judiciary
9 of the Senate and the Committee on the Judici-
10 ary of the House of Representatives”; and

11 (B) in subsection (c)—

12 (i) by striking “committees or sub-
13 committees of the Congress” and inserting
14 “congressional committees”; and

15 (ii) by striking “Committees on the
16 Judiciary and Governmental Affairs of the
17 Senate and the Committees on the Judici-
18 ary and Government Operations of the
19 House of Representatives” and inserting
20 “Committee on the Judiciary of the Senate
21 and the Committee on the Judiciary of the
22 House of Representatives”;

23 (6) in section 8G(f)(3)—

24 (A) in subparagraph (A)(iii), by striking
25 “Committee on Governmental Affairs of the

1 Senate and the Committee on Government Re-
2 form and Oversight of the House of Represent-
3 atives, and to other appropriate committees or
4 subcommittees of the Congress” and inserting
5 “the appropriate congressional committees”;
6 and

7 (B) by striking subparagraph (C);

8 (7) in section 8I—

9 (A) in subsection (a)(3), in the matter pre-
10 ceeding subparagraph (A), by striking “commit-
11 tees and subcommittees of Congress” and in-
12 serting “congressional committees”; and

13 (B) in subsection (d), by striking “commit-
14 tees and subcommittees of Congress” each place
15 it appears and inserting “congressional commit-
16 tees”;

17 (8) in section 8N(b), by striking “committees of
18 Congress” and inserting “congressional commit-
19 tees”;

20 (9) in section 11—

21 (A) in subsection (b)(3)(B)(viii)—

22 (i) by striking subclauses (III) and
23 (IV);

24 (ii) in subclause (I), by adding “and”
25 at the end; and

1962

1 (iii) by amending subclause (II) to
2 read as follows:

3 “(II) the appropriate congress-
4 sional committees.”; and

5 (B) in subsection (d)(8)(A)(iii), by striking
6 “to the” and all that follows through “jurisdic-
7 tion” and inserting “to the appropriate congress-
8 sional committees”; and

9 (10) in section 12—

10 (A) in paragraph (4), by striking “and” at
11 the end;

12 (B) in paragraph (5), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(6) the term ‘appropriate congressional com-
16 mittees’ means—

17 “(A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 “(B) the Committee on Oversight and Re-
20 form of the House of Representatives; and

21 “(C) any other relevant congressional com-
22 mittee or subcommittee of jurisdiction.”.

23 **SEC. 5273. SEMIANNUAL REPORTS.**

24 The Inspector General Act of 1978 (5 U.S.C. App.)
25 is amended—

1 (1) in section 4(a)(2)—

2 (A) by inserting “, including” after “to
3 make recommendations”; and

4 (B) by inserting a comma after “section
5 5(a)”;

6 (2) in section 5—

7 (A) in subsection (a)—

8 (i) by striking paragraphs (1) through
9 (12) and inserting the following:

10 “(1) a description of significant problems,
11 abuses, and deficiencies relating to the administra-
12 tion of programs and operations of the establishment
13 and associated reports and recommendations for cor-
14 rective action made by the Office;

15 “(2) an identification of each recommendation
16 made before the reporting period, for which correc-
17 tive action has not been completed, including the po-
18 tential costs savings associated with the rec-
19 ommendation;

20 “(3) a summary of significant investigations
21 closed during the reporting period;

22 “(4) an identification of the total number of
23 convictions during the reporting period resulting
24 from investigations;

1 “(5) information regarding each audit, inspec-
2 tion, or evaluation report issued during the reporting
3 period, including—

4 “(A) a listing of each audit, inspection, or
5 evaluation;

6 “(B) if applicable, the total dollar value of
7 questioned costs (including a separate category
8 for the dollar value of unsupported costs) and
9 the dollar value of recommendations that funds
10 be put to better use, including whether a man-
11 agement decision had been made by the end of
12 the reporting period;

13 “(6) information regarding any management
14 decision made during the reporting period with re-
15 spect to any audit, inspection, or evaluation issued
16 during a previous reporting period;”;

17 (ii) by redesignating paragraphs (13)
18 through (22) as paragraphs (7) through
19 (16), respectively;

20 (iii) by amending paragraph (13), as
21 so redesignated, to read as follows:

22 “(13) a report on each investigation conducted
23 by the Office where allegations of misconduct were
24 substantiated involving a senior Government em-
25 ployee or senior official (as defined by the Office) if

1965

1 the establishment does not have senior Government
2 employees, which shall include—

3 “(A) the name of the senior Government
4 employee, if already made public by the Office;
5 and

6 “(B) a detailed description of—

7 “(i) the facts and circumstances of
8 the investigation; and

9 “(ii) the status and disposition of the
10 matter, including—

11 “(I) if the matter was referred to
12 the Department of Justice, the date of
13 the referral; and

14 “(II) if the Department of Jus-
15 tice declined the referral, the date of
16 the declination;” and

17 (iv) by amending paragraph (15), as
18 so redesignated, to read as follows:

19 “(15) information related to interference by the
20 establishment, including—

21 “(A) a detailed description of any attempt
22 by the establishment to interfere with the inde-
23 pendence of the Office, including—

24 “(i) with budget constraints designed
25 to limit the capabilities of the Office; and

1 “(ii) incidents where the establish-
2 ment has resisted or objected to oversight
3 activities of the Office or restricted or sig-
4 nificantly delayed access to information,
5 including the justification of the establish-
6 ment for such action; and

7 “(B) a summary of each report made to
8 the head of the establishment under section
9 6(c)(2) during the reporting period;” and

10 (B) in subsection (b)—

11 (i) by striking paragraphs (2) and (3)
12 and inserting the following:

13 “(2) where final action on audit, inspection,
14 and evaluation reports had not been taken before the
15 commencement of the reporting period, statistical ta-
16 bles showing—

17 “(A) with respect to management deci-
18 sions—

19 “(i) for each report, whether a man-
20 agement decision was made during the re-
21 porting period;

22 “(ii) if a management decision was
23 made during the reporting period, the dol-
24 lar value of disallowed costs and funds to

1967

1 be put to better use as agreed to in the
2 management decision; and

3 “(iii) total number of reports where a
4 management decision was made during the
5 reporting period and the total cor-
6 responding dollar value of disallowed costs
7 and funds to be put to better use as agreed
8 to in the management decision; and

9 “(B) with respect to final actions—

10 “(i) whether, if a management deci-
11 sion was made before the end of the re-
12 porting period, final action was taken dur-
13 ing the reporting period;

14 “(ii) if final action was taken, the dol-
15 lar value of—

16 “(I) disallowed costs that were
17 recovered by management through
18 collection, offset, property in lieu of
19 cash, or otherwise;

20 “(II) disallowed costs that were
21 written off by management;

22 “(III) disallowed costs and funds
23 to be put to better use not yet recov-
24 ered or written off by management;

1968

1 “(IV) recommendations that were
2 completed; and

3 “(V) recommendations that man-
4 agement has subsequently concluded
5 should not or could not be imple-
6 mented or completed; and

7 “(iii) total number of reports where
8 final action was not taken and total num-
9 ber of reports where final action was
10 taken, including the total corresponding
11 dollar value of disallowed costs and funds
12 to be put to better use as agreed to in the
13 management decisions;”;

14 (ii) by redesignating paragraph (4) as
15 paragraph (3);

16 (iii) in paragraph (3), as so redesign-
17 ated, by striking “subsection (a)(20)(A)”
18 and inserting “subsection (a)(14)(A)”;

19 (iv) by striking paragraph (5) and in-
20 serting the following:

21 “(4) a statement explaining why final action
22 has not been taken with respect to each audit, in-
23 spection, and evaluation report in which a manage-
24 ment decision has been made but final action has
25 not yet been taken, except that such statement—

1 “(A) may exclude reports if—

2 “(i) a management decision was made
3 within the preceding year; or

4 “(ii) the report is under formal ad-
5 ministrative or judicial appeal or manage-
6 ment of the establishment has agreed to
7 pursue a legislative solution; and

8 “(B) shall identify the number of reports
9 in each category so excluded.”;

10 (C) by redesignating subsection (h), as so
11 redesignated by section 5625 of this title, as
12 subsection (i); and

13 (D) by inserting after subsection (g), as so
14 redesignated by section 5625 of this title, the
15 following:

16 “(h) If an Office has published any portion of the
17 report or information required under subsection (a) to the
18 website of the Office or on oversight.gov, the Office may
19 elect to provide links to the relevant webpage or website
20 in the report of the Office under subsection (a) in lieu
21 of including the information in that report.”.

1 **SEC. 5274. SUBMISSION OF REPORTS THAT SPECIFICALLY**
2 **IDENTIFY NON-GOVERNMENTAL ORGANIZA-**
3 **TIONS OR BUSINESS ENTITIES.**

4 (a) IN GENERAL.—Section 5(g) of the Inspector Gen-
5 eral Act of 1978 (5 U.S.C. App.), as so redesignated by
6 section 5625 of this title, is amended by adding at the
7 end the following:

8 “(6)(A) Except as provided in subparagraph
9 (B), if an audit, evaluation, inspection, or other non-
10 investigative report prepared by an Inspector Gen-
11 eral specifically identifies a specific non-govern-
12 mental organization or business entity, whether or
13 not the non-governmental organization or business
14 entity is the subject of that audit, evaluation, inspec-
15 tion, or non-investigative report—

16 “(i) the Inspector General shall notify the
17 non-governmental organization or business enti-
18 ty;

19 “(ii) the non-governmental organization or
20 business entity shall have—

21 “(I) 30 days to review the audit, eval-
22 uation, inspection, or non-investigative re-
23 port beginning on the date of publication
24 of the audit, evaluation, inspection, or non-
25 investigative report; and

1 “(II) the opportunity to submit a
2 written response for the purpose of clari-
3 fying or providing additional context as it
4 directly relates to each instance wherein an
5 audit, evaluation, inspection, or non-inves-
6 tigative report specifically identifies that
7 non-governmental organization or business
8 entity; and

9 “(iii) if a written response is submitted
10 under clause (ii)(II) within the 30-day period
11 described in clause (ii)(I)—

12 “(I) the written response shall be at-
13 tached to the audit, evaluation, inspection,
14 or non-investigative report; and

15 “(II) in every instance where the re-
16 port may appear on the public-facing
17 website of the Inspector General, the
18 website shall be updated in order to access
19 a version of the audit, evaluation, inspec-
20 tion, or non-investigative report that in-
21 cludes the written response.

22 “(B) Subparagraph (A) shall not apply with re-
23 spect to a non-governmental organization or busi-
24 ness entity that refused to provide information or
25 assistance sought by an Inspector General during

1 the creation of the audit, evaluation, inspection, or
2 non-investigative report.

3 “(C) An Inspector General shall review any
4 written response received under subparagraph (A)
5 for the purpose of preventing the improper disclo-
6 sure of classified information or other non-public in-
7 formation, consistent with applicable laws, rules, and
8 regulations, and, if necessary, redact such informa-
9 tion.”.

10 (b) RETROACTIVE APPLICABILITY.—During the 30-
11 day period beginning on the date of enactment of this
12 Act—

13 (1) the amendment made by subsection (a)
14 shall apply upon the request of a non-governmental
15 organization or business entity named in an audit,
16 evaluation, inspection, or other non-investigative re-
17 port prepared on or after January 1, 2019; and

18 (2) any written response submitted under
19 clause (iii) of section 5(g)(6)(A) of the Inspector
20 General Act of 1978 (5 U.S.C. App.), as added by
21 subsection (a), with respect to such an audit, evalua-
22 tion, inspection, or other non-investigative report
23 shall attach to the original report in the manner de-
24 scribed in that clause.

1973

1 **SEC. 5275. REVIEW RELATING TO VETTING, PROCESSING,**
2 **AND RESETTLEMENT OF EVACUEES FROM**
3 **AFGHANISTAN AND THE AFGHANISTAN SPE-**
4 **CIAL IMMIGRANT VISA PROGRAM.**

5 (a) IN GENERAL.—In accordance with the Inspector
6 General Act of 1978 (5 U.S.C. App.), the Inspector Gen-
7 eral of the Department of Homeland Security, jointly with
8 the Inspector General of the Department of State, and in
9 coordination with the Inspector General of the Depart-
10 ment of Defense and any appropriate Inspector General
11 established by that Act or section 103H of the National
12 Security Act of 1947 (50 U.S.C. 3033), shall conduct a
13 thorough review of efforts to support and process evacuees
14 from Afghanistan and the Afghanistan special immigrant
15 visa program.

16 (b) ELEMENTS.—The review required by subsection
17 (a) shall include an assessment of the systems, staffing,
18 policies, and programs used—

19 (1) to screen and vet such evacuees, including—

20 (A) an assessment of whether personnel
21 conducting such screening and vetting were ap-
22 propriately authorized and provided with train-
23 ing, including training in the detection of fraud-
24 ulent personal identification documents;

25 (B) an analysis of the degree to which
26 such screening and vetting deviated from

1 United States law, regulations, policy, and best
2 practices relating to the screening and vetting
3 of parolees, refugees, and applicants for United
4 States visas that have been in use at any time
5 since January 1, 2016, particularly for individ-
6 uals from countries containing any active ter-
7 rorist organizations; and

8 (C) an identification of any risk to the na-
9 tional security of the United States posed by
10 any such deviations;

11 (D) an analysis of the processes used for
12 evacuees traveling without personal identifica-
13 tion records, including the creation or provision
14 of any new identification records to such evac-
15 uees; and

16 (E) an analysis of the degree to which
17 such screening and vetting process was capable
18 of detecting—

19 (i) instances of human trafficking and
20 domestic abuse;

21 (ii) evacuees who are unaccompanied
22 minors; and

23 (iii) evacuees with a spouse who is a
24 minor;

1975

1 (2) to admit and process such evacuees at
2 United States ports of entry;

3 (3) to temporarily house such evacuees prior to
4 resettlement;

5 (4) to account for the total number of individ-
6 uals evacuated from Afghanistan in 2021 with sup-
7 port of the United States Government,
8 disaggregated by—

9 (A) country of origin;

10 (B) citizenship, only if different from coun-
11 try of origin;

12 (C) age;

13 (D) gender;

14 (E) the number of individuals who were
15 holders of a special immigrant visa issued pur-
16 suant to the Afghan Allies Protection Act of
17 2009 (8 U.S.C. 1101 note; Public Law 111–8)
18 or section 1059 of the National Defense Au-
19 thorization Act for Fiscal Year 2006 (8 U.S.C.
20 1101 note; Public Law 109–163) at the time of
21 evacuation;

22 (F) the number of individuals who were
23 applicants for a special immigrant visas pursu-
24 ant to the Afghan Allies Protection Act of 2009
25 (8 U.S.C. 1101 note; Public Law 111–8) or

1976

1 section 1059 of the National Defense Author-
2 ization Act for Fiscal Year 2006 (8 U.S.C.
3 1101 note; Public Law 109–163) at the time of
4 evacuation;

5 (G) the number who were in possession of
6 a valid nonimmigrant visa to enter the United
7 States at the time of evacuation; and

8 (H) familial relationship to individuals de-
9 scribed in subparagraphs (E) through (G).

10 (c) INTERIM REPORTING.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the In-
13 spector General of the Department of Homeland Se-
14 curity and the Inspector General of the Department
15 of State shall submit to the appropriate congres-
16 sional committees not fewer than one interim report
17 on the review conducted under this section.

18 (2) FORM.—Any report submitted under para-
19 graph (1) shall be submitted in unclassified form,
20 but may include a classified annex.

21 (3) DEFINITIONS.—In this subsection:

22 (A) APPROPRIATE CONGRESSIONAL COM-
23 MITTEES.—The term “appropriate congres-
24 sional committees” means—

1977

1 (i) the Committee on Homeland Secu-
2 rity and Governmental Affairs, the Com-
3 mittee on Armed Services, the Committee
4 on Foreign Relations, the Select Com-
5 mittee on Intelligence, and the Committee
6 on the Judiciary of the Senate; and

7 (ii) the Committee on Oversight and
8 Reform, the Committee on Armed Services,
9 the Committee on Foreign Affairs, the
10 Permanent Select Committee on Intel-
11 ligence, and the Committee on the Judici-
12 ary of the House of Representatives.

13 (B) SCREEN; SCREENING.—The terms
14 “screen” and “screening”, with respect to an
15 evacuee, mean the process by which a Federal
16 official determines—

17 (i) the identity of the evacuee;

18 (ii) whether the evacuee has a valid
19 identification documentation; and

20 (iii) whether any database of the
21 United States Government contains derog-
22 atory information about the evacuee.

23 (C) VET; VETTING.—The term “vet” and
24 “vetting”, with respect to an evacuee, means
25 the process by which a Federal official inter-

1 views the evacuee to determine whether the
2 evacuee is who they purport to be, including
3 whether the evacuee poses a national security
4 risk.

5 (d) DISCHARGE OF RESPONSIBILITIES.—The Inspec-
6 tor General of the Department of Homeland Security and
7 the Inspector General of the Department of State shall
8 discharge the responsibilities under this section in a man-
9 ner consistent with the authorities and requirements of the
10 Inspector General Act of 1978 (5 U.S.C. App.) and the
11 authorities and requirements applicable to the Inspector
12 General of the Department of Homeland Security and the
13 Inspector General of the Department of State under that
14 Act.

15 (e) COORDINATION.—Upon request of an Inspector
16 General for information or assistance under subsection
17 (a), the head of any Federal agency involved shall, insofar
18 as is practicable and not in contravention of any existing
19 statutory restriction or regulation of the Federal agency
20 from which the information is requested, furnish to such
21 Inspector General, or to an authorized designee, such in-
22 formation or assistance.

23 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
24 tion shall be construed to limit the ability of the Inspector
25 General of the Department of Homeland Security or the

1 Inspector General of the Department of State to enter into
2 agreements to conduct joint audits, inspections, or inves-
3 tigations in the exercise of the oversight responsibilities
4 of the Inspector General of the Department of Homeland
5 Security and the Inspector General of the Department of
6 State, in accordance with the Inspector General Act of
7 1978 (5 U.S.C. App.), with respect to oversight of the
8 evacuation from Afghanistan, the selection, vetting, and
9 processing of applicants for special immigrant visas and
10 asylum, and any resettlement in the United States of such
11 evacuees.

12 **TITLE LIII—OVERSIGHT AND**
13 **REFORM MATTERS**

Subtitle A—General Provisions

- Sec. 5301. Access for Veterans to Records.
- Sec. 5302. ONDCP supplemental strategies.
- Sec. 5303. Performance Enhancement.
- Sec. 5304. Appeals to merit systems protection board relating to FBI reprisal allegations; salary of Special Counsel.
- Sec. 5305. Fairness for Federal firefighters.

Subtitle B—PLUM Act of 2022

- Sec. 5321. Short title.
- Sec. 5322. Establishment of public website on government policy and supporting positions.

14 **Subtitle A—General Provisions**

15 **SEC. 5301. ACCESS FOR VETERANS TO RECORDS.**

16 (a) PLAN TO ELIMINATE RECORDS BACKLOG AT THE
17 NATIONAL PERSONNEL RECORDS CENTER.—

18 (1) PLAN REQUIRED.—Not later than 60 days
19 after the date of the enactment of this Act, the Ar-

1 chivist of the United States shall submit to the ap-
2 propriate congressional committees a comprehensive
3 plan for reducing the backlog of requests for records
4 from the National Personnel Records Center and im-
5 proving the efficiency and responsiveness of oper-
6 ations at the National Personnel Records Center,
7 that includes, at a minimum, the following:

8 (A) An estimate of the number of back-
9 logged record requests for veterans.

10 (B) Target timeframes to reduce the back-
11 log.

12 (C) A detailed plan for using existing
13 funds to improve the information technology in-
14 frastructure, including secure access to appro-
15 priate agency Federal records, to prevent future
16 backlogs.

17 (D) Actions to improve customer service
18 for requesters.

19 (E) Measurable goals with respect to the
20 comprehensive plan and metrics for tracking
21 progress toward such goals.

22 (F) Strategies to prevent future record re-
23 quest backlogs, including backlogs caused by an
24 event that prevents employees of the Center
25 from reporting to work in person.

1 (2) UPDATES.—Not later than 90 days after
2 the date on which the comprehensive plan is sub-
3 mitted under paragraph (1), and biannually there-
4 after until the response rate by the National Per-
5 sonnel Records Center reaches 90 percent of all re-
6 quests in 20 days or less, not including any request
7 involving a record damaged or lost in the National
8 Personnel Records Center fire of 1973 or any re-
9 quest that is subject to a fee that has not been paid
10 in a timely manner by the requestor (provided the
11 National Personnel Records Center issues an invoice
12 within 20 days after the date on which the request
13 is made), the Archivist of the United States shall
14 submit to the appropriate congressional committees
15 an update of such plan that—

16 (A) describes progress made by the Na-
17 tional Personnel Records Center during the pre-
18 ceding 90-day period with respect to record re-
19 quest backlog reduction and efficiency and re-
20 sponsiveness improvement;

21 (B) provides data on progress made to-
22 ward the goals identified in the comprehensive
23 plan; and

24 (C) describes any changes made to the
25 comprehensive plan.

1 (3) CONSULTATION REQUIREMENT.—In car-
2 rying out paragraphs (1) and (2), the Archivist of
3 the United States shall consult with the Secretary of
4 Veterans Affairs.

5 (4) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES DEFINED.—In this subsection, the term “ap-
7 propriate congressional committees” means—

8 (A) the Committee on Oversight and Re-
9 form, the Committee on Veterans’ Affairs, and
10 the Committee on Appropriations of the House
11 of Representatives; and

12 (B) the Committee on Homeland Security
13 and Governmental Affairs, the Committee on
14 Veterans’ Affairs, and the Committee on Appro-
15 priations of the Senate.

16 (b) ADDITIONAL FUNDING TO ADDRESS RECORDS
17 BACKLOG.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—In
19 addition to amounts otherwise available, there is au-
20 thorized to be appropriated to the National Archives
21 and Records Administration, \$60,000,000 to address
22 backlogs in responding to requests from veterans for
23 military personnel records, improve cybersecurity,
24 improve digital preservation and access to archival
25 Federal records, and address backlogs in requests

1 made under section 552 of title 5, United States
2 Code (commonly referred to as the Freedom of In-
3 formation Act). Such amounts may also be used for
4 the Federal Records Center Program.

5 (2) REQUIREMENT TO MAINTAIN IN-PERSON
6 STAFFING LEVELS.—Subject to the availability of
7 appropriations, and not later than 30 days after the
8 date of the enactment of this Act, the Archivist of
9 the United States shall ensure, to the extent prac-
10 ticable, that the National Personnel Records Center
11 maintains staffing levels and telework arrangements
12 that enable the maximum processing of records re-
13 quests possible in order to achieve the performance
14 goal of responding to 90 percent of all requests in
15 20 days or less, not including any request involving
16 a record damaged or lost in the National Personnel
17 Records Center fire of 1973 or any request that is
18 subject to a fee that has not been paid in a timely
19 manner by the requestor (provided the National Per-
20 sonnel Records Center issues an invoice within 20
21 days after the date on which the request is made).

22 (3) INSPECTOR GENERAL REPORTING.—The In-
23 spector General for the National Archives and
24 Records Administration shall, for two years following
25 the date of the enactment of this Act, include in

1 every semiannual report submitted to Congress pur-
2 suant to the Inspector General Act of 1978 (5
3 U.S.C. App.), a detailed summary of—

4 (A) efforts taken by the National Archives
5 and Records Administration to address the
6 backlog of records requests at the National Per-
7 sonnel Records Center; and

8 (B) any recommendations for action pro-
9 posed by the Inspector General related to re-
10 ducing the backlog of records requests at the
11 National Personnel Records Center and the sta-
12 tus of compliance with those recommendations
13 by the National Archives and Records Adminis-
14 tration.

15 **SEC. 5302. ONDCP SUPPLEMENTAL STRATEGIES.**

16 Section 706(h) of the Office of National Drug Con-
17 trol Policy Reauthorization Act of 1998 (21 U.S.C.
18 1705(h)) is amended—

19 (1) in paragraph (5), by striking “; and” and
20 inserting a semicolon;

21 (2) in paragraph (6), by striking the period at
22 the end and inserting “; and”; and

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

1 “(7) develops performance measures and tar-
2 gets for the National Drug Control Strategy for sup-
3 plemental strategies (the Southwest Border, North-
4 ern Border, and Caribbean Border Counternarcotics
5 Strategies) to effectively evaluate region- specific
6 goals, to the extent the performance measurement
7 system does not adequately measure the effective-
8 ness of the strategies, as determined by the Direc-
9 tor, such strategies may evaluate interdiction efforts
10 at and between ports of entry, interdiction tech-
11 nology, intelligence sharing, diplomacy, and other
12 appropriate metrics, specific to each supplemental
13 strategies region, as determined by the Director.”.

14 **SEC. 5303. PERFORMANCE ENHANCEMENT.**

15 (a) **SHORT TITLE.**—This section may be cited as the
16 “Performance Enhancement Reform Act”.

17 (b) **IN GENERAL.**—Section 1115 of title 31, United
18 States Code, is amended—

19 (1) by amending subsection (b)(5) to read as
20 follows:

21 “(5) provide a description of how the perform-
22 ance goals are to be achieved, including—

23 “(A) the human capital, training, data and
24 evidence, information technology, and skill sets
25 required to meet the performance goals;

1 “(B) the technology modernization invest-
2 ments, system upgrades, staff technology skills
3 and expertise, stakeholder input and feedback,
4 and other resources and strategies needed and
5 required to meet the performance goals;

6 “(C) clearly defined milestones;

7 “(D) an identification of the organizations,
8 program activities, regulations, policies, oper-
9 ational processes, and other activities that con-
10 tribute to each performance goal, both within
11 and external to the agency;

12 “(E) a description of how the agency is
13 working with other agencies and the organiza-
14 tions identified in subparagraph (D) to measure
15 and achieve its performance goals as well as rel-
16 evant Federal Government performance goals;
17 and

18 “(F) an identification of the agency offi-
19 cials responsible for the achievement of each
20 performance goal, who shall be known as goal
21 leaders;” and

22 (2) by amending subsection (g) to read as fol-
23 lows:

24 “(g) PREPARATION OF PERFORMANCE PLAN.—The
25 Performance Improvement Officer of each agency (or the

1 functional equivalent) shall collaborate with the Chief
2 Human Capital Officer (or the functional equivalent), the
3 Chief Information Officer (or the functional equivalent),
4 the Chief Data Officer (or the functional equivalent), and
5 the Chief Financial Officer (or the functional equivalent)
6 of that agency to prepare that portion of the annual per-
7 formance plan described under subsection (b)(5) for that
8 agency.”.

9 **SEC. 5304. APPEALS TO MERIT SYSTEMS PROTECTION**
10 **BOARD RELATING TO FBI REPRISAL ALLEGA-**
11 **TIONS; SALARY OF SPECIAL COUNSEL.**

12 (a) APPEALS TO MSPB.—Section 2303 of title 5,
13 United States Code, is amended by adding at the end the
14 following:

15 “(d)(1) An employee of the Federal Bureau of Inves-
16 tigation who makes an allegation of a reprisal under regu-
17 lations promulgated under this section may appeal a final
18 determination or corrective action order by the Bureau
19 under those regulations to the Merit Systems Protection
20 Board pursuant to section 1221.

21 “(2) If no final determination or corrective action
22 order has been made or issued for an allegation described
23 in paragraph (1) before the expiration of the 180-day pe-
24 riod beginning on the date on which the allegation is re-
25 ceived by the Federal Bureau of Investigation, the em-

1 ployee described in that paragraph may seek corrective ac-
2 tion directly from the Merit Systems Protection Board
3 pursuant to section 1221.”.

4 (b) SPECIAL COUNSEL SALARY.—

5 (1) IN GENERAL.—Subchapter II of chapter 53
6 of title 5, United States Code, is amended—

7 (A) in section 5314, by adding at the end
8 the following new item: “Special Counsel of the
9 Office of Special Counsel.”; and

10 (B) in section 5315, by striking “Special
11 Counsel of the Merit Systems Protection
12 Board.”.

13 (2) APPLICATION.—The rate of pay applied
14 under the amendments made by paragraph (1) shall
15 begin to apply on the first day of the first pay pe-
16 riod beginning after date of enactment of this Act.

17 **SEC. 5305. FAIRNESS FOR FEDERAL FIREFIGHTERS.**

18 (a) CERTAIN ILLNESSES AND DISEASES PRESUMED
19 TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH
20 FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVI-
21 TIES.—

22 (1) PRESUMPTION RELATING TO EMPLOYEES IN
23 FIRE PROTECTION ACTIVITIES.—

24 (A) IN GENERAL.—Subchapter I of chap-
25 ter 81 of title 5, United States Code, is amend-

1 ed by inserting after section 8143a the fol-
2 lowing:

3 **“§ 8143b. Employees in fire protection activities**

4 “(a) DEFINITIONS.—In this section:

5 “(1) EMPLOYEE IN FIRE PROTECTION ACTIVI-
6 TIES.—The term ‘employee in fire protection activi-
7 ties’ means an employee employed as a firefighter
8 (including a wildland firefighter), paramedic, emer-
9 gency medical technician, rescue worker, ambulance
10 personnel, or hazardous material worker who—

11 “(A) is trained in fire suppression;

12 “(B) has the legal authority and responsi-
13 bility to engage in fire suppression;

14 “(C) is engaged in the prevention, control,
15 or extinguishment of fires or response to emer-
16 gency situations in which life, property, or the
17 environment is at risk, including the prevention,
18 control, suppression, or management of
19 wildland fires; and

20 “(D) performs the activities described in
21 subparagraph (C) as a primary responsibility of
22 the job of the employee.

23 “(2) RULE.—The term ‘rule’ has the meaning
24 given the term in section 804.

1 “(3) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Labor.

3 “(b) CERTAIN ILLNESSES AND DISEASED DEEMED
4 TO BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE
5 PROTECTION ACTIVITIES.—

6 “(1) IN GENERAL.—For a claim under this sub-
7 chapter of disability or death of an employee who
8 has been employed for not less than 5 years in ag-
9 gregate as an employee in fire protection activities,
10 an illness or disease specified on the list established
11 under paragraph (2) shall be deemed to be proxi-
12 mately caused by the employment of that employee,
13 if the employee is diagnosed with that illness or dis-
14 ease not later than 10 years after the last active date
15 of employment as an employee in fire protection ac-
16 tivities.

17 “(2) ESTABLISHMENT OF INITIAL LIST.—There
18 is established under this section the following list of
19 illnesses and diseases:

20 “(A) Bladder cancer.

21 “(B) Brain cancer.

22 “(C) Chronic obstructive pulmonary dis-
23 ease.

24 “(D) Colorectal cancer.

25 “(E) Esophageal cancer.

1991

1 “(F) Kidney cancer.

2 “(G) Leukemias.

3 “(H) Lung cancer.

4 “(I) Mesothelioma.

5 “(J) Multiple myeloma.

6 “(K) Non-Hodgkin lymphoma.

7 “(L) Prostate cancer.

8 “(M) Skin cancer (melanoma).

9 “(N) A sudden cardiac event or stroke suf-
10 fered while, or not later than 24 hours after,
11 engaging in the activities described in sub-
12 section (a)(1)(C).

13 “(O) Testicular cancer.

14 “(P) Thyroid cancer.

15 “(3) ADDITIONS TO THE LIST.—

16 “(A) IN GENERAL.—

17 “(i) PERIODIC REVIEW.—The Sec-
18 retary shall—

19 “(I) in consultation with the Di-
20 rector of the National Institute for
21 Occupational Safety and Health and
22 any advisory committee determined
23 appropriate by the Secretary, periodi-
24 cally review the list established under
25 paragraph (2); and

1 “(II) if the Secretary determines
2 that the weight of the best available
3 scientific evidence warrants adding an
4 illness or disease to the list estab-
5 lished under paragraph (2), as de-
6 scribed in subparagraph (B) of this
7 paragraph, make such an addition
8 through a rule that clearly identifies
9 that scientific evidence.

10 “(ii) CLASSIFICATION.—A rule issued
11 by the Secretary under clause (i) shall be
12 considered to be a major rule for the pur-
13 poses of chapter 8.

14 “(B) BASIS FOR DETERMINATION.—The
15 Secretary shall add an illness or disease to the
16 list established under paragraph (2) based on
17 the weight of the best available scientific evi-
18 dence that there is a significant risk to employ-
19 ees in fire protection activities of developing
20 that illness or disease.

21 “(C) AVAILABLE EXPERTISE.—In deter-
22 mining significant risk for purposes of subpara-
23 graph (B), the Secretary may accept as authori-
24 tative, and may rely upon, recommendations,
25 risk assessments, and scientific studies (includ-

1 ing analyses of National Firefighter Registry
2 data pertaining to Federal firefighters) by the
3 National Institute for Occupational Safety and
4 Health, the National Toxicology Program, the
5 National Academies of Sciences, Engineering,
6 and Medicine, and the International Agency for
7 Research on Cancer.”.

8 (B) TECHNICAL AND CONFORMING AMEND-
9 MENT.—The table of sections for subchapter I
10 of chapter 81 of title 5, United States Code, is
11 amended by inserting after the item relating to
12 section 8143a the following:

“8143b. Employees in fire protection activities.”.

13 (C) APPLICATION.—The amendments
14 made by this paragraph shall apply to claims
15 for compensation filed on or after the date of
16 enactment of this Act.

17 (2) RESEARCH COOPERATION.—Not later than
18 120 days after the date of enactment of this Act, the
19 Secretary of Labor (referred to in this subsection as
20 the “Secretary”) shall establish a process by which
21 an employee in fire protection activities, as defined
22 in subsection (a) of section 8143b of title 5, United
23 States Code, as added by paragraph (1) of this sub-
24 section (referred to in this subsection as an “em-
25 ployee in fire protection activities”) filing a claim

1 under chapter 81 of title 5, United States Code, as
2 amended by this subsection, relating to an illness or
3 disease on the list established under subsection
4 (b)(2) of such section 8143b (referred to in this sub-
5 section as “the list”) as the list may be updated
6 under such section 8143b, shall be informed about,
7 and offered the opportunity to contribute to science
8 by voluntarily enrolling in, the National Firefighter
9 Registry or a similar research or public health initia-
10 tive conducted by the Centers for Disease Control
11 and Prevention.

12 (3) AGENDA FOR FURTHER REVIEW.—Not later
13 than 3 years after the date of enactment of this Act,
14 the Secretary shall—

15 (A) evaluate the best available scientific
16 evidence of the risk to an employee in fire pro-
17 tection activities of developing breast cancer,
18 gynecological cancers, and rhabdomyolysis;

19 (B) add breast cancer, gynecological can-
20 cers, and rhabdomyolysis to the list, by rule in
21 accordance with subsection (b)(3) of section
22 8143b of title 5, United States Code, as added
23 by paragraph (1) of this subsection, if the Sec-
24 retary determines that such evidence supports
25 that addition; and

1995

1 (C) submit to the Committee on Homeland
2 Security and Governmental Affairs of the Sen-
3 ate and the Committee on Education and Labor
4 of the House of Representatives a report con-
5 taining—

6 (i) the findings of the Secretary after
7 making the evaluation required under sub-
8 paragraph (A); and

9 (ii) the determination of the Secretary
10 under subparagraph (B).

11 (4) REPORT ON FEDERAL WILDLAND FIRE-
12 FIGHTERS.—

13 (A) DEFINITION.—In this paragraph, the
14 term “Federal wildland firefighter” means an
15 individual occupying a position in the occupa-
16 tional series developed pursuant to section
17 40803(d)(1) of the Infrastructure Investment
18 and Jobs Act (16 U.S.C. 6592(d)(1)).

19 (B) STUDY.—The Secretary of the Interior
20 and the Secretary of Agriculture, in consulta-
21 tion with the Director of the National Institute
22 for Occupational Safety and Health and the
23 Secretary, shall conduct a comprehensive study
24 on long-term health effects that Federal
25 wildland firefighters who are eligible to receive

1996

1 compensation for work injuries under chapter
2 81 of title 5, United States Code, as amended
3 by this subsection, experience after being ex-
4 posed to fires, smoke, and toxic fumes when in
5 service.

6 (C) REQUIREMENTS.—The study required
7 under subparagraph (B) shall include—

8 (i) the race, ethnicity, age, gender,
9 and time of service of the Federal wildland
10 firefighters participating in the study; and

11 (ii) recommendations to Congress re-
12 garding what legislative actions are needed
13 to support the Federal wildland firefighters
14 described in clause (i) in preventing health
15 issues from the toxic exposure described in
16 subparagraph (B), similar to veterans who
17 are exposed to burn pits.

18 (D) SUBMISSION AND PUBLICATION.—The
19 Secretary of the Interior and the Secretary of
20 Agriculture shall submit the results of the study
21 conducted under this paragraph to the Com-
22 mittee on Homeland Security and Govern-
23 mental Affairs of the Senate and the Committee
24 on Education and Labor of the House of Rep-

1997

1 representatives and make those results publicly
2 available.

3 (5) REPORT ON AFFECTED EMPLOYEES.—Be-
4 ginning on the date that is 1 year after the date of
5 enactment of this Act, with respect to each annual
6 report required under section 8152 of title 5, United
7 States Code, the Secretary—

8 (A) shall include in the report the total
9 number of, and demographics regarding, em-
10 ployees in fire protection activities with illnesses
11 and diseases described in the list (as the list
12 may be updated under this subsection and the
13 amendments made by this subsection), as of the
14 date on which that annual report is submitted,
15 which shall be disaggregated by the specific ill-
16 ness or disease for the purposes of under-
17 standing the scope of the problem facing those
18 employees; and

19 (B) may—

20 (i) include in the report any informa-
21 tion with respect to employees in fire pro-
22 tection activities that the Secretary deter-
23 mines to be necessary; and

24 (ii) as appropriate, make rec-
25 ommendations in the report for additional

1998

1 actions that could be taken to minimize the
2 risk of adverse health impacts for employ-
3 ees in fire protection activities.

4 (b) SUBROGATION OF CONTINUATION OF PAY.—

5 (1) SUBROGATION OF THE UNITED STATES.—

6 Section 8131 of title 5, United States Code, is
7 amended—

8 (A) in subsection (a), in the matter pre-
9 ceding paragraph (1), by inserting “continu-
10 ation of pay or” before “compensation”; and

11 (B) in subsection (c), in the second sen-
12 tence, by inserting “continuation of pay or” be-
13 fore “compensation already paid”.

14 (2) ADJUSTMENT AFTER RECOVER FROM THIRD
15 PERSON.—Section 8132 of title 5, United States
16 Code, is amended—

17 (A) in the first sentence—

18 (i) by inserting “continuation of pay
19 or” before “compensation is payable”;

20 (ii) by inserting “continuation of pay
21 or” before “compensation from the United
22 States”;

23 (iii) by striking “in his behalf” and
24 inserting “on his behalf”; and

1999

1 (iv) by inserting “continuation of pay
2 or” before “compensation paid by the
3 United States”; and

4 (B) by striking the fourth sentence and in-
5 serting the following: “If continuation of pay or
6 compensation has not been paid to the bene-
7 ficiary, the money or property shall be credited
8 against continuation of pay or compensation
9 payable to him by the United States for the
10 same injury.”.

11 (c) INCREASE IN TIME-PERIOD FOR FECA CLAIM-
12 ANT SUPPLY SUPPORTING DOCUMENTATION TO OFFICE
13 OF WORKER’S COMPENSATION.—Not later than 16 days
14 after the date of enactment of this Act, the Secretary of
15 Labor shall—

16 (1) amend section 10.121 of title 20, Code of
17 Federal Regulations, or any successor regulation, by
18 striking “30 days” and inserting “60 days”; and

19 (2) modify the Federal Employees’ Compensa-
20 tion Act manual to reflect the changes made by the
21 Secretary pursuant to paragraph (1).

2000

1 **Subtitle B—PLUM Act of 2022**

2 **SEC. 5321. SHORT TITLE.**

3 This subtitle may be cited as the “Periodically List-
4 ing Updates to Management Act of 2022” or the “PLUM
5 Act of 2022”.

6 **SEC. 5322. ESTABLISHMENT OF PUBLIC WEBSITE ON GOV-
7 ERNMENT POLICY AND SUPPORTING POSI-
8 TIONS.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—Subchapter I of chapter 33
11 of title 5, United States Code, is amended by adding
12 at the end the following:

13 **“§ 3330f. Government policy and supporting position
14 data**

15 “(a) DEFINITIONS.—In this section:

16 “(1) AGENCY.—The term ‘agency’ means—

17 “(A) any Executive agency, the United
18 States Postal Service, and the Postal Regu-
19 latory Commission;

20 “(B) the Architect of the Capitol, the Gov-
21 ernment Accountability Office, the Government
22 Publishing Office, and the Library of Congress;
23 and

2001

1 “(C) the Executive Office of the President
2 and any component within that Office (includ-
3 ing any successor component), including—

4 “(i) the Council of Economic Advi-
5 sors;

6 “(ii) the Council on Environmental
7 Quality;

8 “(iii) the National Security Council;

9 “(iv) the Office of the Vice President;

10 “(v) the Office of Policy Development;

11 “(vi) the Office of Administration;

12 “(vii) the Office of Management and
13 Budget;

14 “(viii) the Office of the United States
15 Trade Representative;

16 “(ix) the Office of Science and Tech-
17 nology Policy;

18 “(x) the Office of National Drug Con-
19 trol Policy; and

20 “(xi) the White House Office, includ-
21 ing the White House Office of Presidential
22 Personnel.

23 “(2) APPOINTEE.—The term ‘appointee’—

24 “(A) means an individual serving in a pol-
25 icy and supporting position; and

2002

1 “(B) includes an individual serving in such
2 a position temporarily in an acting capacity in
3 accordance with—

4 “(i) sections 3345 through 3349d
5 (commonly referred to as the ‘Federal Va-
6 cancies Reform Act of 1998’);

7 “(ii) any other statutory provision de-
8 scribed in section 3347(a)(1); or

9 “(iii) a Presidential appointment de-
10 scribed in section 3347(a)(2).

11 “(3) COVERED WEBSITE.—The term ‘covered
12 website’ means the website established and main-
13 tained by the Director under subsection (b).

14 “(4) DIRECTOR.—The term ‘Director’ means
15 the Director of the Office of Personnel Management.

16 “(5) POLICY AND SUPPORTING POSITION.—The
17 term ‘policy and supporting position’—

18 “(A) means any position at an agency, as
19 determined by the Director, that, but for this
20 section and section 2(b)(3) of the PLUM Act of
21 2022, would be included in the publication enti-
22 tled ‘United States Government Policy and
23 Supporting Positions’, (commonly referred to as
24 the ‘Plum Book’); and

25 “(B) may include—

2003

1 “(i) a position on any level of the Ex-
2 ecutive Schedule under subchapter II of
3 chapter 53, or another position with an
4 equivalent rate of pay;

5 “(ii) a general position (as defined in
6 section 3132(a)(9)) in the Senior Execu-
7 tive service;

8 “(iii) a position in the Senior Foreign
9 Service;

10 “(iv) a position of a confidential or
11 policy-determining character under sched-
12 ule C of subpart C of part 213 of title 5,
13 Code of Federal Regulations, or any suc-
14 cessor regulation; and

15 “(v) any other position classified at or
16 above level GS–14 of the General Schedule
17 (or equivalent) that is excepted from the
18 competitive service by law because of the
19 confidential or policy-determining nature of
20 the position duties.

21 “(b) ESTABLISHMENT OF WEBSITE.—Not later than
22 1 year after the date of enactment of the PLUM Act of
23 2022, the Director shall establish, and thereafter the Di-
24 rector shall maintain, a public website containing the fol-

1 lowing information for the President in office on the date
2 of establishment and for each subsequent President:

3 “(1) Each policy and supporting position in the
4 Federal Government, including any such position
5 that is vacant.

6 “(2) The name of each individual who—

7 “(A) is serving in a position described in
8 paragraph (1); or

9 “(B) previously served in a position de-
10 scribed in such paragraph under the applicable
11 President.

12 “(3) Information on—

13 “(A) any Government-wide or agency-wide
14 limitation on the total number of positions in
15 the Senior Executive Service under section
16 3133 or 3134 or the total number of positions
17 under schedule C of subpart C of part 213 of
18 title 5, Code of Federal Regulations; and

19 “(B) the total number of individuals occu-
20 pying such positions.

21 “(c) CONTENTS.—With respect to any policy and
22 supporting position listed on the covered website, the Di-
23 rector shall include—

24 “(1) the agency, and agency component, (in-
25 cluding the agency and bureau code used by the Of-

1 fice of Management and Budget) in which the posi-
2 tion is located;

3 “(2) the name of the position;

4 “(3) the name of the individual occupying the
5 position (if any);

6 “(4) the geographic location of the position, in-
7 cluding the city, State or province, and country;

8 “(5) the pay system under which the position is
9 paid;

10 “(6) the level, grade, or rate of pay;

11 “(7) the term or duration of the appointment
12 (if any);

13 “(8) the expiration date, in the case of a time-
14 limited appointment;

15 “(9) a unique identifier for each appointee;

16 “(10) whether the position is vacant; and

17 “(11) for any position that is vacant—

18 “(A) for a position for which appointment
19 is required to be made by the President, by and
20 with the advice and consent of the Senate, the
21 name of the acting official; and

22 “(B) for other positions, the name of the
23 official performing the duties of the vacant po-
24 sition.

1 “(d) CURRENT DATA.—For each agency, the Direc-
2 tor shall indicate in the information on the covered website
3 the date that the agency last updated the data.

4 “(e) FORMAT.—The Director shall make the data on
5 the covered website available to the public at no cost over
6 the internet in a searchable, sortable, downloadable, and
7 machine-readable format so that the data qualifies as an
8 open Government data asset, as defined in section 3502
9 of title 44.

10 “(f) AUTHORITY OF DIRECTOR.—

11 “(1) INFORMATION REQUIRED.—Each agency
12 shall provide to the Director any information that
13 the Director determines necessary to establish and
14 maintain the covered website, including the informa-
15 tion uploaded under paragraph (4).

16 “(2) REQUIREMENTS FOR AGENCIES.—Not
17 later than 1 year after the date of enactment of the
18 PLUM Act of 2022, the Director shall issue instruc-
19 tions to agencies with specific requirements for the
20 provision or uploading of information required under
21 paragraph (1), including—

22 “(A) specific data standards that an agen-
23 cy shall follow to ensure that the information is
24 complete, accurate, and reliable;

25 “(B) data quality assurance methods; and

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1 “(C) the timeframe during which an agen-
2 cy shall provide or upload the information, in-
3 cluding the timeframe described under para-
4 graph (4).

5 “(3) PUBLIC ACCOUNTABILITY.—The Director
6 shall identify on the covered website any agency that
7 has failed to provide—

8 “(A) the information required by the Di-
9 rector;

10 “(B) complete, accurate, and reliable infor-
11 mation; or

12 “(C) the information during the timeframe
13 specified by the Director.

14 “(4) ANNUAL UPDATES.—

15 “(A) IN GENERAL.—Not later than 90
16 days after the date on which the covered
17 website is established, and not less than once
18 during each year thereafter, the head of each
19 agency shall upload to the covered website up-
20 dated information (if any) on—

21 “(i) the policy and supporting posi-
22 tions in the agency;

23 “(ii) the appointees occupying such
24 positions in the agency; and

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1 “(iii) the former appointees who
2 served in such positions in the agency
3 under the President then in office.

4 “(B) SUPPLEMENT NOT SUPPLANT.—In-
5 formation provided under subparagraph (A)
6 shall supplement, not supplant, previously pro-
7 vided information under that subparagraph.

8 “(5) OPM HELP DESK.—The Director shall es-
9 tablish a central help desk, to be operated by not
10 more than 1 full-time employee, to assist any agency
11 with implementing this section.

12 “(6) COORDINATION.—The Director may des-
13 ignate 1 or more agencies to participate in the devel-
14 opment, establishment, operation, and support of the
15 covered website. With respect to any such designa-
16 tion, the Director may specify the scope of the re-
17 sponsibilities of the agency so designated.

18 “(7) DATA STANDARDS AND TIMING.—The Di-
19 rector shall make available on the covered website
20 information regarding data collection standards,
21 quality assurance methods, and time frames for re-
22 porting data to the Director.

23 “(8) REGULATIONS.—The Director may pre-
24 scribe regulations necessary for the administration
25 of this section.

1 “(g) RESPONSIBILITY OF AGENCIES.—

2 “(1) PROVISION OF INFORMATION.—Each agen-
3 cy shall comply with the instructions and guidance
4 issued by the Director to carry out this section, and,
5 upon request of the Director, shall provide appro-
6 priate assistance to the Director to ensure the suc-
7 cessful operation of the covered website in the man-
8 ner and within the timeframe specified by the Direc-
9 tor under subsection (f)(2).

10 “(2) ENSURING COMPLETENESS, ACCURACY,
11 AND RELIABILITY.—With respect to any submission
12 of information described in paragraph (1), the head
13 of an agency shall include—

14 “(A) an explanation of how the agency en-
15 sured the information is complete, accurate,
16 and reliable; and

17 “(B) a certification that the information is
18 complete, accurate, and reliable.

19 “(h) INFORMATION VERIFICATION.—

20 “(1) CONFIRMATION.—

21 “(A) IN GENERAL.—On the date that is 90
22 days after the date on which the covered
23 website is established, the Director, in coordina-
24 tion with the White House Office of Presi-
25 dential Personnel, shall confirm that the infor-

1 information on the covered website is complete, ac-
2 curate, reliable, and up-to-date.

3 “(B) CERTIFICATION.—On the date on
4 which the Director makes a confirmation under
5 subparagraph (A), the Director shall publish on
6 the covered website a certification that the con-
7 firmation has been made.

8 “(2) AUTHORITY OF DIRECTOR.—In carrying
9 out paragraph (1), the Director may—

10 “(A) request additional information from
11 an agency; and

12 “(B) use any additional information pro-
13 vided to the Director or the White House Office
14 of Presidential Personnel for the purposes of
15 verification.

16 “(3) PUBLIC COMMENT.—The Director shall es-
17 tablish a process under which members of the public
18 may provide feedback regarding the accuracy of the
19 information on the covered website.

20 “(i) DATA ARCHIVING.—

21 “(1) IN GENERAL.—As soon as practicable
22 after a transitional inauguration day (as defined in
23 section 3349a), the Director, in consultation with
24 the Archivist of the United States, shall archive the

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1 data that was compiled on the covered website for
2 the preceding presidential administration.

3 “(2) PUBLIC AVAILABILITY.—The Director
4 shall make the data described in paragraph (1) pub-
5 licly available over the internet—

6 “(A) on, or through a link on, the covered
7 website;

8 “(B) at no cost; and

9 “(C) in a searchable, sortable,
10 downloadable, and machine-readable format.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions for subchapter I of chapter 33 of title 5,
13 United States Code, is amended by adding at the
14 end the following:

“3330f. Government policy and supporting position data.”.

15 (b) OTHER MATTERS.—

16 (1) DEFINITIONS.—In this subsection, the
17 terms “agency”, “covered website”, “Director”, and
18 “policy and supporting position” have the meanings
19 given those terms in section 3330f of title 5, United
20 States Code, as added by subsection (a).

21 (2) GAO REVIEW AND REPORT.—Not later than
22 1 year after the date on which the Director estab-
23 lishes the covered website, the Comptroller General
24 of the United States shall conduct a review of, and
25 issue a briefing or report on, the implementation of

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1 this subtitle and the amendments made by this sub-
2 title, which shall include—

3 (A) the quality of data required to be col-
4 lected and whether the data is complete, accu-
5 rate, timely, and reliable;

6 (B) any challenges experienced by agencies
7 in implementing this subtitle and the amend-
8 ments made by this subtitle; and

9 (C) any suggestions or modifications to en-
10 hance compliance with this subtitle and the
11 amendments made by this subtitle, including
12 best practices for agencies to follow.

13 (3) SUNSET OF PLUM BOOK.—Beginning on
14 January 1, 2026—

15 (A) the covered website shall serve as the
16 public directory for policy and supporting posi-
17 tions in the Government; and

18 (B) the publication entitled “United States
19 Government Policy and Supporting Positions”,
20 commonly referred to as the “Plum Book”,
21 shall no longer be issued or published.

22 (4) FUNDING.—

23 (A) IN GENERAL.—No additional amounts
24 are authorized to be appropriated to carry out

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1 this subtitle or the amendments made by this
2 subtitle.

3 (B) OTHER FUNDING.—The Director shall
4 carry out this subtitle and the amendments
5 made by this subtitle using amounts otherwise
6 available to the Director.

7 **TITLE LIV—21ST CENTURY**
8 **ASSISTIVE TECHNOLOGY ACT**

Sec. 5401. Short title.

Sec. 5402. Reauthorization.

Sec. 5403. Effective date.

9 **SEC. 5401. SHORT TITLE.**

10 This title may be cited as the “21st Century Assistive
11 Technology Act”.

12 **SEC. 5402. REAUTHORIZATION.**

13 The Assistive Technology Act of 1998 (29 U.S.C.
14 3001 et seq.) is amended to read as follows:

15 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

16 “(a) SHORT TITLE.—This Act may be cited as the
17 ‘Assistive Technology Act of 1998’.

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

“Sec. 1. Short title; table of contents.

“Sec. 2. Purposes.

“Sec. 3. Definitions.

“Sec. 4. Grants for State assistive technology programs.

“Sec. 5. Grants for protection and advocacy services related to assistive technology.

“Sec. 6. Technical assistance and data collection support.

“Sec. 7. Projects of national significance.

“Sec. 8. Administrative provisions.

“Sec. 9. Authorization of appropriations; reservations and distribution of funds.

1 **“SEC. 2. PURPOSES.**

2 “The purposes of this Act are to—

3 “(1) to support State efforts to improve the
4 provision of assistive technology to individuals with
5 disabilities of all ages, including underrepresented
6 populations, through comprehensive statewide pro-
7 grams of technology-related assistance that are de-
8 signed to—

9 “(A) increase the availability of, funding
10 for, access to, provision of, and education about
11 assistive technology devices and assistive tech-
12 nology services;

13 “(B) increase the ability of individuals
14 with disabilities to secure and maintain posses-
15 sion of assistive technology devices as such indi-
16 viduals make the transition between services of-
17 fered by educational or human service agencies
18 or between settings of daily living (for example,
19 between home and work);

20 “(C) increase the capacity of public agen-
21 cies and private entities to provide and pay for
22 assistive technology devices and assistive tech-
23 nology services on a statewide basis for individ-
24 uals with disabilities;

25 “(D) increase the involvement of individ-
26 uals with disabilities and, if appropriate, their

1 family members, guardians, advocates, and au-
2 thorized representatives, in decisions related to
3 the provision of assistive technology devices and
4 assistive technology services;

5 “(E) increase and promote coordination
6 among and between State and local agencies
7 and private entities (such as managed care pro-
8 viders), that are involved in carrying out activi-
9 ties under this Act;

10 “(F) increase the awareness and facilitate
11 the change of laws, regulations, policies, prac-
12 tices, procedures, and organizational structures
13 that facilitate the availability or provision of as-
14 sistive technology devices and assistive tech-
15 nology services; and

16 “(G) increase awareness and knowledge of
17 the benefits of assistive technology devices and
18 assistive technology services among targeted in-
19 dividuals and entities and the general popu-
20 lation; and

21 “(2) to provide States and protection and advo-
22 cacy systems with financial assistance that supports
23 programs designed to maximize the ability of indi-
24 viduals with disabilities and their family members,
25 guardians, advocates, and authorized representatives

1 to obtain assistive technology devices and assistive
2 technology services.

3 **“SEC. 3. DEFINITIONS.**

4 “In this Act:

5 “(1) ADULT SERVICE PROGRAM.—The term
6 ‘adult service program’ means a program that pro-
7 vides services to, or is otherwise substantially in-
8 volved with the major life functions of, individuals
9 with disabilities. Such term includes—

10 “(A) a program providing residential, sup-
11 portive, or employment-related services, to indi-
12 viduals with disabilities;

13 “(B) a program carried out by a center for
14 independent living, such as a center described
15 in part C of title VII of the Rehabilitation Act
16 of 1973 (29 U.S.C. 796f et seq.);

17 “(C) a program carried out by an employ-
18 ment support agency connected to adult voca-
19 tional rehabilitation, such as a one-stop partner,
20 as defined in section 3 of the Workforce Inno-
21 vation and Opportunity Act (29 U.S.C. 3102);
22 and

23 “(D) a program carried out by another or-
24 ganization or vender licensed or registered by
25 the designated State agency, as defined in sec-

1 tion 7 of the Rehabilitation Act of 1973 (29
2 U.S.C. 705).

3 “(2) AMERICAN INDIAN CONSORTIUM.—The
4 term ‘American Indian consortium’ means an entity
5 that is an American Indian Consortium (as defined
6 in section 102 of the Developmental Disabilities As-
7 sistance and Bill of Rights Act of 2000 (42 U.S.C.
8 15002)), and that is established to provide protec-
9 tion and advocacy services for purposes of receiving
10 funding under subtitle C of title I of such Act (42
11 U.S.C. 15041 et seq.).

12 “(3) ASSISTIVE TECHNOLOGY.—The term ‘as-
13 sistive technology’ means technology designed to be
14 utilized in an assistive technology device or assistive
15 technology service.

16 “(4) ASSISTIVE TECHNOLOGY DEVICE.—The
17 term ‘assistive technology device’ means any item,
18 piece of equipment, or product system, whether ac-
19 quired commercially, modified, or customized, that is
20 used to increase, maintain, or improve functional ca-
21 pabilities of individuals with disabilities.

22 “(5) ASSISTIVE TECHNOLOGY SERVICE.—The
23 term ‘assistive technology service’ means any service
24 that directly assists an individual with a disability in

1 the selection, acquisition, or use of an assistive tech-
2 nology device. Such term includes—

3 “(A) the evaluation of the assistive tech-
4 nology needs of an individual with a disability,
5 including a functional evaluation of the impact
6 of the provision of appropriate assistive tech-
7 nology devices and services to the individual in
8 the customary environment of the individual;

9 “(B) a service consisting of purchasing,
10 leasing, or otherwise providing for the acquisi-
11 tion of assistive technology devices by individ-
12 uals with disabilities;

13 “(C) a service consisting of selecting, de-
14 signing, fitting, customizing, adapting, apply-
15 ing, maintaining, repairing, replacing, or donat-
16 ing assistive technology devices;

17 “(D) coordination and use of necessary
18 therapies, interventions, or services with assist-
19 ive technology devices, such as therapies, inter-
20 ventions, or services associated with education
21 and rehabilitation plans and programs;

22 “(E) instruction or technical assistance for
23 an individual with a disability or, where appro-
24 priate, the family members, guardians, advo-

1 cates, or authorized representatives of such an
2 individual;

3 “(F) instruction or technical assistance for
4 professionals (including individuals providing
5 education and rehabilitation services and enti-
6 ties that manufacture or sell assistive tech-
7 nology devices), employers, providers of employ-
8 ment and training services, or other individuals
9 who provide services to, employ, or are other-
10 wise substantially involved in the major life
11 functions of individuals with disabilities; and

12 “(G) a service consisting of expanding the
13 availability of access to technology, including
14 electronic and information technology, to indi-
15 viduals with disabilities.

16 “(6) CAPACITY BUILDING AND ADVOCACY AC-
17 TIVITIES.—The term ‘capacity building and advo-
18 cacy activities’ means efforts that—

19 “(A) result in laws, regulations, policies,
20 practices, procedures, or organizational struc-
21 tures that promote consumer-responsive pro-
22 grams or entities; and

23 “(B) facilitate and increase access to, pro-
24 vision of, and funding for assistive technology
25 devices and assistive technology services, in

1 order to empower individuals with disabilities to
2 achieve greater independence, productivity, and
3 integration and inclusion within the community
4 and the workforce.

5 “(7) COMPREHENSIVE STATEWIDE PROGRAM OF
6 TECHNOLOGY-RELATED ASSISTANCE.—The term
7 ‘comprehensive statewide program of technology-re-
8 lated assistance’ means a consumer-responsive pro-
9 gram of technology-related assistance for individuals
10 with disabilities that—

11 “(A) is implemented by a State;

12 “(B) is equally available to all individuals
13 with disabilities residing in the State, regardless
14 of their type of disability, age, income level, or
15 location of residence in the State, or the type
16 of assistive technology device or assistive tech-
17 nology service required; and

18 “(C) incorporates all the activities de-
19 scribed in section 4(e) (unless excluded pursu-
20 ant to section 4(e)(5)).

21 “(8) CONSUMER-RESPONSIVE.—The term ‘con-
22 sumer-responsive’—

23 “(A) with regard to policies, means that
24 the policies are consistent with the principles
25 of—

1 “(i) respect for individual dignity, per-
2 sonal responsibility, self-determination, and
3 pursuit of meaningful careers, based on in-
4 formed choice, of individuals with disabili-
5 ties;

6 “(ii) respect for the privacy, rights,
7 and equal access (including the use of ac-
8 cessible formats) of such individuals;

9 “(iii) inclusion, integration, and full
10 participation of such individuals in society;

11 “(iv) support for the involvement in
12 decisions of a family member, a guardian,
13 an advocate, or an authorized representa-
14 tive, if an individual with a disability re-
15 quests, desires, or needs such involvement;
16 and

17 “(v) support for individual and sys-
18 tems advocacy and community involve-
19 ment; and

20 “(B) with respect to an entity, program, or
21 activity, means that the entity, program, or ac-
22 tivity—

23 “(i) is easily accessible to, and usable
24 by, individuals with disabilities and, when
25 appropriate, their family members, guard-

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1 ians, advocates, or authorized representa-
2 tives;

3 “(ii) responds to the needs of individ-
4 uals with disabilities in a timely and appro-
5 priate manner; and

6 “(iii) facilitates the full and meaning-
7 ful participation of individuals with disabil-
8 ities and their family members, guardians,
9 advocates, and authorized representatives,
10 in—

11 “(I) decisions relating to the pro-
12 vision of assistive technology devices
13 and assistive technology services to
14 such individuals; and

15 “(II) decisions related to the
16 maintenance, improvement, and eval-
17 uation of the comprehensive statewide
18 program of technology-related assist-
19 ance, including decisions that affect
20 capacity building and advocacy activi-
21 ties.

22 “(9) DISABILITY.—The term ‘disability’ has the
23 meaning given the term under section 3 of the
24 Americans with Disabilities Act of 1990 (42 U.S.C.
25 12102).

1 “(10) INDIVIDUAL WITH A DISABILITY.—The
2 term ‘individual with a disability’ means any indi-
3 vidual—

4 “(A) who has a disability; and

5 “(B) who is or would be enabled by an as-
6 sistive technology device or an assistive tech-
7 nology service to minimize deterioration in func-
8 tioning, to maintain a level of functioning, or to
9 achieve a greater level of functioning in any
10 major life activity.

11 “(11) INSTITUTION OF HIGHER EDUCATION.—
12 The term ‘institution of higher education’ has the
13 meaning given such term in section 101(a) of the
14 Higher Education Act of 1965 (20 U.S.C. 1001(a)),
15 and includes a community college receiving funding
16 under the Tribally Controlled Colleges and Univer-
17 sities Assistance Act of 1978 (25 U.S.C. 1801 et
18 seq.).

19 “(12) PROTECTION AND ADVOCACY SERV-
20 ICES.—The term ‘protection and advocacy services’
21 means services that—

22 “(A) are described in subtitle C of title I
23 of the Developmental Disabilities Assistance
24 and Bill of Rights Act of 2000 (42 U.S.C.
25 15041 et seq.), the Protection and Advocacy for

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1 Individuals with Mental Illness Act (42 U.S.C.
2 10801 et seq.), or section 509 of the Rehabilita-
3 tion Act of 1973 (29 U.S.C. 794e); and

4 “(B) assist individuals with disabilities
5 with respect to assistive technology devices and
6 assistive technology services.

7 “(13) SECRETARY.—The term ‘Secretary’
8 means the Secretary of Health and Human Services,
9 acting through the Administrator of the Administra-
10 tion for Community Living.

11 “(14) STATE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the term ‘State’ means each
14 of the 50 States of the United States, the Dis-
15 trict of Columbia, the Commonwealth of Puerto
16 Rico, the United States Virgin Islands, Guam,
17 American Samoa, and the Commonwealth of
18 the Northern Mariana Islands.

19 “(B) OUTLYING AREAS.—In section 4(b):

20 “(i) OUTLYING AREA.—The term ‘out-
21 lying area’ means the United States Virgin
22 Islands, Guam, American Samoa, and the
23 Commonwealth of the Northern Mariana
24 Islands.

1 “(ii) STATE.—The term ‘State’ does
2 not include the United States Virgin Is-
3 lands, Guam, American Samoa, and the
4 Commonwealth of the Northern Mariana
5 Islands.

6 “(15) STATE ASSISTIVE TECHNOLOGY PRO-
7 GRAM.—The term ‘State assistive technology pro-
8 gram’ means a program authorized under section 4.

9 “(16) TARGETED INDIVIDUALS AND ENTI-
10 TIES.—The term ‘targeted individuals and entities’
11 means—

12 “(A) individuals with disabilities and their
13 family members, guardians, advocates, and au-
14 thorized representatives;

15 “(B) underrepresented populations;

16 “(C) individuals who work for public or
17 private entities (including centers for inde-
18 pendent living described in part C of title VII
19 of the Rehabilitation Act of 1973 (29 U.S.C.
20 796f et seq.), insurers, or managed care pro-
21 viders) that have contact with, or provide serv-
22 ices to, individuals with disabilities;

23 “(D) educators and related services per-
24 sonnel, including personnel in elementary, sec-

1 ondary, and postsecondary schools, and in voca-
2 tional and early intervention programs;

3 “(E) technology experts (including web de-
4 signers and procurement officials);

5 “(F) health, allied health, and rehabilita-
6 tion professionals, and employees of hospitals,
7 skilled nursing, intermediate care, and assisted
8 living facilities (including discharge planners);

9 “(G) employers, especially small business
10 employers, and providers of employment and
11 training services;

12 “(H) entities that manufacture or sell as-
13 sistive technology devices;

14 “(I) entities that carry out community pro-
15 grams designed to develop essential community
16 services in rural and urban areas; and

17 “(J) other appropriate individuals and en-
18 tities, including public and private entities in-
19 volved in housing and transportation, as deter-
20 mined for a State by the State.

21 “(17) UNDERREPRESENTED POPULATION.—

22 The term ‘underrepresented population’ means a
23 population that is typically underrepresented in serv-
24 ice provision, and includes populations such as indi-
25 viduals who have low-incidence disabilities, racial

1 and ethnic minorities, low income individuals, home-
2 less individuals (including children and youth), chil-
3 dren in foster care, individuals with limited English
4 proficiency, individuals living in institutions seeking
5 to transition to the community from institutional
6 settings, youth with disabilities aging into adulthood,
7 older individuals, or individuals living in rural areas.

8 “(18) UNIVERSAL DESIGN.—The term ‘uni-
9 versal design’ means a concept or philosophy for de-
10 signing and delivering products and services that are
11 usable by people with the widest possible range of
12 functional capabilities, which include products and
13 services that are directly accessible (without requir-
14 ing assistive technologies) and products and services
15 that are interoperable with assistive technologies.

16 **“SEC. 4. GRANTS FOR STATE ASSISTIVE TECHNOLOGY PRO-**
17 **GRAMS.**

18 “(a) GRANTS TO STATES.—The Secretary shall
19 award grants under subsection (b) to States to maintain
20 a comprehensive statewide program of assistive tech-
21 nology-related assistance described in subsection (e)
22 through State assistive technology programs that are de-
23 signed to—

24 “(1) maximize the ability of individuals with
25 disabilities across the human lifespan and across the

1 wide array of disabilities, and their family members,
2 guardians, advocates, and authorized representa-
3 tives, to obtain assistive technology; and

4 “(2) increase access to assistive technology.

5 “(b) AMOUNT OF FINANCIAL ASSISTANCE.—

6 “(1) IN GENERAL.—From funds made available
7 to carry out this section, the Secretary shall award
8 a grant to each State, and outlying area, that meets
9 the requirements of this section from an allotment
10 determined in accordance with paragraph (2).

11 “(2) CALCULATION OF STATE GRANTS.—

12 “(A) BASE YEAR.—Except as provided in
13 subparagraphs (B) and (C), the Secretary shall
14 allot to each State and outlying area for a fiscal
15 year an amount that is not less than the
16 amount the State or outlying area received
17 under the grants provided under section 4 of
18 this Act (as in effect on the day before the ef-
19 fective date of the 21st Century Assistive Tech-
20 nology Act) for fiscal year 2022.

21 “(B) RATABLE REDUCTION.—

22 “(i) IN GENERAL.—If funds made
23 available to carry out this section for any
24 fiscal year are insufficient to make the al-
25 lotments required for each State and out-

2029

1 lying area under subparagraph (A) for
2 such fiscal year, the Secretary shall ratably
3 reduce the allotments for such fiscal year.

4 “(ii) ADDITIONAL FUNDS.—If, after
5 the Secretary makes the reductions de-
6 scribed in clause (i), additional funds be-
7 come available to carry out this section for
8 the fiscal year, the Secretary shall ratably
9 increase the allotments, until the Secretary
10 has allotted the entire base year amount
11 under subparagraph (A).

12 “(C) APPROPRIATION HIGHER THAN BASE
13 YEAR AMOUNT.—For a fiscal year for which the
14 amount of funds made available to carry out
15 this section is greater than the base year
16 amount under subparagraph (A) and no greater
17 than \$40,000,000, the Secretary shall—

18 “(i) make the allotments described in
19 subparagraph (A);

20 “(ii) from a portion of the remainder
21 of the funds after the Secretary makes the
22 allotments described in clause (i), the Sec-
23 retary shall—

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1 “(I) from 50 percent of the por-
2 tion, allot to each State an equal
3 amount; and

4 “(II) from 50 percent of the por-
5 tion, allot to each State an amount
6 that bears the same relationship to
7 such 50 percent as the population of
8 the State bears to the population of
9 all States,

10 until each State has received an allotment
11 of not less than \$410,000 under clause (i)
12 and this clause; and

13 “(iii) from the remainder of the funds
14 after the Secretary makes the allotments
15 described in clause (ii), the Secretary
16 shall—

17 “(I) from 80 percent of the re-
18 mainder, allot to each State an
19 amount that bears the same relation-
20 ship to such 80 percent as the popu-
21 lation of the State bears to the popu-
22 lation of all States; and

23 “(II) from 20 percent of the re-
24 mainder, allot to each State an equal
25 amount.

1 “(D) APPROPRIATION HIGHER THAN
2 THRESHOLD AMOUNT.—For a fiscal year for
3 which the amount of funds made available to
4 carry out this section is \$40,000,000 or greater,
5 the Secretary shall—

6 “(i) make the allotments described in
7 subparagraph (A);

8 “(ii) from the funds remaining after
9 the allotment described in clause (i), allot
10 to each outlying area an amount of such
11 funds until each outlying area has received
12 an allotment of exactly \$150,000 under
13 clause (i) and this clause;

14 “(iii) from a portion of the remainder
15 of the funds after the Secretary makes the
16 allotments described in clauses (i) and (ii),
17 the Secretary shall—

18 “(I) from 50 percent of the por-
19 tion, allot to each State an equal
20 amount; and

21 “(II) from 50 percent of the por-
22 tion, allot to each State an amount
23 that bears the same relationship to
24 such 50 percent as the population of

1 the State bears to the population of
2 all States,
3 until each State has received an allotment
4 of not less than \$450,000 under clause (i)
5 and this clause; and

6 “(iv) from the remainder of the funds
7 after the Secretary makes the allotments
8 described in clause (iii), the Secretary
9 shall—

10 “(I) from 80 percent of the re-
11 mainder, allot to each State an
12 amount that bears the same relation-
13 ship to such 80 percent as the popu-
14 lation of the State bears to the popu-
15 lation of all States; and

16 “(II) from 20 percent of the re-
17 mainder, allot to each State an equal
18 amount.

19 “(3) AVAILABILITY OF FUNDS.—Amounts made
20 available for a fiscal year under this section shall be
21 available for the fiscal year and the year following
22 the fiscal year.

23 “(c) LEAD AGENCY, IMPLEMENTING ENTITY, AND
24 ADVISORY COUNCIL.—

1 “(1) LEAD AGENCY AND IMPLEMENTING ENTI-
2 TY.—

3 “(A) LEAD AGENCY.—

4 “(i) IN GENERAL.—The Governor of a
5 State shall designate a public agency as a
6 lead agency—

7 “(I) to control and administer
8 the funds made available through the
9 grant awarded to the State under this
10 section; and

11 “(II) to submit the application
12 described in subsection (d) on behalf
13 of the State, to ensure conformance
14 with Federal and State accounting re-
15 quirements.

16 “(ii) DUTIES.—The duties of the lead
17 agency shall include—

18 “(I) preparing the application de-
19 scribed in subsection (d) and carrying
20 out State activities described in that
21 application, including making pro-
22 grammatic and resource allocation de-
23 cisions necessary to implement the
24 comprehensive statewide program of
25 technology-related assistance;

1 “(II) coordinating the activities
2 of the comprehensive statewide pro-
3 gram of technology-related assistance
4 among public and private entities, in-
5 cluding coordinating efforts related to
6 entering into interagency agreements
7 and maintaining and evaluating the
8 program; and

9 “(III) coordinating efforts, in a
10 way that acknowledges the demo-
11 graphic characteristics of individuals,
12 related to the active, timely, and
13 meaningful participation by individ-
14 uals with disabilities and their family
15 members, guardians, advocates, or au-
16 thorized representatives, and other ap-
17 propriate individuals, with respect to
18 activities carried out through the
19 grant.

20 “(B) IMPLEMENTING ENTITY.—The Gov-
21 ernor may designate an agency, office, or other
22 entity to carry out State activities under this
23 section (referred to in this section as the ‘imple-
24 menting entity’), if such implementing entity is
25 different from the lead agency. The imple-

1 menting entity shall carry out responsibilities
2 under this Act through a subcontract or an-
3 other administrative agreement with the lead
4 agency.

5 “(C) CHANGE IN AGENCY OR ENTITY.—

6 “(i) IN GENERAL.—On obtaining the
7 approval of the Secretary—

8 “(I) the Governor may redesign-
9 nate the lead agency of a State, if the
10 Governor shows to the Secretary, in
11 accordance with subsection (d)(2)(B),
12 good cause why the agency designated
13 as the lead agency should not serve as
14 that agency; and

15 “(II) the Governor may redesign-
16 nate the implementing entity of a
17 State, if the Governor shows to the
18 Secretary in accordance with sub-
19 section (d)(2)(B), good cause why the
20 entity designated as the implementing
21 entity should not serve as that entity.

22 “(ii) CONSTRUCTION.—Nothing in
23 this paragraph shall be construed to re-
24 quire the Governor of a State to change
25 the lead agency or implementing entity of

1 the State to an agency other than the lead
2 agency or implementing entity of such
3 State as of the date of enactment of the
4 ‘21st Century Assistive Technology Act’.

5 “(2) ADVISORY COUNCIL.—

6 “(A) IN GENERAL.—There shall be estab-
7 lished an advisory council to provide consumer-
8 responsive, consumer-driven advice to the State
9 for planning, implementation, and evaluation of
10 the activities carried out through the grant, in-
11 cluding setting the measurable goals described
12 in subsection (d)(3)(C).

13 “(B) COMPOSITION AND REPRESENTA-
14 TION.—

15 “(i) COMPOSITION.—The advisory
16 council shall be composed of—

17 “(I) individuals with disabilities
18 who use assistive technology or the
19 family members or guardians of the
20 individuals;

21 “(II) a representative of the des-
22 ignated State agency, as defined in
23 section 7 of the Rehabilitation Act of
24 1973 (29 U.S.C. 705);

1 “(III) a representative of the des-
2 ignated State agency for individuals
3 who are blind or that provides assist-
4 ance or services to adults who are
5 blind (within the meaning of section
6 101 of that Act (29 U.S.C. 721)), if
7 such agency is separate from the
8 agency described in subclause (II);

9 “(IV) a representative of a State
10 center for independent living described
11 in part C of title VII of the Rehabili-
12 tation Act of 1973 (29 U.S.C. 796f et
13 seq.), or the Statewide Independent
14 Living Council established under sec-
15 tion 705 of such Act (29 U.S.C.
16 796d);

17 “(V) a representative of the
18 State workforce development board es-
19 tablished under section 101 of the
20 Workforce Innovation and Oppor-
21 tunity Act (29 U.S.C. 3111);

22 “(VI) a representative of the
23 State educational agency, as defined
24 in section 8101 of the Elementary and

1 Secondary Education Act of 1965 (20
2 U.S.C. 7801);

3 “(VII) a representative of an al-
4 ternative financing program for assist-
5 ive technology if—

6 “(aa) there is an alternative
7 financing program for assistive
8 technology in the State;

9 “(bb) such program is sepa-
10 rate from the State assistive
11 technology program supported
12 under subsection (e)(2); and

13 “(cc) the program described
14 in item (aa) is operated by a non-
15 profit entity;

16 “(VIII) a representative of 1 or
17 more of—

18 “(aa) the agency responsible
19 for administering the State Med-
20 icaid program under title XIX of
21 the Social Security Act (42
22 U.S.C. 1396 et seq.);

23 “(bb) the designated State
24 agency for purposes of section
25 124 of the Developmental Dis-

2039

1 abilities Assistance and Bill of
2 Rights Act of 2000 (42 U.S.C.
3 15024);

4 “(cc) the State agency des-
5 igned under section 305(a)(1)
6 of the Older Americans Act of
7 1965 (42 U.S.C. 3025(a)(1)), or
8 an organization that receives as-
9 sistance under such Act (42
10 U.S.C. 3001 et seq.);

11 “(dd) an organization rep-
12 resenting disabled veterans;

13 “(ee) a University Center
14 for Excellence in Developmental
15 Disabilities Education, Research,
16 and Service designated under
17 section 151(a) of the Develop-
18 mental Disabilities Assistance
19 and Bill of Rights Act of 2000
20 (42 U.S.C. 15061(a));

21 “(ff) the State protection
22 and advocacy system established
23 in accordance with section 143 of
24 the Developmental Disabilities

2040

1 Assistance and Bill of Rights Act
2 of 2000 (42 U.S.C. 15043); or

3 “(gg) the State Council on
4 Developmental Disabilities estab-
5 lished under section 125 of the
6 Developmental Disabilities As-
7 sistance and Bill of Rights Act of
8 2000 (42 U.S.C. 15025); and

9 “(IX) representatives of other
10 State agencies, public agencies, or pri-
11 vate organizations, as determined by
12 the State.

13 “(ii) MAJORITY.—

14 “(I) IN GENERAL.—Not less than
15 51 percent of the members of the ad-
16 visory council shall be members ap-
17 pointed under clause (i)(I), a majority
18 of whom shall be individuals with dis-
19 abilities.

20 “(II) REPRESENTATIVES OF
21 AGENCIES.—Members appointed
22 under subclauses (II) through (IX) of
23 clause (i) shall not count toward the
24 majority membership requirement es-
25 tablished in subclause (I).

1 “(iii) REPRESENTATION.—The advi-
2 sory council shall be geographically rep-
3 resentative of the State and reflect the di-
4 versity of the State with respect to race,
5 ethnicity, age, and types of disabilities, and
6 users of types of services that an individual
7 with a disability may receive, including
8 home and community-based services (as
9 defined in section 9817(a)(2) of the Amer-
10 ican Rescue Plan Act of 2021 (42 U.S.C.
11 1396d note)), vocational rehabilitation
12 services (as defined in section 7 of the Re-
13 habilitation Act of 1973 (29 U.S.C. 705)),
14 and services through the Individuals with
15 Disabilities Education Act (20 U.S.C.
16 1400 et seq.).

17 “(C) EXPENSES.—The members of the ad-
18 visory council shall receive no compensation for
19 their service on the advisory council, but shall
20 be reimbursed for reasonable and necessary ex-
21 penses actually incurred in the performance of
22 official duties for the advisory council.

23 “(D) IMPACT ON EXISTING STATUTES,
24 RULES, OR POLICIES.—Nothing in this para-
25 graph shall be construed to affect State stat-

1 utes, rules, or official policies relating to advi-
2 sory bodies for State assistive technology pro-
3 grams or require changes to governing bodies of
4 incorporated agencies that carry out State as-
5 sistive technology programs.

6 “(d) APPLICATION.—

7 “(1) IN GENERAL.—Any State that desires to
8 receive a grant under this section shall submit an
9 application to the Secretary, at such time, in such
10 manner, and containing such information as the Sec-
11 retary may require.

12 “(2) LEAD AGENCY AND IMPLEMENTING ENTI-
13 TY.—

14 “(A) IN GENERAL.—The application shall
15 contain—

16 “(i) information identifying and de-
17 scribing the lead agency referred to in sub-
18 section (c)(1)(A);

19 “(ii) information identifying and de-
20 scribing the implementing entity referred
21 to in subsection (c)(1)(B), if the Governor
22 of the State designates such an entity; and

23 “(iii) a description of how individuals
24 with disabilities were involved in the devel-
25 opment of the application and will be in-

1 involved in the implementation of the activi-
2 ties to be carried out through the grant
3 and through the advisory council estab-
4 lished in accordance with subsection (c)(2).

5 “(B) CHANGE IN LEAD AGENCY OR IMPLE-
6 MENTING ENTITY.—In any case where—

7 “(i) the Governor requests to redesign-
8 nate a lead agency, the Governor shall in-
9 clude in, or amend, the application to re-
10 quest the redesignation and provide a writ-
11 ten description of the rationale for the re-
12 quested change; or

13 “(ii) the Governor requests to redesign-
14 nate an implementing entity, the Governor
15 shall include in, or amend, the application
16 to request the redesignation and provide a
17 written description of the rationale for the
18 requested change.

19 “(3) STATE PLAN.—The application under this
20 subsection shall include a State plan for assistive
21 technology consisting of—

22 “(A) a description of how the State will
23 carry out a comprehensive statewide program
24 that provides assistive technology activities de-

1 scribed in subsection (e) (unless excluded by the
2 State pursuant to subsection (e)(5));

3 “(B) a description of how the State will al-
4 locate and utilize grant funds to implement the
5 activities described in subparagraph (A), includ-
6 ing describing proposed budget allocations and
7 planned procedures for tracking expenditures
8 for the activities;

9 “(C) measurable goals, and a timeline for
10 meeting the goals, that the State has set for ad-
11 dressing the assistive technology needs of indi-
12 viduals with disabilities in the State related
13 to—

14 “(i) education, including goals involv-
15 ing the provision of assistive technology to
16 individuals with disabilities who receive
17 services under the Individuals with Disabil-
18 ities Education Act (20 U.S.C. 1400 et
19 seq.);

20 “(ii) employment, including goals in-
21 volving the State vocational rehabilitation
22 program carried out under title I of the
23 Rehabilitation Act of 1973 (29 U.S.C. 720
24 et seq.);

1 “(iii) access to teleassistive technology
2 to aid in the access of health care services,
3 including mental health and substance use
4 disorder services;

5 “(iv) accessible information and com-
6 munication technology instruction for indi-
7 viduals with disabilities receiving assistive
8 technology under this section; and

9 “(v) community living;

10 “(D) information describing how the State
11 will quantifiably measure the goals, in a manner
12 consistent with the data submitted through the
13 progress reports under subsection (f), to deter-
14 mine whether the goals have been achieved; and

15 “(E) a description of any activities de-
16 scribed in subsection (e) that the State will sup-
17 port with State or other non-Federal funds.

18 “(4) INVOLVEMENT OF PUBLIC AND PRIVATE
19 ENTITIES.—The application shall describe how var-
20 ious public and private entities, including individuals
21 with disabilities and their families, were involved in
22 the development of the application, including the
23 measurable goals and timeline described in para-
24 graph (3)(C) and the description of how the goals
25 will be quantifiably measured described in paragraph

1 (3)(D), and will be involved in the implementation of
2 the activities to be carried out through the grant, in-
3 cluding—

4 “(A) in cases determined to be appropriate
5 by the State, a description of the nature and
6 extent of resources that will be committed by
7 public and private partners to assist in accom-
8 plishing identified goals; and

9 “(B) a description of the mechanisms es-
10 tablished to ensure coordination of activities
11 and collaboration between the implementing en-
12 tity, if any, and the State.

13 “(5) ASSURANCES.—The application shall in-
14 clude assurances that—

15 “(A) the State will annually collect data
16 related to the required activities implemented
17 by the State under this section in order to pre-
18 pare the progress reports required under sub-
19 section (f);

20 “(B) funds received through the grant—

21 “(i) will be expended in accordance
22 with this section; and

23 “(ii) will be used to supplement, and
24 not supplant, funds available from other
25 sources for technology-related assistance,

1 including the provision of assistive tech-
2 nology devices and assistive technology
3 services;

4 “(C) the lead agency will control and ad-
5 minister the funds received through the grant;

6 “(D) the State will adopt such fiscal con-
7 trol and accounting procedures as may be nec-
8 essary to ensure proper disbursement of and ac-
9 counting for the funds received through the
10 grant;

11 “(E) the physical facility of the lead agen-
12 cy and implementing entity, if any, meets the
13 requirements of the Americans with Disabilities
14 Act of 1990 (42 U.S.C. 12101 et seq.) regard-
15 ing accessibility for individuals with disabilities;

16 “(F) a public agency or an individual with
17 a disability holds title to any property pur-
18 chased with funds received under the grant and
19 administers that property;

20 “(G) activities carried out in the State that
21 are authorized under this Act, and supported by
22 Federal funds received under this Act, will com-
23 ply with the standards established by the Archi-
24 tectural and Transportation Barriers Compli-

1 ance Board under section 508 of the Rehabilita-
2 tion Act of 1973 (29 U.S.C. 794d); and

3 “(H) the State will—

4 “(i) prepare reports to the Secretary
5 in such form and containing such informa-
6 tion as the Secretary may require to carry
7 out the Secretary’s functions under this
8 Act; and

9 “(ii) keep such records and allow ac-
10 cess to such records as the Secretary may
11 require to ensure the correctness and
12 verification of information provided to the
13 Secretary under this subparagraph.

14 “(e) USE OF FUNDS.—

15 “(1) REQUIRED ACTIVITIES.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B) and paragraph (5), any State
18 that receives a grant under this section shall—

19 “(i) use a portion of not more than 40
20 percent of the funds made available
21 through the grant to carry out all activities
22 described in paragraph (3), of which not
23 less than 5 percent of such portion shall be
24 available for activities described in para-
25 graph (3)(A)(iii); and

1 “(ii) use a portion of the funds made
2 available through the grant to carry out all
3 of the activities described in paragraph (2).

4 “(B) STATE OR OTHER NON-FEDERAL FI-
5 NANCIAL SUPPORT.—A State receiving a grant
6 under this section shall not be required to use
7 grant funds to carry out the category of activi-
8 ties described in subparagraph (A), (B), (C), or
9 (D) of paragraph (2) in that State if, for such
10 category of activities, financial support is pro-
11 vided in that State—

12 “(i) from State or other non-Federal
13 resources or entities; and

14 “(ii) in an amount that is comparable
15 to, or greater than, the amount of the por-
16 tion of the funds made available through
17 the grant that the State would have ex-
18 pended for such category of activities, in
19 the absence of this subparagraph.

20 “(2) STATE-LEVEL ACTIVITIES.—

21 “(A) STATE FINANCING ACTIVITIES.—The
22 State shall support State financing activities to
23 increase access to, and funding for, assistive
24 technology devices and assistive technology
25 services (which shall not include direct payment

1 for such a device or service for an individual
2 with a disability but may include support and
3 administration of a program to provide such
4 payment), including development of systems to
5 provide and pay for such devices and services,
6 for targeted individuals and entities described
7 in section 3(16)(A), including—

8 “(i) support for the development of
9 systems for the purchase, lease, or other
10 acquisition of, or payment for, assistive
11 technology devices and assistive technology
12 services;

13 “(ii) another mechanism that is ap-
14 proved by the Secretary; or

15 “(iii) support for the development of a
16 State-financed or privately financed alter-
17 native financing program engaged in the
18 provision of assistive technology devices,
19 such as—

20 “(I) a low-interest loan fund;

21 “(II) an interest buy-down pro-
22 gram;

23 “(III) a revolving loan fund; or

24 “(IV) a loan guarantee or insur-
25 ance program.

1 “(B) DEVICE REUTILIZATION PRO-
2 GRAMS.—The State shall directly, or in collabo-
3 ration with public or private entities, carry out
4 assistive technology device reutilization pro-
5 grams that provide for the exchange, repair, re-
6 cycling, or other reutilization of assistive tech-
7 nology devices, which may include redistribution
8 through device sales, loans, rentals, or dona-
9 tions.

10 “(C) DEVICE LOAN PROGRAMS.—The
11 State shall directly, or in collaboration with
12 public or private entities, carry out device loan
13 programs that provide short-term loans of as-
14 sistive technology devices to individuals, employ-
15 ers, public agencies, or others seeking to meet
16 the needs of targeted individuals and entities,
17 including others seeking to comply with the In-
18 dividuals with Disabilities Education Act (20
19 U.S.C. 1400 et seq.), the Americans with Dis-
20 abilities Act of 1990 (42 U.S.C. 12101 et seq.),
21 and section 504 of the Rehabilitation Act of
22 1973 (29 U.S.C. 794).

23 “(D) DEVICE DEMONSTRATIONS.—

24 “(i) IN GENERAL.—The State shall
25 directly, or in collaboration with public and

1 private entities, such as one-stop partners,
2 as defined in section 3 of the Workforce
3 Innovation and Opportunity Act (29
4 U.S.C. 3102), demonstrate a variety of as-
5 sistive technology devices and assistive
6 technology services (including assisting in-
7 dividuals in making informed choices re-
8 garding, and providing experiences with,
9 the devices and services), using personnel
10 who are familiar with such devices and
11 services and their applications.

12 “(ii) COMPREHENSIVE INFORMA-
13 TION.—The State shall directly, or through
14 referrals, provide to individuals, to the ex-
15 tent practicable, comprehensive informa-
16 tion about State and local assistive tech-
17 nology venders, providers, and repair serv-
18 ices.

19 “(3) STATE LEADERSHIP ACTIVITIES.—

20 “(A) EDUCATIONAL ACTIVITIES AND
21 TECHNICAL ASSISTANCE.—

22 “(i) IN GENERAL.—The State shall,
23 directly or through the provision of support
24 to public or private entities with dem-
25 onstrated expertise in collaborating with

1 public or private agencies that serve indi-
2 viduals with disabilities, develop and dis-
3 seminate training materials, conduct edu-
4 cational activities, and provide technical
5 assistance, for individuals statewide, in-
6 cluding representatives of State and local
7 educational agencies, State vocational re-
8 habilitation programs, other State and
9 local agencies, early intervention programs,
10 adult service programs, hospitals and other
11 health care facilities, institutions of higher
12 education, and businesses.

13 “(ii) AUTHORIZED ACTIVITIES.—In
14 carrying out activities under clause (i), the
15 State shall carry out activities that en-
16 hance the knowledge, skills, and com-
17 petencies of individuals from local settings
18 described in such clause, which may in-
19 clude—

20 “(I) raising awareness and pro-
21 viding instruction on the benefits of
22 assistive technology and the Federal,
23 State, and private funding sources
24 available to assist targeted individuals

1 and entities in acquiring assistive
2 technology;

3 “(II) skills development in as-
4 ssuming the need for assistive tech-
5 nology devices and assistive tech-
6 nology services;

7 “(III) instruction to ensure the
8 appropriate application and use of as-
9 sistive technology devices, assistive
10 technology services, and accessible in-
11 formation and communication tech-
12 nology for e-government functions;

13 “(IV) instruction in the impor-
14 tance of multiple approaches to as-
15 sessment and implementation nec-
16 essary to meet the individualized
17 needs of individuals with disabilities;
18 and

19 “(V) technical instruction on in-
20 tegrating assistive technology into the
21 development and implementation of
22 service plans, including any education,
23 health, discharge, Olmstead, employ-
24 ment, or other plan required under
25 Federal or State law.

1 “(iii) TRANSITION ASSISTANCE TO IN-
2 DIVIDUALS WITH DISABILITIES.—The
3 State shall (directly or through the provi-
4 sion of support to public or private enti-
5 ties) develop and disseminate educational
6 materials, conduct educational activities,
7 facilitate access to assistive technology,
8 and provide technical assistance, to as-
9 sist—

10 “(I) students with disabilities,
11 within the meaning of the Individuals
12 with Disabilities Education Act (20
13 U.S.C. 1400 et seq.), that receive
14 transition services; and

15 “(II) adults who are individuals
16 with disabilities maintaining or
17 transitioning to community living.

18 “(B) PUBLIC-AWARENESS ACTIVITIES.—

19 “(i) IN GENERAL.—The State shall
20 conduct public-awareness activities de-
21 signed to provide information to targeted
22 individuals and entities relating to the
23 availability, benefits, appropriateness, and
24 costs of assistive technology devices and
25 assistive technology services, including—

1 “(I) the development of proce-
2 dures for providing direct communica-
3 tion between providers of assistive
4 technology and targeted individuals
5 and entities, which may include part-
6 nerships with entities in the statewide
7 and local workforce development sys-
8 tems established under the Workforce
9 Innovation and Opportunity Act (29
10 U.S.C. 3101 et seq.), State vocational
11 rehabilitation programs, public and
12 private employers, centers for inde-
13 pendent living described in part C of
14 title VII of the Rehabilitation Act of
15 1973 (29 U.S.C. 796f et seq.), Aging
16 and Disability Resource Centers (as
17 defined in section 102 of the Older
18 Americans Act of 1965 (42 U.S.C.
19 3002)), or elementary schools and sec-
20 ondary schools (as defined in section
21 8101 of the Elementary and Sec-
22 ondary Education Act of 1965 (20
23 U.S.C. 7801));

24 “(II) the development and dis-
25 semination, to targeted individuals

1 and entities, of information about
2 State efforts related to assistive tech-
3 nology; and

4 “(III) the distribution of mate-
5 rials to appropriate public and private
6 agencies that provide social, medical,
7 educational, employment, housing,
8 and transportation services to individ-
9 uals with disabilities.

10 “(ii) STATEWIDE INFORMATION AND
11 REFERRAL SYSTEM.—

12 “(I) IN GENERAL.—The State
13 shall directly, or in collaboration with
14 public or private entities (including
15 nonprofit organizations), provide for
16 the continuation and enhancement of
17 a statewide information and referral
18 system designed to meet the needs of
19 targeted individuals and entities.

20 “(II) CONTENT.—The system
21 shall deliver information on assistive
22 technology devices, assistive tech-
23 nology services (with specific data re-
24 garding provider availability within
25 the State), and the availability of re-

1 sources, including funding through
2 public and private sources, to obtain
3 assistive technology devices and assist-
4 ive technology services. The system
5 shall also deliver information on the
6 benefits of assistive technology devices
7 and assistive technology services with
8 respect to enhancing the capacity of
9 individuals with disabilities to perform
10 activities of daily living.

11 “(C) COORDINATION AND COLLABORA-
12 TION.—The State shall coordinate activities de-
13 scribed in paragraph (2) and this paragraph,
14 among public and private entities that are re-
15 sponsible for policies, procedures, or funding for
16 the provision of assistive technology devices and
17 assistive technology services to improve access
18 to such devices and services in the State.

19 “(4) FUNDING RULES.—

20 “(A) PROHIBITION.—Funds made avail-
21 able through a grant to a State under this sec-
22 tion shall not be used for direct payment for an
23 assistive technology device for an individual
24 with a disability.

1 “(B) FEDERAL PARTNER COLLABORA-
2 TION.—In order to coordinate efforts regarding
3 the availability of funding to access and acquire
4 assistive technology through device demonstra-
5 tion, loan, reuse, and State financing activities,
6 a State receiving a grant under this section
7 shall ensure that the lead agency or imple-
8 menting entity is conducting outreach to and,
9 as appropriate, collaborating with, other State
10 agencies that receive Federal funding for assist-
11 ive technology, including—

12 “(i) the State educational agency re-
13 ceiving assistance under the Individuals
14 with Disabilities Education Act (20 U.S.C.
15 1400 et seq.);

16 “(ii) the State vocational rehabilita-
17 tion agency receiving assistance under title
18 I of the Rehabilitation Act of 1973 (29
19 U.S.C. 720 et seq.);

20 “(iii) the agency responsible for ad-
21 ministering the State Medicaid program
22 under title XIX of the Social Security Act
23 (42 U.S.C. 1396 et seq.);

1 “(iv) the State agency receiving as-
2 sistance under the Older Americans Act of
3 1965 (42 U.S.C. 3001 et seq.); and

4 “(v) any other agency in a State that
5 funds assistive technology.

6 “(C) INDIRECT COSTS.—Not more than 10
7 percent of the funds made available through a
8 grant to a State under this section may be used
9 for indirect costs.

10 “(5) STATE FLEXIBILITY.—

11 “(A) IN GENERAL.—Notwithstanding para-
12 graph (1)(A) and subject to subparagraph (B),
13 a State may use funds that the State receives
14 under a grant awarded under this section to
15 carry out any 2 or more of the activities de-
16 scribed in paragraph (2).

17 “(B) SPECIAL RULE.—Notwithstanding
18 paragraph (1)(A), any State that exercises its
19 authority under subparagraph (A)—

20 “(i) shall carry out each of the re-
21 quired activities described in paragraph
22 (3); and

23 “(ii) shall use not more than 30 per-
24 cent of the funds made available through
25 the grant to carry out such activities.

1 “(6) ASSISTIVE TECHNOLOGY DEVICE DISPOSI-
2 TION.—Notwithstanding other equipment disposition
3 policy under Federal law, an assistive technology de-
4 vice purchased to be used in activities authorized
5 under this section may be reutilized to the maximum
6 extent possible and then donated to a public agency,
7 private nonprofit agency, or individual with a dis-
8 ability in need of such device.

9 “(f) ANNUAL PROGRESS REPORTS.—

10 “(1) DATA COLLECTION.—Each State receiving
11 a grant under this section shall participate in data
12 collection as required by law, including data collec-
13 tion required for preparation of the reports de-
14 scribed in paragraph (2).

15 “(2) REPORTS.—

16 “(A) IN GENERAL.—Each State shall pre-
17 pare and submit to the Secretary an annual
18 progress report on the activities carried out by
19 the State in accordance with subsection (e), in-
20 cluding activities funded by State or other non-
21 Federal sources under subsection (e)(1)(B) at
22 such time, and in such manner, as the Sec-
23 retary may require.

24 “(B) CONTENTS.—The report shall include
25 data collected pursuant to this section. The re-

1 port shall document, with respect to activities
2 carried out under this section in the State—

3 “(i) the type of State financing activi-
4 ties described in subsection (e)(2)(A) used
5 by the State;

6 “(ii) the amount and type of assist-
7 ance given to consumers of the State fi-
8 nancing activities described in subsection
9 (e)(2)(A) (which shall be classified by type
10 of assistive technology device or assistive
11 technology service financed through the
12 State financing activities, and geographic
13 distribution within the State), including—

14 “(I) the number of applications
15 for assistance received;

16 “(II) the number of applica-
17 tions—

18 “(aa) approved;

19 “(bb) denied; or

20 “(cc) withdrawn;

21 “(III) the number, percentage,
22 and dollar amount of defaults for the
23 financing activities;

24 “(IV) the range and average in-
25 terest rate for the financing activities;

1 “(V) the range and average in-
2 come of approved applicants for the
3 financing activities; and

4 “(VI) the types and dollar
5 amounts of assistive technology fi-
6 nanced;

7 “(iii) the number, type, and length of
8 time of loans of assistive technology de-
9 vices provided to individuals with disabil-
10 ities, employers, public agencies, or public
11 accommodations through the device loan
12 program described in subsection (e)(2)(C),
13 and an analysis of the types of such de-
14 vices provided through the program, and
15 how each device benefitted the individual
16 who received such device;

17 “(iv) the number, type, estimated
18 value, and scope of assistive technology de-
19 vices exchanged, repaired, recycled, or re-
20 utilized (including redistributed through
21 device sales, loans, rentals, or donations)
22 through the device reutilization program
23 described in subsection (e)(2)(B), and an
24 analysis of the individuals with disabilities

1 who have benefited from the device reutili-
2 zation program;

3 “(v) the number and type of device
4 demonstrations and referrals provided
5 under subsection (e)(2)(D), and an anal-
6 ysis of individuals with disabilities who
7 have benefited from the demonstrations
8 and referrals;

9 “(vi)(I) the number and general char-
10 acteristics of individuals who participated
11 in educational activities under subsection
12 (e)(3)(A) (such as individuals with disabil-
13 ities, parents, educators, employers, pro-
14 viders of employment services, health care
15 workers, counselors, other service pro-
16 viders, or venders) and the topics of such
17 educational activities; and

18 “(II) to the extent practicable, the ge-
19 ographic distribution of individuals who
20 participated in the educational activities;

21 “(vii) the frequency of provision and
22 nature of technical assistance provided to
23 State and local agencies and other entities;

24 “(viii) the number of individuals as-
25 sisted through the statewide information

1 and referral system described in subsection
2 (e)(3)(B)(ii) and descriptions of the public
3 awareness activities under subsection
4 (e)(3)(B);

5 “(ix) the outcomes of any improve-
6 ment initiatives carried out by the State as
7 a result of activities funded under this sec-
8 tion, including a description of any written
9 policies, practices, and procedures that the
10 State has developed and implemented re-
11 garding access to, provision of, and fund-
12 ing for, assistive technology devices, and
13 assistive technology services, in the con-
14 texts of education, health care, employ-
15 ment, community living, and accessible in-
16 formation and communication technology,
17 including e-government;

18 “(x) the source of leveraged funding
19 or other contributed resources, including
20 resources provided through subcontracts or
21 other collaborative resource-sharing agree-
22 ments, from and with public and private
23 entities to carry out State activities de-
24 scribed in subsection (e)(3)(C), the number
25 of individuals served with the contributed

1 resources for which information is not re-
2 ported under clauses (i) through (ix) or
3 clause (xi), and other outcomes accom-
4 plished as a result of such activities carried
5 out with the contributed resources; and

6 “(xi) the level of customer satisfaction
7 with the services provided.

8 **“SEC. 5. GRANTS FOR PROTECTION AND ADVOCACY SERV-**
9 **ICES RELATED TO ASSISTIVE TECHNOLOGY.**

10 “(a) GRANTS.—

11 “(1) IN GENERAL.—The Secretary shall make
12 grants under subsection (b) to protection and advo-
13 cacy systems in each State for the purpose of ena-
14 bling such systems to assist in the acquisition, utili-
15 zation, or maintenance of assistive technology de-
16 vices or assistive technology services for individuals
17 with disabilities.

18 “(2) GENERAL AUTHORITIES.—In providing the
19 assistance described under paragraph (1), protection
20 and advocacy systems shall have the same general
21 authorities as the systems are afforded under sub-
22 title C of title I of the Developmental Disabilities
23 Assistance and Bill of Rights Act of 2000 (42
24 U.S.C. 15041 et seq.).

25 “(b) RESERVATION; DISTRIBUTION.—

1 “(1) RESERVATION.—For each fiscal year, the
2 Secretary shall reserve, from the amounts made
3 available to carry out this section under section
4 9(b)(2)(B), such sums as may be necessary to carry
5 out paragraph (4).

6 “(2) POPULATION BASIS.—From the amounts
7 appropriated to carry out this section for a fiscal
8 year that remain after the reservation required
9 under paragraph (1) has been made, the Secretary
10 shall make a grant to a protection and advocacy sys-
11 tem within each State in an amount bearing the
12 same ratio to the remaining amounts as the popu-
13 lation of the State bears to the population of all
14 States.

15 “(3) MINIMUMS.—Subject to the availability of
16 appropriations and paragraph (5), the amount of a
17 grant to a protection and advocacy system under
18 paragraph (2) for a fiscal year shall—

19 “(A) in the case of a protection and advo-
20 cacy system located in American Samoa, Guam,
21 the United States Virgin Islands, or the Com-
22 monwealth of the Northern Mariana Islands,
23 not be less than \$30,000; and

1 “(B) in the case of a protection and advoca-
2 cy system located in a State not described in
3 subparagraph (A), not be less than \$50,000.

4 “(4) PAYMENT TO THE SYSTEM SERVING THE
5 AMERICAN INDIAN CONSORTIUM.—

6 “(A) IN GENERAL.—The Secretary shall
7 make grants to the protection and advocacy
8 system serving the American Indian consortium
9 to provide services in accordance with this sec-
10 tion.

11 “(B) AMOUNT OF GRANTS.—The amount
12 of a grant under subparagraph (A) shall be the
13 same as the amount provided under paragraph
14 (3)(A).

15 “(5) ADJUSTMENTS.—For each fiscal year for
16 which the total amount appropriated under section
17 9(b)(2)(B) to carry out this section is \$8,000,000 or
18 more and such appropriated amount exceeds the
19 total amount appropriated to carry out this section
20 for the preceding fiscal year, the Secretary shall in-
21 crease each of the minimum grant amounts de-
22 scribed in subparagraphs (A) and (B) of paragraph
23 (3) and paragraph (4)(B) by a percentage equal to
24 the percentage increase in the total amount appro-
25 priated under section 9 to carry out this section for

1 the preceding fiscal year and such total amount for
2 the fiscal year for which the determination is being
3 made.

4 “(c) DIRECT PAYMENT.—Notwithstanding any other
5 provision of law, the Secretary shall pay directly to any
6 protection and advocacy system that complies with this
7 section, the total amount of the grant made for such sys-
8 tem under this section, unless the system provides other-
9 wise for payment of the grant amount.

10 “(d) CARRYOVER; PROGRAM INCOME.—

11 “(1) CARRYOVER.—Any amount paid to a pro-
12 tection and advocacy system for a fiscal year under
13 this section that remains unobligated at the end of
14 such fiscal year shall remain available to such sys-
15 tem for obligation during the subsequent fiscal year.

16 “(2) PROGRAM INCOME.—Program income gen-
17 erated from any amount paid to a protection and ad-
18 vocacy system for a fiscal year shall—

19 “(A) remain available to the protection and
20 advocacy system for 5 additional fiscal years
21 after the year in which such amount was paid
22 to the protection and advocacy system and be
23 considered an addition to the grant; and

24 “(B) only be used to improve the aware-
25 ness of individuals with disabilities about the

1 accessibility of assistive technology and assist
2 such individuals in the acquisition, utilization,
3 or maintenance of assistive technology devices
4 or assistive technology services.

5 “(e) REPORT TO SECRETARY.—A protection and ad-
6 vocacy system that receives a grant under this section
7 shall annually prepare and submit to the Secretary a re-
8 port that contains documentation of the progress of the
9 protection and advocacy system in—

10 “(1) conducting consumer-responsive activities,
11 including activities that will lead to increased access
12 for individuals with disabilities to funding for assist-
13 ive technology devices and assistive technology serv-
14 ices;

15 “(2) engaging in informal advocacy to assist in
16 securing assistive technology devices and assistive
17 technology services for individuals with disabilities;

18 “(3) engaging in formal representation for indi-
19 viduals with disabilities to secure systems change,
20 and in advocacy activities to secure assistive tech-
21 nology devices and assistive technology services for
22 individuals with disabilities;

23 “(4) developing and implementing strategies to
24 enhance the long-term abilities of individuals with
25 disabilities and their family members, guardians, ad-

1 vocates, and authorized representatives to advocate
2 the provision of assistive technology devices and as-
3 sistive technology services to which the individuals
4 with disabilities are entitled under law other than
5 this Act;

6 “(5) coordinating activities with protection and
7 advocacy services funded through sources other than
8 this Act, and coordinating activities with the capac-
9 ity building and advocaey activities carried out by
10 the lead agency; and

11 “(6) effectively allocating funds made available
12 under this section to improve the awareness of indi-
13 viduals with disabilities about the accessibility of as-
14 sistive technology and assist such individuals in the
15 acquisition, utilization, or maintenance of assistive
16 technology devices or assistive technology services.

17 “(f) REPORTS AND UPDATES TO STATE AGENCIES.—
18 A protection and advocacy system that receives a grant
19 under this section shall prepare and submit to the lead
20 agency of the State designated under section 4(e)(1) the
21 report described in subsection (e) and quarterly updates
22 concerning the activities described in such subsection.

23 “(g) COORDINATION.—On making a grant under this
24 section to a protection and advocaey system in a State,
25 the Secretary shall solicit and consider the opinions of the

1 lead agency of the State with respect to efforts at coordi-
2 nation of activities, collaboration, and promoting outcomes
3 between the lead agency and the protection and advocacy
4 system that receives the grant under this section.

5 **“SEC. 6. TECHNICAL ASSISTANCE AND DATA COLLECTION**
6 **SUPPORT.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) QUALIFIED DATA COLLECTION AND RE-
9 PORTING ENTITY.—The term ‘qualified data collec-
10 tion and reporting entity’ means an entity with dem-
11 onstrated expertise in data collection and reporting
12 as described in section 4(f)(2)(B), in order to—

13 “(A) provide recipients of grants under
14 this Act with instruction and technical assist-
15 ance; and

16 “(B) assist such recipients with data col-
17 lection and data requirements.

18 “(2) QUALIFIED PROTECTION AND ADVOCACY
19 SYSTEM TECHNICAL ASSISTANCE PROVIDER.—The
20 term ‘qualified protection and advocacy system tech-
21 nical assistance provider’ means an entity that has
22 experience in—

23 “(A) working with protection and advocacy
24 systems established in accordance with section
25 143 of the Developmental Disabilities Assist-

1 ance and Bill of Rights Act of 2000 (42 U.S.C.
2 15043); and

3 “(B) providing technical assistance to pro-
4 tection and advocacy agencies.

5 “(3) QUALIFIED TECHNICAL ASSISTANCE PRO-
6 VIDER.—The term ‘qualified technical assistance
7 provider’ means an entity with demonstrated exper-
8 tise in assistive technology and that has (directly or
9 through grant or contract)—

10 “(A) experience and expertise in admin-
11 istering programs, including developing, imple-
12 menting, and administering all of the activities
13 described in section 4(e); and

14 “(B) documented experience in and knowl-
15 edge about—

16 “(i) assistive technology device loan
17 and demonstration;

18 “(ii) assistive technology device reuse;

19 “(iii) financial loans and micro-
20 lending, including the activities of alter-
21 native financing programs for assistive
22 technology; and

23 “(iv) State leadership activities.

24 “(b) TECHNICAL ASSISTANCE AND DATA COLLEC-
25 TION SUPPORT AUTHORIZED.—

1 “(1) SUPPORT FOR ASSISTIVE TECHNOLOGY
2 EDUCATIONAL ACTIVITIES AND TECHNICAL ASSIST-
3 ANCE.—From amounts made available under section
4 9(b)(1), the Secretary shall award, on a competitive
5 basis, grants, contracts, or cooperative agreements—

6 “(A) to qualified technical assistance pro-
7 viders to support activities described in sub-
8 section (d)(1) for States receiving grants under
9 section 4; and

10 “(B) to qualified protection and advocacy
11 system technical assistance providers to support
12 activities described in subsection (d)(1) for pro-
13 tection and advocacy systems receiving grants
14 under section 5.

15 “(2) SUPPORT FOR DATA COLLECTION AND RE-
16 PORTING ASSISTANCE.—From amounts made avail-
17 able under section 9(b)(1), the Secretary shall
18 award, on a competitive basis, grants, contracts, or
19 cooperative agreements—

20 “(A) to qualified data collection and re-
21 porting entities, to enable the qualified data col-
22 lection and reporting entities to carry out the
23 activities described in subsection (d)(2) for
24 States receiving grants under section 4; and

1 “(B) to qualified protection and advocacy
2 system technical assistance providers, to enable
3 the providers to carry out the activities de-
4 scribed in subsection (d)(2) for protection and
5 advocacy systems receiving grants under section
6 5.

7 “(c) APPLICATION.—

8 “(1) IN GENERAL.—To be eligible to receive a
9 grant, contract, or cooperative agreement under this
10 section, an entity shall submit an application to the
11 Secretary at such time, in such manner, and con-
12 taining the following information:

13 “(A) A description of the activities such
14 entity will carry out with the grant, contract, or
15 cooperative agreement under subsection (d).

16 “(B) A description of the expertise such
17 entity has to carry out such activities.

18 “(C) In the case of an entity applying to
19 receive a grant, contract, or cooperative agree-
20 ment under subsection (b)(1), a description of
21 such entity’s plan for complying with the re-
22 quirements described in subsection (d)(1)(B).

23 “(D) A description of such entity’s plan to
24 comply with all relevant State and Federal

1 laws, regulations, and policies with respect to
2 data privacy and security.

3 “(E) Such other information as the Sec-
4 retary may require.

5 “(2) INPUT.—In developing grants, contracts,
6 or cooperative agreements under this section, the
7 Secretary shall consider the input of the recipients
8 of grants under sections 4 and 5 and other individ-
9 uals the Secretary determines to be appropriate, es-
10 pecially—

11 “(A) individuals with disabilities who use
12 assistive technology and understand the bar-
13 riers to the acquisition of such technology and
14 assistive technology services;

15 “(B) family members, guardians, advo-
16 cates, and authorized representatives of such
17 individuals;

18 “(C) relevant employees from Federal de-
19 partments and agencies, other than the Depart-
20 ment of Health and Human Services;

21 “(D) representatives of businesses; and

22 “(E) venders and public and private re-
23 searchers and developers.

24 “(d) AUTHORIZED ACTIVITIES.—

1 “(1) USE OF FUNDS FOR ASSISTIVE TECH-
2 NOLOGY TECHNICAL ASSISTANCE.—

3 “(A) TECHNICAL ASSISTANCE EFFORTS.—

4 A qualified technical assistance provider or
5 qualified protection and advocacy system tech-
6 nical assistance provider receiving a grant, con-
7 tract, or cooperative agreement under sub-
8 section (b)(1) shall support a technical assist-
9 ance program for States or protection and ad-
10 vocacy systems receiving a grant under section
11 4 or 5, respectively, that—

12 “(i) addresses State-specific informa-
13 tion requests concerning assistive tech-
14 nology from entities funded under this Act
15 and public entities not funded under this
16 Act, including—

17 “(I) effective approaches to Fed-
18 eral-State coordination of programs
19 for individuals with disabilities related
20 to improving funding for or access to
21 assistive technology devices and assist-
22 ive technology services for individuals
23 with disabilities;

24 “(II) model State and local laws,
25 regulations, policies, practices, proce-

1 dures, and organizational structures,
2 that facilitate, and overcome barriers
3 to, funding for, and access to, assist-
4 ive technology devices and assistive
5 technology services;

6 “(III) effective approaches to de-
7 veloping, implementing, evaluating,
8 and sustaining activities described in
9 section 4 or 5, as the case may be,
10 and related to improving acquisition
11 and access to assistive technology de-
12 vices and assistive technology services
13 for individuals with disabilities, and
14 requests for assistance in developing
15 corrective action plans;

16 “(IV) policies, practices, proce-
17 dures, regulations, or judicial deci-
18 sions related to access to and acquisi-
19 tion of assistive technology devices
20 and assistive technology services for
21 individuals with disabilities;

22 “(V) effective approaches to the
23 development of consumer-controlled
24 systems that increase access to, fund-
25 ing for, and awareness of, assistive

1 technology devices and assistive tech-
2 nology services; and

3 “(VI) other requests for informa-
4 tion and technical assistance from en-
5 tities funded under this Act; and

6 “(ii) in the case of a program that
7 will serve States receiving grants under
8 section 4—

9 “(I) assists targeted individuals
10 and entities by disseminating informa-
11 tion and responding to requests relat-
12 ing to assistive technology by pro-
13 viding referrals to recipients of grants
14 under section 4 or other public or pri-
15 vate resources; and

16 “(II) provides State-specific, re-
17 gional, and national technical assist-
18 ance concerning assistive technology
19 to entities funded under this Act, and
20 public and private entities not funded
21 under this Act, including—

22 “(aa) annually providing a
23 forum for exchanging information
24 concerning, and promoting pro-
25 gram and policy improvements

2080

1 in, required activities of the State
2 assistive technology programs;

3 “(bb) facilitating onsite and
4 electronic information sharing
5 using state-of-the-art internet
6 technologies such as real-time on-
7 line discussions, multipoint video
8 conferencing, and web-based
9 audio or video broadcasts, on
10 emerging topics that affect State
11 assistive technology programs;

12 “(cc) convening experts from
13 State assistive technology pro-
14 grams to discuss and make rec-
15 ommendations with regard to na-
16 tional emerging issues of impor-
17 tance to individuals with assistive
18 technology needs;

19 “(dd) sharing best practice
20 and evidence-based practices
21 among State assistive technology
22 programs;

23 “(ee) developing or main-
24 taining an accessible, national,
25 and public website that includes

2081

1 information, tools, and resources
2 on assistive technology devices
3 and assistive technology services
4 and links to State assistive tech-
5 nology programs, appropriate
6 Federal departments and agen-
7 cies, and private resources;

8 “(ff) developing a resource
9 that connects individuals from a
10 State with the State assistive
11 technology program in their
12 State;

13 “(gg) providing access to ex-
14 perts in the State-level activities
15 described in section 4(e)(2)
16 through site visits, telecon-
17 ferences, and other means, to en-
18 sure access to information for en-
19 tities that are carrying out new
20 programs or programs that are
21 not making progress in achieving
22 the objectives of the programs;
23 and

24 “(hh) supporting and coordi-
25 nating activities designed to re-

1 duce the financial costs of pur-
2 chasing assistive technology for
3 the activities described in section
4 4(e), and reducing duplication of
5 activities among State assistive
6 technology programs.

7 “(B) COLLABORATION.—In developing and
8 providing technical assistance under this para-
9 graph, a qualified technical assistance provider
10 or qualified protection and advocacy system
11 technical assistance provider receiving a grant,
12 contract, or cooperative agreement under sub-
13 section (b)(1) shall—

14 “(i) collaborate with—

15 “(I) organizations representing
16 individuals with disabilities;

17 “(II) national organizations rep-
18 resenting State assistive technology
19 programs;

20 “(III) organizations representing
21 State officials and agencies engaged
22 in the delivery of assistive technology;

23 “(IV) other qualified protection
24 and advocacy system technical assist-

1 ance providers and qualified technical
2 assistance providers;

3 “(V) providers of State financing
4 activities, including alternative financ-
5 ing programs for assistive technology;

6 “(VI) providers of device loans,
7 device demonstrations, and device re-
8 utilization; and

9 “(VII) any other organizations
10 determined appropriate by the pro-
11 vider or the Secretary; and

12 “(ii) in the case of a qualified tech-
13 nical assistance provider, include activities
14 identified as priorities by State advisory
15 councils and lead agencies and imple-
16 menting entities for grants under section
17 4.

18 “(2) USE OF FUNDS FOR ASSISTIVE TECH-
19 NOLOGY DATA COLLECTION AND REPORTING ASSIST-
20 ANCE.—A qualified data collection and reporting en-
21 tity or a qualified protection and advocacy system
22 technical assistance provider receiving a grant, con-
23 tract, or cooperative agreement under subsection
24 (b)(2) shall assist States or protection and advocacy
25 systems receiving a grant under section 4 or 5, re-

1 spectively, to develop and implement effective and
2 accessible data collection and reporting systems
3 that—

4 “(A) focus on quantitative and qualitative
5 data elements;

6 “(B) help measure the impact of the activi-
7 ties to individuals who need assistive tech-
8 nology;

9 “(C) in the case of systems that will serve
10 States receiving grants under section 4—

11 “(i) measure the outcomes of all ac-
12 tivities described in section 4(e) and the
13 progress of the States toward achieving the
14 measurable goals described in section
15 4(d)(3)(C); and

16 “(ii) provide States with the necessary
17 information required under this Act or by
18 the Secretary for reports described in sec-
19 tion 4(f)(2); and

20 “(D) are in full compliance with all rel-
21 evant State and Federal laws, regulations, and
22 policies with respect to data privacy and secu-
23 rity.

1 **“SEC. 7. PROJECTS OF NATIONAL SIGNIFICANCE.**

2 “(a) DEFINITION OF PROJECT OF NATIONAL SIG-
3 NIFICANCE.—In this section, the term ‘project of national
4 significance’—

5 “(1) means a project that—

6 “(A) increases access to, and acquisition
7 of, assistive technology; and

8 “(B) creates opportunities for individuals
9 with disabilities to directly and fully contribute
10 to, and participate in, all facets of education,
11 employment, community living, and recreational
12 activities; and

13 “(2) may—

14 “(A) develop and expand partnerships be-
15 tween State Medicaid agencies and recipients of
16 grants under section 4 to reutilize durable med-
17 ical equipment;

18 “(B) increase collaboration between the re-
19 cipients of grants under section 4 and States
20 receiving grants under the Money Follows the
21 Person Rebalancing Demonstration under sec-
22 tion 6071 of the Deficit Reduction Act of 2005
23 (42 U.S.C. 1396a note);

24 “(C) increase collaboration between recipi-
25 ents of grants under section 4 and area agen-
26 cies on aging, as such term is defined in section

1 102 of the Older Americans Act of 1965 (42
2 U.S.C. 3002), which may include collaboration
3 on emergency preparedness, safety equipment,
4 or assistive technology toolkits;

5 “(D) provide aid to assist youth with dis-
6 abilities to transition from school to adult life,
7 especially in—

8 “(i) finding employment and postsec-
9 ondary education opportunities; and

10 “(ii) upgrading and changing any as-
11 sistive technology devices that may be
12 needed as a youth matures;

13 “(E) increase access to and acquisition of
14 assistive technology addressing the needs of
15 aging individuals and aging caregivers in the
16 community;

17 “(F) increase effective and efficient use of
18 assistive technology as part of early intervention
19 for infants and toddlers with disabilities from
20 birth to age 3;

21 “(G) increase awareness of and access to
22 the Disability Funds-Financial Assistance fund-
23 ing provided by the Community Development
24 Financial Institutions Fund that supports ac-
25 quisition of assistive technology; and

1 “(H) increase awareness of and access to
2 assistive technology, such as through models de-
3 scribed in subclauses (I) through (IV) of section
4 4(e)(2)(A)(iii) and other Federally funded dis-
5 ability programs.

6 “(b) PROJECTS AUTHORIZED.—If funds are available
7 pursuant to section 9(c) to carry out this section for a
8 fiscal year, the Secretary may award, on a competitive
9 basis, grants, contracts, and cooperative agreements to
10 public or private nonprofit entities to enable the entities
11 to carry out projects of national significance.

12 “(c) APPLICATION.—A public or private nonprofit en-
13 tity desiring a grant under this section shall submit an
14 application to the Secretary at such time, in such manner,
15 and containing a description of the project of national sig-
16 nificance the entity proposes to carry out under this sec-
17 tion.

18 “(d) AWARD PREFERENCE.—For each grant award
19 period, the Secretary may give preference for 1 or more
20 categories of projects of national significance described in
21 subparagraphs (A) through (H) of subsection (a)(2).

22 “(e) MINIMUM FUNDING LEVEL REQUIRED.—The
23 Secretary may only award grants, contracts, or coopera-
24 tive agreements under this section if the amount made

1 available under section 9 to carry out sections 4, 5, and
2 6 is equal to or greater than \$49,000,000.

3 **“SEC. 8. ADMINISTRATIVE PROVISIONS.**

4 “(a) GENERAL ADMINISTRATION.—

5 “(1) IN GENERAL.—Notwithstanding any other
6 provision of law, the Administrator of the Adminis-
7 tration for Community Living of the Department of
8 Health and Human Services (referred to in this sec-
9 tion as the ‘Administrator’) shall be responsible for
10 the administration of this Act.

11 “(2) COLLABORATION.—The Administrator
12 shall consult with the Office of Special Education
13 Programs of the Department of Education, the Re-
14 habilitation Services Administration of the Depart-
15 ment of Education, the Office of Disability Employ-
16 ment Policy of the Department of Labor, and other
17 appropriate Federal entities in the administration of
18 this Act.

19 “(3) ADMINISTRATION.—

20 “(A) IN GENERAL.—In administering this
21 Act, the Administrator shall ensure that pro-
22 grams funded under this Act will address—

23 “(i) the needs of individuals with all
24 types of disabilities and across the lifespan;
25 and

1 “(ii) the use of assistive technology in
2 all potential environments, including em-
3 ployment, education, and community liv-
4 ing.

5 “(B) FUNDING LIMITATIONS.—For each
6 fiscal year, not more than $\frac{1}{2}$ of 1 percent of
7 the total funding appropriated for this Act shall
8 be used by the Administrator to support the ad-
9 ministration of this Act.

10 “(b) REVIEW OF PARTICIPATING ENTITIES.—

11 “(1) IN GENERAL.—The Secretary shall assess
12 the extent to which entities that receive grants under
13 this Act are complying with the applicable require-
14 ments of this Act and achieving measurable goals
15 that are consistent with the requirements of the
16 grant programs under which the entities received the
17 grants.

18 “(2) PROVISION OF INFORMATION.—To assist
19 the Secretary in carrying out the responsibilities of
20 the Secretary under this section, the Secretary may
21 require States to provide relevant information, in-
22 cluding the information required under subsection
23 (d).

24 “(c) CORRECTIVE ACTION AND SANCTIONS.—

1 “(1) CORRECTIVE ACTION.—If the Secretary
2 determines that an entity that receives a grant
3 under this Act fails to substantially comply with the
4 applicable requirements of this Act, or to make sub-
5 stantial progress toward achieving the measurable
6 goals described in subsection (b)(1) with respect to
7 the grant program, the Secretary shall assist the en-
8 tity, through technical assistance funded under sec-
9 tion 6 or other means, within 90 days after such de-
10 termination, to develop a corrective action plan.

11 “(2) SANCTIONS.—If the entity fails to develop
12 and comply with a corrective action plan described
13 in paragraph (1) during a fiscal year, the entity
14 shall be subject to 1 of the following corrective ac-
15 tions selected by the Secretary:

16 “(A) Partial or complete termination of
17 funding under the grant program, until the en-
18 tity develops and complies with such a plan.

19 “(B) Ineligibility to participate in the
20 grant program in the following fiscal year.

21 “(C) Reduction in the amount of funding
22 that may be used for indirect costs under sec-
23 tion 4 for the following fiscal year.

24 “(D) Required redesignation of the lead
25 agency designated under section 4(c)(1) or an

1 entity responsible for administering the grant
2 program.

3 “(3) APPEALS PROCEDURES.—The Secretary
4 shall establish appeals procedures for entities that
5 are determined to be in noncompliance with the ap-
6 plicable requirements of this Act, or have not made
7 substantial progress toward achieving the measur-
8 able goals described in subsection (b)(1).

9 “(4) SECRETARIAL ACTION.—As part of the an-
10 nual report required under subsection (d), the Sec-
11 retary shall describe each such action taken under
12 paragraph (1) or (2) and the outcomes of each such
13 action.

14 “(5) PUBLIC NOTIFICATION.—Not later than
15 30 days after taking an action under paragraph (1)
16 or (2), the Secretary shall notify the public, by post-
17 ing on an easily accessible portion of the internet
18 website of the Department of Health and Human
19 Services, notification of each action taken by the
20 Secretary under paragraph (1) or (2). As a part of
21 such notification, the Secretary shall describe each
22 such action taken under paragraph (1) or (2) and
23 the outcomes of each such action.

24 “(d) ANNUAL REPORT TO CONGRESS.—

1 “(1) IN GENERAL.—Not later than December
2 31 of each year, the Secretary shall prepare and
3 submit to the President, the Committee on Health,
4 Education, Labor, and Pensions of the Senate, and
5 the Committee on Education and Labor of the
6 House of Representatives a report on the activities
7 funded under this Act to improve the access of as-
8 sistive technology devices and assistive technology
9 services to individuals with disabilities.

10 “(2) CONTENTS.—Each report described in
11 paragraph (1) shall include—

12 “(A) a compilation and summary of the in-
13 formation provided by the States in annual
14 progress reports submitted under section 4(f);
15 and

16 “(B) a summary of the State applications
17 described in section 4(d) and an analysis of the
18 progress of the States in meeting the measur-
19 able goals established in State applications
20 under section 4(d)(3)(C).

21 “(e) CONSTRUCTION.—Nothing in this section shall
22 be construed to affect the enforcement authority of the
23 Secretary, another Federal officer, or a court under any
24 other applicable law.

1 “(f) EFFECT ON OTHER ASSISTANCE.—This Act may
2 not be construed as authorizing a Federal or State agency
3 to reduce medical or other assistance available, or to alter
4 eligibility for a benefit or service, under any other Federal
5 law.

6 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS; RESERVA-**
7 **TIONS AND DISTRIBUTION OF FUNDS.**

8 “(a) IN GENERAL.—There are authorized to be ap-
9 propriated to carry out this Act—

10 “(1) \$44,000,000 for fiscal year 2023;

11 “(2) \$45,980,000 for fiscal year 2024;

12 “(3) \$48,049,100 for fiscal year 2025;

13 “(4) \$50,211,310 for fiscal year 2026; and

14 “(5) \$52,470,819 for fiscal year 2027.

15 “(b) RESERVATIONS AND DISTRIBUTION OF
16 FUNDS.—Subject to subsection (c), for each fiscal year
17 for which funds are made available under subsection (a)
18 to carry out this Act, the Secretary shall—

19 “(1) reserve an amount equal to 3 percent of
20 the funds made available for each such fiscal year to
21 carry out paragraphs (1) and (2) of section 6(b);
22 and

23 “(2) from the amounts remaining after making
24 the reservation under paragraph (1)—

1 “(A) use 85.5 percent of such amounts to
2 carry out section 4; and

3 “(B) use 14.5 percent of such amounts to
4 carry out section 5.

5 “(c) **LIMIT FOR PROJECTS OF NATIONAL SIGNIFI-**
6 **CANCE.**—For any fiscal year for which the amount made
7 available under subsection (a) exceeds \$49,000,000 the
8 Secretary may—

9 “(1) reserve for section 7, an amount of such
10 available funds that does not exceed the lesser of—

11 “(A) the excess amount made available; or

12 “(B) \$2,000,000; and

13 “(2) make the reservation under paragraph (1)
14 before carrying out subsection (b).”.

15 **SEC. 5403. EFFECTIVE DATE.**

16 This title, and the amendments made by this title,
17 shall take effect on the day that is 6 months after the
18 date of enactment of this Act.

19 **TITLE LV—FOREIGN AFFAIRS**
20 **MATTERS**

TITLE LV—FOREIGN AFFAIRS MATTERS

Subtitle A—Taiwan Enhanced Resilience Act

Sec. 5501. Short title.

PART 1—IMPLEMENTATION OF AN ENHANCED DEFENSE PARTNERSHIP
BETWEEN THE UNITED STATES AND TAIWAN

Sec. 5502. Modernizing Taiwan’s security capabilities to deter and, if necessary, defeat aggression by the People’s Republic of China.

- Sec. 5503. Increase in annual regional contingency stockpile additions and support for Taiwan.
- Sec. 5504. International military education and training cooperation with Taiwan.
- Sec. 5505. Additional authorities to support Taiwan.
- Sec. 5506. Multi-year plan to fulfill defensive requirements of military forces of Taiwan.
- Sec. 5507. Fast-tracking sales to Taiwan under Foreign Military Sales program.
- Sec. 5508. Arms exports delivery solutions for Taiwan and United States allies in the Indo-Pacific.
- Sec. 5509. Assessment of Taiwan's needs for civilian defense and resilience.
- Sec. 5510. Annual report on Taiwan defensive military capabilities and intelligence support.
- Sec. 5511. Findings and statement of policy.
- Sec. 5512. Sense of Congress on Taiwan defense relations.

PART 2—COUNTERING PEOPLE'S REPUBLIC OF CHINA'S COERCION AND
INFLUENCE CAMPAIGNS

- Sec. 5513. Strategy to respond to influence and information operations targeting Taiwan.
- Sec. 5514. Task force to counter economic coercion by the People's Republic of China.
- Sec. 5515. China censorship monitor and action group.

PART 3—INCLUSION OF TAIWAN IN INTERNATIONAL ORGANIZATIONS

- Sec. 5516. Findings.
- Sec. 5517. Sense of Congress on Taiwan's meaningful participation in the international community.
- Sec. 5518. Strategy to support Taiwan's meaningful participation in international organizations.
- Sec. 5519. Meaningful participation of Taiwan in the International Civil Aviation Organization.

PART 4—MISCELLANEOUS PROVISIONS

- Sec. 5520. Report on Taiwan Travel Act.
- Sec. 5521. Amendments to the Taiwan Allies International Protection and Enhancement Initiative (Taipei) Act of 2019.
- Sec. 5522. Report on role of People's Republic of China's nuclear threat in escalation dynamics.
- Sec. 5523. Report analyzing the impact of Russia's war against Ukraine on the objectives of the People's Republic of China with respect to Taiwan.
- Sec. 5524. Expanding United States-Taiwan development cooperation.
- Sec. 5525. Sense of congress on expanding United States economic relations with Taiwan.

PART 5—SUPPORTING UNITED STATES EDUCATIONAL AND EXCHANGE
PROGRAMS WITH TAIWAN

- Sec. 5526. Short title.
- Sec. 5527. Findings.
- Sec. 5528. Purposes.
- Sec. 5529. Definitions.

- Sec. 5530. Taiwan Fellowship Program.
- Sec. 5531. Reports and audits.
- Sec. 5532. Taiwan fellows on detail from government service.
- Sec. 5533. Funding.
- Sec. 5534. Study and report.
- Sec. 5535. Supporting United States educational and exchange programs with Taiwan.

PART 6—UNITED STATES-TAIWAN PUBLIC HEALTH PROTECTION

- Sec. 5536. Short title.
- Sec. 5537. Definitions.
- Sec. 5538. Study on an infectious disease monitoring center.

PART 7—RULES OF CONSTRUCTION

- Sec. 5539. Rule of construction.
- Sec. 5540. Rule of construction regarding the use of military force.

Subtitle B—United States-Ecuador Partnership Act of 2022

- Sec. 5541. Short title.
- Sec. 5542. Sense of Congress.
- Sec. 5543. Facilitating economic and commercial ties.
- Sec. 5544. Promoting inclusive economic development.
- Sec. 5545. Combating illicit economies, corruption, and negative foreign influence.
- Sec. 5546. Strengthening democratic governance.
- Sec. 5547. Fostering conservation and stewardship.
- Sec. 5548. Authorization to transfer excess Coast Guard vessels.
- Sec. 5549. Reporting requirements.
- Sec. 5550. Sunset.

Subtitle C—FENTANYL Results Act

- Sec. 5551. Short title.
- Sec. 5552. Prioritization of efforts of the Department of State to combat international trafficking in covered synthetic drugs.
- Sec. 5553. Program to provide assistance to build the capacity of foreign law enforcement agencies with respect to covered synthetic drugs.
- Sec. 5554. Exchange program on demand reduction matters relating to illicit use of covered synthetic drugs.
- Sec. 5555. Amendments to international narcotics control program.
- Sec. 5556. Sense of Congress.
- Sec. 5557. Rule of construction.
- Sec. 5558. Definitions.

Subtitle D—International Pandemic Preparedness

- Sec. 5559. Short title.
- Sec. 5560. Definitions.
- Sec. 5561. Enhancing the United States' international response to pandemics.
- Sec. 5562. International pandemic prevention and preparedness.
- Sec. 5563. Financial Intermediary Fund for Pandemic Prevention, Preparedness, and Response.
- Sec. 5564. General provisions.
- Sec. 5565. Sunset.

Sec. 5566. Rule of construction.

Subtitle E—Burma Act of 2022

Sec. 5567. Short title.

Sec. 5568. Definitions.

PART 1—MATTERS RELATING TO THE CONFLICT IN BURMA

Sec. 5569. Statement of policy.

PART 2—SANCTIONS AND POLICY COORDINATION WITH RESPECT TO BURMA

Sec. 5570. Definitions.

Sec. 5571. Imposition of sanctions with respect to human rights abuses and
perpetration of a coup in Burma.

Sec. 5572. Sanctions and policy coordination for Burma.

Sec. 5573. Support for greater United Nations action with respect to Burma.

Sec. 5574. Sunset.

PART 3—AUTHORIZATIONS OF APPROPRIATIONS FOR ASSISTANCE FOR
BURMA

Sec. 5575. General authorization of appropriations.

Sec. 5576. Limitations.

Sec. 5577. Appropriate congressional committees defined.

PART 4—EFFORTS AGAINST HUMAN RIGHTS ABUSES

Sec. 5578. Authorization to provide technical assistance for efforts against
human rights abuses.

PART 5—SANCTIONS EXCEPTION RELATING TO IMPORTATION OF GOODS

Sec. 5579. Sanctions exception relating to importation of goods.

Subtitle F—Promotion of Freedom of Information and Countering of
Censorship and Surveillance in North Korea

Sec. 5580. Short title.

Sec. 5581. Findings; sense of Congress.

Sec. 5582. Statement of policy.

Sec. 5583. United States strategy to combat North Korea's repressive informa-
tion environment.

Sec. 5584. Promoting freedom of information and countering censorship and
surveillance in North Korea.

Subtitle G—Other Matters

Sec. 5585. Congressional notification for rewards paid using cryptocurrencies.

Sec. 5586. Secure access to sanitation facilities for women and girls.

Sec. 5587. Reauthorization of the Tropical Forest and Coral Reef Conservation
Act of 1998.

Sec. 5588. Global Food Security Reauthorization Act of 2022.

Sec. 5589. Extension and modification of certain export controls.

Sec. 5590. Imposition of sanctions with respect to the sale, supply, or transfer
of gold to or from Russia.

Sec. 5591. Renegotiation of Compacts of Free Association.

2098

- Sec. 5592. Secretary of State assistance for prisoners in Islamic Republic of Iran.
- Sec. 5593. Iran Nuclear Weapons Capability and Terrorism Monitoring Act of 2022.

Subtitle H—Reports

- Sec. 5594. Modification to peacekeeping operations report.
- Sec. 5595. Report on Indo-Pacific region.
- Sec. 5596. Report on humanitarian situation and food security in Lebanon.
- Sec. 5597. Statement of policy and report on engaging with Niger.
- Sec. 5598. Report on bilateral security and law enforcement cooperation with Mexico.
- Sec. 5599. Report on Chinese support to Russia with respect to its unprovoked invasion of and full-scale war against Ukraine.
- Sec. 5599A. Feasibility study on United States support for and participation in the international counterterrorism academy in Côte d'Ivoire.
- Sec. 5599B. Consultations on reuniting Korean Americans with family members in North Korea.

Subtitle I—Sense of Congress Provisions

- Sec. 5599C. Sense of Congress regarding the status of China.
- Sec. 5599D. Sense of Congress regarding Israel.
- Sec. 5599E. Sense of Congress relating to the NATO Parliamentary Assembly.
- Sec. 5599F. Condemning detention and indictment of Russian opposition leader Vladimir Vladimirovich Kara-Murza.
- Sec. 5599G. Sense of Congress regarding development of nuclear weapons by Iran.

1 **Subtitle A—Taiwan Enhanced**
2 **Resilience Act**

3 **SEC. 5501. SHORT TITLE.**

4 This subtitle may be cited as the “Taiwan Enhanced
5 Resilience Act”.

1 **PART 1—IMPLEMENTATION OF AN ENHANCED**
2 **DEFENSE PARTNERSHIP BETWEEN THE**
3 **UNITED STATES AND TAIWAN**

4 **SEC. 5502. MODERNIZING TAIWAN’S SECURITY CAPABILI-**
5 **TIES TO DETER AND, IF NECESSARY, DEFEAT**
6 **AGGRESSION BY THE PEOPLE’S REPUBLIC OF**
7 **CHINA.**

8 (a) **APPROPRIATE CONGRESSIONAL COMMITTEES**
9 **DEFINED.**—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Foreign Relations of the
12 Senate;

13 (2) the Committee on Armed Services of the
14 Senate;

15 (3) the Committee on Appropriations of the
16 Senate;

17 (4) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (5) the Committee on Armed Services of the
20 House of Representatives; and

21 (6) the Committee on Appropriations of the
22 House of Representatives.

23 (b) **TAIWAN SECURITY PROGRAMS.**—The Secretary
24 of State, in consultation with the Secretary of Defense,
25 shall use the authorities under this section to strengthen
26 the United States-Taiwan defense relationship, and to

1 support the acceleration of the modernization of Taiwan's
2 defense capabilities, consistent with the Taiwan Relations
3 Act (Public Law 96–8).

4 (c) PURPOSE.—In addition to the purposes otherwise
5 authorized for Foreign Military Financing programs
6 under the Arms Export Control Act (22 U.S.C. 2751 et
7 seq.), a purpose of the Foreign Military Financing Pro-
8 gram should be to provide assistance, including equip-
9 ment, training, and other support, to build the civilian and
10 defensive military capabilities of Taiwan—

11 (1) to accelerate the modernization of capabili-
12 ties that will enable Taiwan to delay, degrade, and
13 deny attempts by People's Liberation Army forces—

14 (A) to conduct coercive or grey zone activi-
15 ties;

16 (B) to blockade Taiwan; or

17 (C) to secure a lodgment on any islands
18 administered by Taiwan and expand or other-
19 wise use such lodgment to seize control of a
20 population center or other key territory in Tai-
21 wan; and

22 (2) to prevent the People's Republic of China
23 from decapitating, seizing control of, or otherwise
24 neutralizing or rendering ineffective Taiwan's civil-
25 ian and defense leadership.

1 (d) REGIONAL CONTINGENCY STOCKPILE.—Of the
2 amounts authorized to be appropriated pursuant to sub-
3 section (h), not more than \$100,000,000 may be used dur-
4 ing each of the fiscal years 2023 through 2032 to main-
5 tain a stockpile (if established pursuant to section
6 5503(b)), in accordance with section 514 of the Foreign
7 Assistance Act of 1961 (22 U.S.C. 2321h).

8 (e) AVAILABILITY OF FUNDS.—

9 (1) ANNUAL SPENDING PLAN.—Not later than
10 March 1, 2023, and annually thereafter, the Sec-
11 retary of State, in coordination with the Secretary of
12 Defense, shall submit a plan to the appropriate con-
13 gressional committees describing how amounts au-
14 thorized to be appropriated pursuant to subsection
15 (h), if made available, would be used to achieve the
16 purpose described in subsection (c).

17 (2) CERTIFICATION.—

18 (A) IN GENERAL.—Amounts authorized to
19 be appropriated for each fiscal year pursuant to
20 subsection (h) are authorized to be made avail-
21 able after the Secretary of State, in coordina-
22 tion with the Secretary of Defense, certifies not
23 less than annually to the appropriate commit-
24 tees of Congress that Taiwan has increased its
25 defense spending relative to Taiwan's defense

1 spending in its prior fiscal year, which includes
2 support for an asymmetric strategy, excepting
3 accounts in Taiwan's defense budget related to
4 personnel expenditures, (other than military
5 training and education and any funding related
6 to the All-Out Defense Mobilization Agency).

7 (B) WAIVER.—The Secretary of State may
8 waive the certification requirement under sub-
9 paragraph (A) if the Secretary, in consultation
10 with the Secretary of Defense, certifies to the
11 appropriate congressional committees that for
12 any given year—

13 (i) Taiwan is unable to increase its
14 defense spending relative to its defense
15 spending in its prior fiscal year due to se-
16 vere hardship; and

17 (ii) making available the amounts au-
18 thorized under subparagraph (A) is in the
19 national interests of the United States.

20 (3) REMAINING FUNDS.—Amounts authorized
21 to be appropriated for a fiscal year pursuant to sub-
22 section (h) that are not obligated and expended dur-
23 ing such fiscal year shall be added to the amount
24 that may be used for Foreign Military Financing to
25 Taiwan in the subsequent fiscal year.

1 (f) ANNUAL REPORT ON ADVANCING THE DEFENSE
2 OF TAIWAN.—

3 (1) INITIAL REPORT.—Concurrently with the
4 first certification required under subsection (e)(2),
5 the Secretary of State and the Secretary of Defense
6 shall jointly submit a report to the appropriate con-
7 gressional committees that describes steps taken to
8 enhance the United States-Taiwan defense relation-
9 ship and Taiwan’s modernization of its defense ca-
10 pabilities.

11 (2) MATTERS TO BE INCLUDED.—Each report
12 required under paragraph (1) shall include—

13 (A) an assessment of the commitment of
14 Taiwan to implement a military strategy that
15 will deter and, if necessary, defeat military ag-
16 gression by the People’s Republic of China, in-
17 cluding the steps that Taiwan has taken and
18 the steps that Taiwan has not taken towards
19 such implementation;

20 (B) an assessment of the efforts of Taiwan
21 to acquire and employ within its forces counter-
22 intervention capabilities, including—

23 (i) long-range precision fires;

24 (ii) integrated air and missile defense
25 systems;

- 1 (iii) anti-ship cruise missiles;
- 2 (iv) land-attack cruise missiles;
- 3 (v) coastal defense;
- 4 (vi) anti-armor;
- 5 (vii) undersea warfare, including
- 6 manned and unmanned systems;
- 7 (viii) survivable swarming maritime
- 8 assets;
- 9 (ix) manned and unmanned aerial sys-
- 10 tems;
- 11 (x) mining and countermining capa-
- 12 bilities;
- 13 (xi) intelligence, surveillance, and re-
- 14 connaissance capabilities;
- 15 (xii) command and control systems;
- 16 (xiii) defensive cybersecurity capabili-
- 17 ties; and
- 18 (xiv) any other defense capabilities
- 19 that the United States determines, includ-
- 20 ing jointly with Taiwan, are crucial to the
- 21 defense of Taiwan, consistent with the
- 22 joint consultative mechanism with Taiwan
- 23 created pursuant to section 5506;
- 24 (C) an evaluation of the balance between
- 25 conventional and counter intervention capabili-

1 ties in the defense force of Taiwan as of the
2 date on which the report is submitted;

3 (D) an assessment of steps taken by Tai-
4 wan to enhance the overall readiness of its de-
5 fense forces, including—

6 (i) the extent to which Taiwan is re-
7 quiring and providing regular and relevant
8 training to such forces;

9 (ii) the extent to which such training
10 is realistic to the security environment that
11 Taiwan faces; and

12 (iii) the sufficiency of the financial
13 and budgetary resources Taiwan is putting
14 toward readiness of such forces;

15 (E) an assessment of steps taken by Tai-
16 wan to ensure that the Taiwan's reserve forces
17 and All-Out Defense Mobilization Agency can
18 recruit, train, equip, and mobilize its forces;

19 (F) an evaluation of—

20 (i) the severity of manpower shortages
21 in the military of Taiwan, including in the
22 reserve forces;

23 (ii) the impact of such shortages in
24 the event of a conflict scenario; and

1 (iii) the efforts made by Taiwan to
2 address such shortages;

3 (G) an assessment of the efforts made by
4 Taiwan to boost its civilian defenses, including
5 any informational campaigns to raise awareness
6 among the population of Taiwan of the risks
7 Taiwan faces;

8 (H) an assessment of the efforts made by
9 Taiwan to secure its critical infrastructure, in-
10 cluding in transportation, telecommunications
11 networks, satellite communications, and energy;

12 (I) an assessment of the efforts made by
13 Taiwan to enhance its cybersecurity, including
14 the security and survivability of official civilian
15 and military networks;

16 (J) an assessment of the efforts made by
17 Taiwan to improve the image and prestige of its
18 defense forces among the population of Taiwan;

19 (K) an assessment of any significant gaps
20 in any of the matters described in subpara-
21 graphs (A) through (J) with respect to which
22 the United States assesses that additional ac-
23 tion is needed;

24 (L) a description of cooperative efforts be-
25 tween the United States and Taiwan on the

1 matters described in subparagraphs (A)
2 through (K); and

3 (M) a description of any challenge in Tai-
4 wan to—

5 (i) implement the matters described in
6 subparagraphs (A) through (J); or

7 (ii) United States support or engage-
8 ment with regard to such matters.

9 (3) SUBSEQUENT REPORTS.—Concurrently with
10 subsequent certifications required under subsection
11 (e)(2), the Secretary of State and the Secretary of
12 Defense shall jointly submit updates to the initial re-
13 port required under paragraph (1) that provides a
14 description of changes and developments that oc-
15 curred in the prior year.

16 (4) FORM.—The reports required under para-
17 graphs (1) and (3) shall be submitted in an unclassi-
18 fied form, but may contain a classified annex.

19 (5) SHARING OF SUMMARY.—The Secretary of
20 State and the Secretary of Defense shall jointly
21 share any unclassified portions of the reports, pursu-
22 ant to paragraph (4), with Taiwan, as appropriate.

23 (g) FOREIGN MILITARY FINANCING LOAN AND LOAN
24 GUARANTEE AUTHORITY.—

25 (1) DIRECT LOANS.—

1 (A) IN GENERAL.—Notwithstanding sec-
2 tion 23(e)(1) of the Arms Export Control Act
3 (22 U.S.C. 2763), during fiscal years 2023
4 through 2027, the Secretary of State is author-
5 ized to make direct loans available for Taiwan
6 pursuant to section 23 of such Act.

7 (B) MAXIMUM OBLIGATIONS.—Gross obli-
8 gations for the principal amounts of loans au-
9 thorized under subparagraph (A) may not ex-
10 ceed \$2,000,000,000.

11 (C) SOURCE OF FUNDS.—

12 (i) DEFINED TERM.—In this subpara-
13 graph, the term “cost”—

14 (I) has the meaning given such
15 term in section 502(5) of the Congres-
16 sional Budget Act of 1974 (2 U.S.C.
17 661a(5));

18 (II) shall include the cost of
19 modifying a loan authorized under
20 subparagraph (A); and

21 (III) may include the costs of
22 selling, reducing, or cancelling any
23 amounts owed to the United States or
24 to any agency of the United States.

1 (ii) IN GENERAL.—Amounts author-
2 ized to be appropriated pursuant to sub-
3 section (g) may be made available to pay
4 for the cost of loans authorized under sub-
5 paragraph (A).

6 (D) FEES AUTHORIZED.—

7 (i) IN GENERAL.—The Government of
8 the United States may charge processing
9 and origination fees for a loan made pur-
10 suant to subparagraph (A), not to exceed
11 the cost to the Government of making such
12 loan, which shall be collected from bor-
13 rowers through a financing account (as de-
14 fined in section 502(7) of the Congres-
15 sional Budget Act of 1974 (2 U.S.C.
16 661a(7)).

17 (ii) LIMITATION ON FEE PAYMENTS.—
18 Amounts made available under any appro-
19 priations Act for any fiscal year may not
20 be used to pay any fees associated with a
21 loan authorized under subparagraph (A).

22 (E) REPAYMENT.—Loans made pursuant
23 to subparagraph (A) shall be repaid not later
24 than 12 years after the loan is received by the

1 borrower, including a grace period of not more
2 than 1 year on repayment of principal.

3 (F) INTEREST.—

4 (i) IN GENERAL.—Notwithstanding
5 section 23(c)(1) of the Arms Export Con-
6 trol Act (22 U.S.C. 2763(c)(1)), interest
7 for loans made pursuant to subparagraph
8 (A) may be charged at a rate determined
9 by the Secretary of State, except that such
10 rate may not be less than the prevailing in-
11 terest rate on marketable Treasury securi-
12 ties of similar maturity.

13 (ii) TREATMENT OF LOAN AMOUNTS
14 USED TO PAY INTEREST.—Amounts made
15 available under this paragraph for interest
16 costs shall not be considered assistance for
17 the purposes of any statutory limitation on
18 assistance to a country.

19 (2) LOAN GUARANTEES.—

20 (A) IN GENERAL.—Amounts authorized to
21 be appropriated pursuant to subsection (g) may
22 be made available for the costs of loan guaran-
23 tees for Taiwan under section 24 of the Arms
24 Export Control Act (22 U.S.C. 2764) for Tai-
25 wan to subsidize gross obligations for the prin-

1 ciproal amount of commercial loans and total loan
2 principal, any part of which may be guaranteed,
3 not to exceed \$2,000,000,000.

4 (B) MAXIMUM AMOUNTS.—A loan guar-
5 antee authorized under subparagraph (A)—

6 (i) may not guarantee a loan that ex-
7 ceeds \$2,000,000,000; and

8 (ii) may not exceed 80 percent of the
9 loan principal with respect to any single
10 borrower.

11 (C) SUBORDINATION.—Any loan guaran-
12 teed pursuant to subparagraph (A) may not be
13 subordinated to—

14 (i) another debt contracted by the
15 borrower; or

16 (ii) any other claims against the bor-
17 rower in the case of default.

18 (D) REPAYMENT.—Repayment in United
19 States dollars of any loan guaranteed under
20 this paragraph shall be required not later than
21 12 years after the loan agreement is signed.

22 (E) FEES.—Notwithstanding section 24 of
23 the Arms Export Control Act (22 U.S.C. 2764),
24 the Government of the United States may
25 charge processing and origination fees for a

1 loan guarantee authorized under subparagraph
2 (A), not to exceed the cost to the Government
3 of such loan guarantee, which shall be collected
4 from borrowers, or from third parties on behalf
5 of such borrowers, through a financing account
6 (as defined in section 502(7) of the Congres-
7 sional Budget Act of 1974 (2 U.S.C. 661a(7)).

8 (F) TREATMENTS OF LOAN GUARAN-
9 TEES.—Amounts made available under this
10 paragraph for the costs of loan guarantees au-
11 thorized under subparagraph (A) shall not be
12 considered assistance for the purposes of any
13 statutory limitation on assistance to a country.

14 (3) NOTIFICATION REQUIREMENT.—Amounts
15 authorized to be appropriated to carry out this sub-
16 section may not be expended without prior notifica-
17 tion of the appropriate committees of Congress.

18 (h) AUTHORIZATION OF APPROPRIATIONS.—

19 (1) AUTHORIZATION OF APPROPRIATIONS.—In
20 addition to amounts otherwise authorized to be ap-
21 propriated for Foreign Military Financing, there is
22 authorized to be appropriated to the Department of
23 State for Taiwan Foreign Military Finance grant as-
24 sistance up to \$2,000,000,000 for each of the fiscal
25 years 2023 through 2027.

1 (2) TRAINING AND EDUCATION.—Of the
2 amounts authorized to be appropriated under para-
3 graph (1), the Secretary of State should use not less
4 than \$2,000,000 per fiscal year for one or more
5 blanket order Foreign Military Financing training
6 programs related to the defense needs of Taiwan.

7 (3) DIRECT COMMERCIAL CONTRACTING.—The
8 Secretary of State may use amounts authorized to
9 be appropriated under paragraph (1) for the pro-
10 curement of defense articles, defense services, or de-
11 sign and construction services that are not sold by
12 the United States Government under the Arms Ex-
13 port Control Act (22 U.S.C. 2751 et seq.).

14 (4) PROCUREMENT IN TAIWAN.—Of the
15 amounts authorized to be appropriated for Foreign
16 Military Financing and made available for Taiwan,
17 not more than 15 percent of the amount made avail-
18 able for each fiscal year may be available for the
19 procurement by Taiwan in Taiwan of defense arti-
20 cles and defense services, including research and de-
21 velopment, as agreed by the United States and Tai-
22 wan.

23 (i) SUNSET PROVISION.—Assistance may not be pro-
24 vided under this section after September 30, 2032.

1 **SEC. 5503. INCREASE IN ANNUAL REGIONAL CONTINGENCY**
2 **STOCKPILE ADDITIONS AND SUPPORT FOR**
3 **TAIWAN.**

4 (a) **IN GENERAL.**—Section 514(b)(2)(A) of the For-
5 eign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A))
6 is amended by striking “\$200,000,000” and all that fol-
7 lows and inserting “\$500,000,000 for any of the fiscal
8 years 2023, 2024, or 2025.”.

9 (b) **ESTABLISHMENT.**—Subject to section 514 of the
10 Foreign Assistance Act of 1961 (22 U.S.C. 2321h), the
11 President may establish a regional contingency stockpile
12 for Taiwan that consists of munitions and other appro-
13 priate defense articles.

14 (c) **INCLUSION OF TAIWAN AMONG OTHER ALLIES**
15 **ELIGIBLE FOR DEFENSE ARTICLES.**—Chapter 2 of part
16 II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311
17 et seq.) is amended—

18 (1) in section 514(c)(2) (22 U.S.C.
19 2321h(c)(2)), by inserting “Taiwan,” after “Thai-
20 land,”; and

21 (2) in section 516(c)(2) (22 U.S.C.
22 2321j(c)(2)), by inserting “to Taiwan,” after “major
23 non-NATO allies on such southern and southeastern
24 flank,”.

25 (d) **ANNUAL BRIEFING.**—Not later than 1 year after
26 the date of enactment of this Act, and annually thereafter

1 for 7 years, the President shall provide a briefing to the
2 appropriate committees of Congress regarding the status
3 of a regional contingency stockpile established under sub-
4 section (b).

5 **SEC. 5504. INTERNATIONAL MILITARY EDUCATION AND**
6 **TRAINING COOPERATION WITH TAIWAN.**

7 (a) IN GENERAL.—The Secretary of State and the
8 Secretary of Defense shall establish or expand a com-
9 prehensive training program with Taiwan designed to—

10 (1) enhance interoperability and capabilities for
11 joint operations between the United States and Tai-
12 wan;

13 (2) enhance rapport and deepen partnership be-
14 tween the militaries of the United States and Tai-
15 wan, and foster understanding of the United States
16 among individuals in Taiwan;

17 (3) improve Taiwan’s defense capabilities; and

18 (4) train future leaders of Taiwan, promote
19 professional military education, civilian control of
20 the military, and protection of human rights.

21 (b) ELEMENTS.—The training program required by
22 subsection (a) should prioritize relevant and realistic
23 training, including as necessary joint United States-Tai-
24 wan contingency tabletop exercises, war games, full-scale
25 military exercises, and an enduring rotational United

1 States military presence that assists Taiwan in maintain-
2 ing force readiness and utilizing United States defense ar-
3 ticles and services transferred from the United States to
4 Taiwan.

5 (c) **AUTHORIZATION OF PARTICIPATION OF TAIWAN**
6 **IN THE INTERNATIONAL MILITARY EDUCATION AND**
7 **TRAINING PROGRAM.**—The Secretary of State is author-
8 ized to provide training and education to relevant entities
9 in Taiwan through the International Military Education
10 and Training program authorized under chapter 5 of part
11 II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347
12 et seq).

13 **SEC. 5505. ADDITIONAL AUTHORITIES TO SUPPORT TAI-**
14 **WAN.**

15 (a) **DRAWDOWN AUTHORITY.**—Section 506(a) of the
16 Foreign Assistance Act of 1961 (22 U.S.C. 2318(a)) is
17 amended by adding at the end the following paragraph:

18 “(3) In addition to amounts already specified in this
19 section, the President may direct the drawdown of defense
20 articles from the stocks of the Department of Defense, de-
21 fense services of the Department of Defense, and military
22 education and training, of an aggregate value of not to
23 exceed \$1,000,000,000 per fiscal year, to be provided to
24 Taiwan.”.

1 (b) EMERGENCY AUTHORITY.—Section 552(c) of the
2 Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)) is
3 amended by adding at the end the following: “In addition
4 to the aggregate value of \$25,000,000 authorized in para-
5 graph (2) of the preceding sentence, the President may
6 direct the drawdown of commodities and services from the
7 inventory and resources of any agency of the United
8 States Government for the purposes of providing nec-
9 essary and immediate assistance to Taiwan of a value not
10 to exceed \$25,000,000 in any fiscal year.”.

11 (c) USE OF SPECIAL DEFENSE ACQUISITION
12 FUND.—The Secretary of Defense, in consultation with
13 the Secretary of State, shall seek to utilize the Special De-
14 fense Acquisition Fund established under chapter 5 of the
15 Arms Export Control Act (22 U.S.C. 2795 et seq.) to ex-
16 pedite the procurement and delivery of defense articles
17 and defense services for the purpose of assisting and sup-
18 porting the armed forces of Taiwan.

19 **SEC. 5506. MULTI-YEAR PLAN TO FULFILL DEFENSIVE RE-**
20 **QUIREMENTS OF MILITARY FORCES OF TAI-**
21 **WAN.**

22 (a) MULTI-YEAR PLAN.—Not later than 180 days
23 after the date of the enactment of this Act, the Secretary
24 of Defense and the Secretary of State, in consultation with
25 the Director of National Intelligence, shall engage for the

1 purposes of establishing a joint consultative mechanism
2 with appropriate officials of Taiwan to develop and imple-
3 ment a multi-year plan to provide for the acquisition of
4 appropriate defensive capabilities by Taiwan and to en-
5 gage with Taiwan in a series of combined training, exer-
6 cises, and planning activities consistent with the Taiwan
7 Relations Act (Public Law 96–8; 22 U.S.C. 3301 et seq.).

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

10 (1) An identification of the defensive military
11 capability gaps and capacity shortfalls of Taiwan
12 that are required to—

13 (A) allow Taiwan to respond effectively to
14 aggression by the People’s Liberation Army or
15 other actors from the People’s Republic of
16 China; and

17 (B) advance a strategy of denial, reduce
18 the threat of conflict, thwart an invasion, and
19 mitigate other risks to the United States and
20 Taiwan.

21 (2) An assessment of the relative priority as-
22 signed by appropriate departments and agencies of
23 Taiwan to include its military to address such capa-
24 bility gaps and capacity shortfalls.

1 (3) An explanation of the annual resources
2 committed by Taiwan to address such capability
3 gaps and capacity shortfalls.

4 (4) A description and justification of the rel-
5 ative importance of overcoming each identified capa-
6 bility gap and capacity shortfall for deterring, delay-
7 ing, or defeating military aggression by the People's
8 Republic of China;

9 (5) An assessment of—

10 (A) the capability gaps and capacity short-
11 falls that could be addressed in a sufficient and
12 timely manner by Taiwan; and

13 (B) the capability gaps and capacity short-
14 falls that are unlikely to be addressed in a suffi-
15 cient and timely manner solely by Taiwan.

16 (6) An assessment of the capability gaps and
17 capacity shortfalls described in paragraph (5)(B)
18 that could be addressed in a sufficient and timely
19 manner by—

20 (A) the Foreign Military Financing, For-
21 eign Military Sales, and Direct Commercial
22 Sales programs of the Department of State;

23 (B) Department of Defense security assist-
24 ance authorized by chapter 16 of title 10,
25 United States Code;

1 (C) Department of State training and edu-
2 cation programs authorized by chapter 5 of
3 part II of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2347 et seq.);

5 (D) section 506 of the Foreign Assistance
6 Act of 1961 (22 U.S.C. 2318);

7 (E) the provision of excess defense articles
8 pursuant to the requirements of the Arms Ex-
9 port Control Act (22 U.S.C. 2751 et seq.); or

10 (F) any other authority available to the
11 Secretary of Defense or the Secretary of State.

12 (7) A description of United States or Taiwan
13 engagement with other countries that could assist in
14 addressing in a sufficient and timely manner the ca-
15 pability gaps and capacity shortfalls identified pur-
16 suant to paragraph (1).

17 (8) An identification of opportunities to build
18 interoperability, combined readiness, joint planning
19 capability, and shared situational awareness between
20 the United States, Taiwan, and other foreign part-
21 ners and allies, as appropriate, through combined
22 training, exercises, and planning events, including—

23 (A) table-top exercises and wargames that
24 allow operational commands to improve joint
25 and combined planning for contingencies involv-

1 ing a well-equipped adversary in a counter-
2 intervention campaign;

3 (B) joint and combined exercises that test
4 the feasibility of counter-intervention strategies,
5 develop interoperability across services, and de-
6 velop the lethality and survivability of combined
7 forces against a well-equipped adversary;

8 (C) logistics exercises that test the feasi-
9 bility of expeditionary logistics in an extended
10 campaign with a well-equipped adversary;

11 (D) service-to-service exercise programs
12 that build functional mission skills for address-
13 ing challenges posed by a well-equipped adver-
14 sary in a counter-intervention campaign; and

15 (E) any other combined training, exercises,
16 or planning with Taiwan's military forces that
17 the Secretary of Defense and Secretary of State
18 consider relevant.

19 (9) An identification of options for the United
20 States to use, to the maximum extent practicable,
21 existing authorities or programs to expedite military
22 assistance to Taiwan in the event of a crisis or con-
23 flict, including—

1 (A) a list of defense articles of the United
2 States that may be transferred to Taiwan dur-
3 ing a crisis or conflict;

4 (B) a list of authorities that may be used
5 to provide expedited military assistance to Tai-
6 wan during a crisis or conflict;

7 (C) an assessment of methods that could
8 be used to deliver such assistance to Taiwan
9 during a crisis or conflict, including—

10 (i) the feasibility of employing such
11 methods in different scenarios; and

12 (ii) recommendations for improving
13 the ability of the Armed Forces to deliver
14 such assistance to Taiwan; and

15 (D) an assessment of any challenges in
16 providing such assistance to Taiwan in the
17 event of a crisis or conflict and recommenda-
18 tions for addressing such challenges.

19 (c) RECURRENCE.—The joint consultative mecha-
20 nism required in subsection (a) shall convene on a recur-
21 ring basis and not less than annually.

22 **SEC. 5507. FAST-TRACKING SALES TO TAIWAN UNDER FOR-**
23 **EIGN MILITARY SALES PROGRAM.**

24 (a) PRECLEARANCE OF CERTAIN FOREIGN MILITARY
25 SALES ITEMS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of the enactment of this Act, and annually
3 thereafter, the Secretary of State, in coordination
4 with the Secretary of Defense, and in conjunction
5 with coordinating entities such as the National Dis-
6 closure Policy Committee, the Arms Transfer and
7 Technology Release Senior Steering Group, and
8 other appropriate entities, shall compile a list of
9 available and emerging military platforms, tech-
10 nologies, and equipment that are pre-cleared and
11 prioritized for sale and release to Taiwan through
12 the Foreign Military Sales program.

13 (2) RULES OF CONSTRUCTION.—

14 (A) SELECTION OF ITEMS.—The list com-
15 piled pursuant to paragraph (1) shall not be
16 construed as limiting the type, timing, or quan-
17 tity of items that may be requested by, or sold
18 to, Taiwan under the Foreign Military Sales
19 program.

20 (B) NOTIFICATIONS REQUIRED.—Nothing
21 in this Act may be construed to supersede con-
22 gressional notification requirements under the
23 Arms Export Control Act (22 U.S.C. 2751 et.
24 seq.).

1 (b) PRIORITIZED PROCESSING OF FOREIGN MILI-
2 TARY SALES REQUESTS FROM TAIWAN.—

3 (1) REQUIREMENT.—The Secretary of State
4 and the Secretary of Defense shall prioritize and ex-
5 pedite the processing of requests from Taiwan under
6 the Foreign Military Sales program, and may not
7 delay the processing of requests for bundling pur-
8 poses.

9 (2) DURATION.—The requirement under para-
10 graph (1) shall continue until the Secretary of State
11 determines and certifies to the Committee on For-
12 eign Relations of the Senate and the Committee on
13 Foreign Affairs of the House of Representatives that
14 the threat to Taiwan has significantly abated.

15 (c) INTERAGENCY POLICY.—The Secretary of State
16 and the Secretary of Defense shall jointly review and up-
17 date interagency policies and implementation guidance re-
18 lated to Foreign Military Sales requests from Taiwan, in-
19 cluding incorporating the preclearance provisions of this
20 section.

1 **SEC. 5508. ARMS EXPORTS DELIVERY SOLUTIONS FOR TAI-**
2 **WAN AND UNITED STATES ALLIES IN THE**
3 **INDO-PACIFIC.**

4 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
5 FINED.—In this section, the term “appropriate commit-
6 tees of Congress” means—

7 (1) the Committee on Foreign Relations and
8 the Committee on Armed Services of the Senate; and

9 (2) the Committee on Foreign Affairs and the
10 Committee on Armed Services of the House of Rep-
11 resentatives.

12 (b) REPORT REQUIRED.—Not later than March 1,
13 2023, and annually thereafter for a period of 5 years, the
14 Secretary of State, in coordination with the Secretary of
15 Defense, shall transmit to the appropriate committees of
16 Congress a report with respect to the transfer of all de-
17 fense articles or defense services that have yet to be com-
18 pleted pursuant to the authorities provided by—

19 (1) section 3, 21, or 36 of the Arms Export
20 Control Act (22 U.S.C. 2753, 2761, or 2776); or

21 (2) section 516(c)(2) of the Foreign Assistance
22 Act of 1961 (22 U.S.C. 2321j(c)(2)).

23 (c) ELEMENTS.—The report required by subsection
24 (b) shall include the following elements:

25 (1) A list of all approved transfers of defense
26 articles and services authorized by Congress pursu-

1 ant to sections 25 and 36 of the Arms Export Con-
2 trol Act (22 U.S.C. 2765, 2776) with a total value
3 of \$25,000,000 or more, to Taiwan, Japan, South
4 Korea, Australia, the Philippines, Thailand, or New
5 Zealand, that have not been fully delivered by the
6 start of the fiscal year in which the report is being
7 submitted.

8 (2) The estimated start and end dates of deliv-
9 ery for each approved and incomplete transfer listed
10 pursuant to paragraph (1), including additional de-
11 tails and dates for any transfers that involve mul-
12 tiple tranches of deliveries.

13 (3) With respect to each approved and incom-
14 plete transfer listed pursuant to paragraph (1), a de-
15 tailed description of—

16 (A) any changes in the delivery dates of
17 defense articles or services relative to the dates
18 anticipated at the time of congressional ap-
19 proval of the transfer, including specific reasons
20 for any delays related to the United States Gov-
21 ernment, defense suppliers, or a foreign part-
22 ner;

23 (B) the feasibility and advisability of pro-
24 viding the partner subject to such delayed deliv-
25 ery with an interim capability or solution, in-

1 including drawing from United States stocks, and
2 the mechanisms under consideration for doing
3 so as well as any challenges to implementing
4 such a capability or solution;

5 (C) authorities, appropriations, or waiver
6 requests that Congress could provide to improve
7 delivery timelines or authorize the provision of
8 interim capabilities or solutions identified pur-
9 suant to subparagraph (B); and

10 (D) a description of which countries are
11 ahead of Taiwan for delivery of each item listed
12 pursuant to paragraph (1).

13 (4) A description of ongoing interagency efforts
14 to support attainment of operational capability of
15 the corresponding defense articles and services once
16 delivered, including advance training with United
17 States or armed forces of partner countries on the
18 systems to be received. The description of any such
19 training shall also include an identification of the
20 training implementer.

21 (5) If a transfer listed pursuant to paragraph
22 (1) has been terminated prior to the date of the sub-
23 mission of the report for any reason—

24 (A) the case information for such transfer,
25 including the date of congressional notification,

1 delivery date of the Letter of Offer and Accept-
2 ance (LOA), final signature of the LOA, and
3 information pertaining to delays in delivering
4 LOAs for signature;

5 (B) a description of the reasons for which
6 the transfer is no longer in effect; and

7 (C) the impact this termination will have
8 on the intended end-user and the consequent
9 implications for regional security, including the
10 impact on deterrence of military action by coun-
11 tries hostile to the United States, the military
12 balance in the Taiwan Strait, and other factors.

13 (6) A separate description of the actions the
14 United States is taking to expedite and prioritize de-
15 liveries of defense articles and services to Taiwan,
16 including—

17 (A) a description of what actions the De-
18 partment of State and the Department of De-
19 fense have taken or are planning to take to
20 prioritize Taiwan's Foreign Military Sales
21 cases;

22 (B) current procedures or mechanisms for
23 determining that a Foreign Military Sales case
24 for Taiwan should be prioritized above a sale to

1 another country of the same or similar item;
2 and

3 (C) whether the United States intends to
4 divert defense articles from United States
5 stocks to provide an interim capability or solu-
6 tion with respect to any delayed deliveries to
7 Taiwan and the plan, if applicable, to replenish
8 any such diverted stocks.

9 (7) A description of other actions already un-
10 dertaken by or currently under consideration by the
11 Department of State and the Department of Defense
12 to improve delivery timelines for the transfers listed
13 pursuant to paragraph (1).

14 (d) FORM.—The report required by subsection (b)
15 shall be submitted in unclassified form but may include
16 a classified annex.

17 **SEC. 5509. ASSESSMENT OF TAIWAN'S NEEDS FOR CIVILIAN**
18 **DEFENSE AND RESILIENCE.**

19 (a) ASSESSMENT REQUIRED.—Not later than 120
20 days after the date of enactment of this Act, the Secretary
21 of State and the Secretary of Defense, in coordination
22 with the Director of National Intelligence, shall submit a
23 written assessment, with a classified annex, of Taiwan's
24 needs in the areas of civilian defense and resilience to—

1 (1) the Committee on Foreign Relations, the
2 Committee on Armed Services, and Select Com-
3 mittee on Intelligence of the Senate; and

4 (2) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Permanent
6 Select Committee on Intelligence of the House of
7 Representatives.

8 (b) MATTERS TO BE INCLUDED.—The assessment
9 required under subsection (a) shall—

10 (1) analyze the potential role of Taiwan’s public
11 and civilian assets in defending against various sce-
12 narios for foreign militaries to coerce or conduct
13 military aggression against Taiwan;

14 (2) carefully analyze Taiwan’s needs for en-
15 hancing its defensive capabilities through the sup-
16 port of civilians and civilian sectors, including—

17 (A) greater utilization of Taiwan’s high
18 tech labor force;

19 (B) the creation of clear structures and lo-
20 gisties support for civilian defense role alloca-
21 tion;

22 (C) recruitment and skills training for Tai-
23 wan’s defense and civilian sectors; and

24 (D) other defense needs and considerations
25 at the provincial, city, and neighborhood levels;

1 (3) analyze Taiwan’s needs for enhancing resil-
2 iency among its people and in key economic sectors;

3 (4) identify opportunities for Taiwan to en-
4 hance communications at all levels to strengthen
5 trust and understanding between the military, other
6 government departments, civilian agencies and the
7 general public, including—

8 (A) communications infrastructure nec-
9 essary to ensure reliable communications in re-
10 sponse to a conflict or crisis; and

11 (B) a plan to effectively communicate to
12 the general public in response to a conflict or
13 crisis;

14 (5) identify the areas and means through which
15 the United States could provide training, exercises,
16 and assistance at all levels to support the needs dis-
17 covered through the assessment and fill any critical
18 gaps where capacity falls short of such needs; and

19 (6) review existing United States Government
20 and non-United States Government programmatic
21 and funding modalities that are meant to support
22 Taiwan’s civilian defense professionals in pursuing
23 professional development, educational, and cultural
24 exchanges in the United States, including—

1 (A) opportunities through Department of
2 State-supported programs, such as the Inter-
3 national Visitor Leaders Program;

4 (B) opportunities offered through non-gov-
5 ernmental institutions, such as think tanks, to
6 the extent the review can practicably make such
7 an assessment;

8 (C) a description of the frequency that ci-
9 vilian defense professionals from Taiwan pursue
10 or are selected for the programs reviewed in
11 subparagraph (A);

12 (D) an analysis of any funding, policy, ad-
13 ministrative, or other barriers preventing great-
14 er participation from Taiwan's civilian defense
15 professionals in the opportunities identified in
16 subparagraph (A);

17 (E) an evaluation of the value expanding
18 the opportunities reviewed in subparagraph (A)
19 would offer for strengthening Taiwan's existing
20 civilian defense community, and for increasing
21 the perceived value of the field for young pro-
22 fessionals in Taiwan;

23 (F) an assessment of options the United
24 States Government could take individually, with
25 partners in Taiwan, or with foreign govern-

1 ments or non-governmental partners, to expand
2 the opportunities reviewed in subparagraph (A);
3 and

4 (G) a description of additional resources
5 and authorities that may be required to execute
6 the options described in subparagraph (E).

7 (c) SHARING OF REPORT.—The assessment required
8 by subsection (a) shall be shared with appropriate officials
9 of Taiwan to facilitate cooperation, as appropriate.

10 **SEC. 5510. ANNUAL REPORT ON TAIWAN DEFENSIVE MILI-**
11 **TARY CAPABILITIES AND INTELLIGENCE SUP-**
12 **PORT.**

13 Section 1248 of the National Defense Authorization
14 Act for Fiscal Year 2022 (Public Law 117–81; 135 Stat.
15 1988) is amended to read as follows:

16 **“SEC. 1248. ANNUAL REPORT ON TAIWAN CAPABILITIES**
17 **AND INTELLIGENCE SUPPORT.**

18 “(a) IN GENERAL.—Through fiscal year 2027, the
19 Secretary of State and the Secretary of Defense, in coordi-
20 nation with the Director of National Intelligence and the
21 heads of other relevant Federal departments and agencies,
22 shall jointly perform an annual assessment, consistent
23 with the Taiwan Relations Act (Public Law 96–8; 22
24 U.S.C. 3302(c)), of security matters related to Taiwan,
25 including intelligence matters, Taiwan’s defensive military

1 capabilities, and how defensive shortcomings or
2 vulnerabilities of Taiwan could be mitigated through co-
3 operation, modernization, or integration. At a minimum,
4 the assessment shall include the following:

5 “(1) An intelligence assessment regarding—

6 “(A) conventional military and nuclear
7 threats to Taiwan from the People’s Republic of
8 China, including exercises, patrols, and pres-
9 ence intended to intimidate or coerce Taiwan;
10 and

11 “(B) irregular warfare activities, including
12 influence operations, conducted by the People’s
13 Republic of China to interfere in or undermine
14 the peace and stability of the Taiwan Strait.

15 “(2) The current military capabilities of Taiwan
16 and the ability of Taiwan to defend itself from exter-
17 nal conventional and irregular military threats
18 across a range of scenarios.

19 “(3) The interoperability of current and future
20 defensive capabilities of Taiwan with the military ca-
21 pabilities of the United States and its allies and
22 partners.

23 “(4) The plans, tactics, techniques, and proce-
24 dures underpinning an effective defense strategy for
25 Taiwan, including how addressing identified capa-

1 bility gaps and capacity shortfalls will improve the
2 effectiveness of such strategy.

3 “(5) A description of additional personnel, re-
4 sources, and authorities in Taiwan or in the United
5 States that may be required to meet any short-
6 comings in the development of Taiwan’s military ca-
7 pabilities identified pursuant to this section.

8 “(6) With respect to materiel capabilities and
9 capacities the Secretary of Defense and Secretary of
10 State jointly assess to be most effective in deterring,
11 defeating, or delaying military aggression by the
12 People’s Republic of China, a prioritized list of capa-
13 bility gaps and capacity shortfalls of the military
14 forces of Taiwan, including—

15 “(A) an identification of—

16 “(i) any United States, Taiwan, or
17 ally or partner country defense production
18 timeline challenge related to potential ma-
19 teriel and solutions to such capability gaps;

20 “(ii) the associated investment costs
21 of enabling expanded production for items
22 currently at maximum production;

23 “(iii) the associated investment costs
24 of, or mitigation strategies for, enabling

1 export for items currently not exportable;

2 and

3 “(iv) existing stocks of such capabili-
4 ties in the United States and ally and part-
5 ner countries;

6 “(B) the feasibility and advisability of pro-
7 curing solutions to such gaps and shortfalls
8 through United States allies and partners, in-
9 cluding through co-development or co-produc-
10 tion;

11 “(C) the feasibility and advisability of as-
12 sisting Taiwan in the domestic production of so-
13 lutions to capability gaps, including through—

14 “(i) the transfer of intellectual prop-
15 erty; and

16 “(ii) co-development or co-production
17 arrangements;

18 “(D) the estimated costs, expressed in a
19 range of options, of procuring sufficient capa-
20 bilities and capacities to address such gaps and
21 shortfalls;

22 “(E) an assessment of the relative priority
23 assigned by appropriate officials of Taiwan to
24 each such gap and shortfall; and

1 “(F) a detailed explanation of the extent to
2 which Taiwan is prioritizing the development,
3 production, or fielding of solutions to such gaps
4 and shortfalls within its overall defense budget.

5 “(7) The applicability of Department of State
6 and Department of Defense authorities for improv-
7 ing the defensive military capabilities of Taiwan in
8 a manner consistent with the Taiwan Relations Act.

9 “(8) A description of any security assistance
10 provided or Foreign Military Sales and Direct Com-
11 mercial Sales activity with Taiwan over the past
12 year.

13 “(9) A description of each engagement between
14 the United States and Taiwan personnel related to
15 planning over the past year.

16 “(10) With respect to each to training and ex-
17 ercises—

18 “(A) a description of each such instance
19 over the past year;

20 “(B) a description of how each such in-
21 stance—

22 “(i) sought to achieve greater inter-
23 operability, improved readiness, joint plan-
24 ning capability, and shared situational
25 awareness between the United States and

1 Taiwan, or among the United States, Tai-
2 wan, and other countries;

3 “(ii) familiarized the militaries of the
4 United States and Taiwan with each other;
5 and

6 “(iii) improved Taiwan’s defense capa-
7 bilities.

8 “(11) A description of the areas and means
9 through which the United States is assisting and
10 supporting training, exercises, and assistance to sup-
11 port Taiwan’s requirements related to civilian de-
12 fense and resilience, and how the United States is
13 seeking to assist Taiwan in addressing any critical
14 gaps where capacity falls short of meeting such re-
15 quirements, including those elements identified in
16 the assessment required by section 5502(f) of the
17 James M. Inhofe National Defense Authorization
18 Act for Fiscal Year 2023.

19 “(12) An assessment of the implications of cur-
20 rent levels of pre-positioned war reserve materiel on
21 the ability of the United States to respond to a crisis
22 or conflict involving Taiwan with respect to—

23 “(A) providing military or non-military aid
24 to Taiwan; and

1 “(B) sustaining military installations and
2 other infrastructure of the United States in the
3 Indo-Pacific region.

4 “(13) An assessment of the current intelligence,
5 surveillance, and reconnaissance capabilities of Tai-
6 wan, including any existing gaps in such capabilities
7 and investments in such capabilities by Taiwan since
8 the preceding report.

9 “(14) A summary of changes to pre-positioned
10 war reserve materiel of the United States in the
11 Indo-Pacific region since the preceding report.

12 “(15) Any other matters the Secretary of De-
13 fense or the Secretary of State considers appro-
14 priate.

15 “(b) PLAN.—The Secretary of Defense and the Sec-
16 retary of State shall jointly develop a plan for assisting
17 Taiwan in improving its defensive military capabilities and
18 addressing vulnerabilities identified pursuant to sub-
19 section (a) that includes—

20 “(1) recommendations, if any, for new Depart-
21 ment of State or Department of Defense authorities,
22 or modifications to existing Department of State or
23 Department of Defense authorities, necessary to im-
24 prove the defensive military capabilities of Taiwan in

1 a manner consistent with the Taiwan Relations Act
2 (Public Law 96–8; 22 U.S.C. 3301 et seq.);

3 “(2) an identification of opportunities for key
4 leader and subject matter expert engagement be-
5 tween Department personnel and military and civil-
6 ian counterparts in Taiwan; and

7 “(3) an identification of challenges and oppor-
8 tunities for leveraging authorities, resources, and ca-
9 pabilities outside the Department of Defense and the
10 Department of State to improve the defensive capa-
11 bilities of Taiwan in accordance with the Taiwan Re-
12 lations Act.

13 “(c) REPORT.—Not later than 180 days after the
14 date of the enactment of this Act, and annually thereafter
15 through fiscal year 2027, the Secretary of State and the
16 Secretary of Defense, in consultation with the Director of
17 National Intelligence, shall jointly submit to the appro-
18 priate committees of Congress—

19 “(1) a report on the results of the assessment
20 required by subsection (a);

21 “(2) the plan required by subsection (b); and

22 “(3) a report on—

23 “(A) the status of efforts to develop and
24 implement the joint multi-year plan required
25 under section 5506 of the James M. Inhofe Na-

1 tional Defense Authorization Act for Fiscal
2 Year 2023 to provide for the acquisition of ap-
3 propriate defensive military capabilities by Tai-
4 wan and to engage with Taiwan in a series of
5 combined training and planning activities con-
6 sistent with the Taiwan Relations Act (Public
7 Law 96–8; 22 U.S.C. 3301 et seq.); and

8 “(B) any other matters the Secretary of
9 State and the Secretary of Defense consider
10 necessary.

11 “(d) FORM.—The reports required by subsection (c)
12 shall be submitted in unclassified form, but may include
13 a classified annex.

14 “(e) APPROPRIATE COMMITTEES OF CONGRESS DE-
15 FINED.—For purposes of this section, the term ‘appro-
16 priate committees of Congress’ means—

17 “(1) the Committee on Armed Services, the
18 Committee on Foreign Relations, and the Select
19 Committee on Intelligence of the Senate; and

20 “(2) the Committee on Armed Services, the
21 Committee on Foreign Affairs, and the Permanent
22 Select Committee on Intelligence of the House of
23 Representatives.”.

24 **SEC. 5511. FINDINGS AND STATEMENT OF POLICY.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) Advancing peace and stability in the Indo-
2 Pacific has been a central element of United States
3 foreign policy toward the region.

4 (2) The Government of the People's Republic of
5 China (PRC), especially since the election of Tsai
6 Ing-Wen in 2016, has conducted a coordinated cam-
7 paign to weaken Taiwan diplomatically, economi-
8 cally, and militarily in a manner that threatens to
9 erode United States policy and create a fait accompli
10 on questions surrounding Taiwan's future.

11 (3) To secure United States interests and pre-
12 serve the ability of the people of Taiwan to deter-
13 mine their own future, it is necessary to reinforce
14 Taiwan's diplomatic, economic, and territorial space.

15 (b) STATEMENT OF POLICY.—It is the policy of the
16 United States to—

17 (1) maintain the position that peace and sta-
18 bility in the Western Pacific are in the political, se-
19 curity, and economic interests of the United States,
20 and are matters of international concern; and

21 (2) work with allies and partners to promote
22 peace and stability in the Indo-Pacific and deter
23 military acts or other forms of coercive behavior that
24 would undermine regional stability.

1 **SEC. 5512. SENSE OF CONGRESS ON TAIWAN DEFENSE RE-**
2 **LATIONS.**

3 It is the sense of Congress that—

4 (1) the Taiwan Relations Act (Public Law 96–
5 8; 22 U.S.C. et seq.) and the Six Assurances pro-
6 vided by the United States to Taiwan in July 1982
7 are the foundation for United States-Taiwan rela-
8 tions;

9 (2) as set forth in the Taiwan Relations Act,
10 the United States decision to establish diplomatic re-
11 lations with the People’s Republic of China rests
12 upon the expectation that the future of Taiwan will
13 be determined by peaceful means, and that any ef-
14 fort to determine the future of Taiwan by other than
15 peaceful means, including boycotts and embargoes,
16 is of grave concern to the United States;

17 (3) the increasingly coercive and aggressive be-
18 havior of the People’s Republic of China toward Tai-
19 wan is contrary to the expectation of the peaceful
20 resolution of the future of Taiwan;

21 (4) as set forth in the Taiwan Relations Act,
22 the capacity to resist any resort to force or other
23 forms of coercion that would jeopardize the security,
24 or the social or economic system, of the people on
25 Taiwan should be maintained;

1 (5) the United States should continue to sup-
2 port the development of capable, ready, and modern
3 defense forces necessary for Taiwan to maintain suf-
4 ficient defensive capabilities, including by—

5 (A) supporting acquisition by Taiwan of
6 defense articles and services through foreign
7 military sales, direct commercial sales, and in-
8 dustrial cooperation, with an emphasis on capa-
9 bilities that support an asymmetric strategy;

10 (B) ensuring timely review of and response
11 to requests of Taiwan for defense articles and
12 services;

13 (C) conducting practical training and mili-
14 tary exercises with Taiwan that enable Taiwan
15 to maintain sufficient defensive capabilities, as
16 described in the Taiwan Relations Act;

17 (D) exchanges between defense officials
18 and officers of the United States and Taiwan at
19 the strategic, policy, and functional levels, con-
20 sistent with the Taiwan Travel Act (Public Law
21 115–135; 132 Stat. 341), especially for the pur-
22 poses of—

23 (i) enhancing cooperation on defense
24 planning;

1 (ii) improving the interoperability of
2 the military forces of the United States
3 and Taiwan; and

4 (iii) improving the reserve force of
5 Taiwan;

6 (E) cooperating with Taiwan to improve its
7 ability to employ military capabilities in asym-
8 metric ways, as described in the Taiwan Rela-
9 tions Act; and

10 (F) expanding cooperation in humanitarian
11 assistance and disaster relief; and

12 (6) the United States should increase its sup-
13 port to a free and open society in the face of aggres-
14 sive efforts by the Government of the People's Re-
15 public of China to curtail or influence the free exer-
16 cise of rights and democratic franchise.

17 **PART 2—COUNTERING PEOPLE'S REPUBLIC OF**
18 **CHINA'S COERCION AND INFLUENCE CAMPAIGNS**

19 **SEC. 5513. STRATEGY TO RESPOND TO INFLUENCE AND IN-**
20 **FORMATION OPERATIONS TARGETING TAI-**
21 **WAN.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act and annually thereafter
24 for the following 5 years, the Secretary of State, in coordi-

1 nation with the Director of National Intelligence, shall de-
2 velop and implement a strategy to respond to—

3 (1) covert, coercive, and corrupting activities
4 carried out to advance the Chinese Communist Par-
5 ty’s “United Front” work related to Taiwan, includ-
6 ing activities directed, coordinated, or otherwise sup-
7 ported by the United Front Work Department or its
8 subordinate or affiliated entities; and

9 (2) information and disinformation campaigns,
10 cyber attacks, and nontraditional propaganda meas-
11 ures supported by the Government of the People’s
12 Republic of China and the Chinese Communist
13 Party that are directed toward persons or entities in
14 Taiwan.

15 (b) ELEMENTS.—The strategy required under sub-
16 section (a) shall include descriptions of—

17 (1) the proposed response to propaganda and
18 disinformation campaigns by the People’s Republic
19 of China and cyber-intrusions targeting Taiwan, in-
20 cluding—

21 (A) assistance in building the capacity of
22 Taiwan’s public and private-sector entities to
23 document and expose propaganda and
24 disinformation supported by the Government of

1 the People's Republic of China, the Chinese
2 Communist Party, or affiliated entities;

3 (B) assistance to enhance Taiwan's ability
4 to develop a holistic strategy to respond to
5 sharp power operations, including election inter-
6 ference; and

7 (C) media training for Taiwan officials and
8 other Taiwan entities targeted by
9 disinformation campaigns;

10 (2) the proposed response to political influence
11 operations that includes an assessment of the extent
12 of influence exerted by the Government of the Peo-
13 ple's Republic of China and the Chinese Communist
14 Party in Taiwan on local political parties, financial
15 institutions, media organizations, and other entities;

16 (3) support for exchanges and other technical
17 assistance to strengthen the Taiwan legal system's
18 ability to respond to sharp power operations; and

19 (4) programs carried out by the Global Engage-
20 ment Center to expose misinformation and
21 disinformation in the Chinese Communist Party's
22 propaganda.

1 **SEC. 5514. TASK FORCE TO COUNTER ECONOMIC COER-**
2 ****CATION BY THE PEOPLE'S REPUBLIC OF CHINA.****

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that—

5 (1) the People's Republic of China's (PRC) in-
6 creasing use of economic coercion against foreign
7 governments, companies, organizations, other enti-
8 ties, and individuals requires that the United States
9 devise a comprehensive, effective, and multilateral
10 response;

11 (2) the private sector is a crucial partner in
12 helping the United States Government respond to
13 the PRC's coercive economic practices and hold the
14 PRC accountable;

15 (3) improved engagement and communication
16 with the private sector, including receiving informa-
17 tion from the United States private sector about the
18 PRC's coercive economic practices would help the
19 United States Government and private sector stake-
20 holders conduct early assessments of potential pres-
21 sure points and vulnerabilities; and

22 (4) PRC coercive economic practices create
23 pressures for the private sector to behave in ways
24 antithetical to United States national interests and
25 competitiveness.

1 (b) ESTABLISHMENT OF TASK FORCE.—Not later
2 than 180 days after the date of the enactment of this Act,
3 the President shall establish an interagency task force to
4 be known as the “Countering Economic Coercion Task
5 Force” (referred to in this section as the “Task Force”).

6 (c) DUTIES.—

7 (1) IN GENERAL.—The Task Force shall—

8 (A) oversee the development and imple-
9 mentation of an integrated United States Gov-
10 ernment strategy to respond to People’s Repub-
11 lic of China (PRC) coercive economic practices,
12 which shall include—

13 (i) systematically monitoring and eval-
14 uating—

15 (I) the costs of such practices on
16 United States businesses and overall
17 United States economic performance;

18 (II) instances in which such prac-
19 tices taken against a non-PRC entity
20 has benefitted other parties; and

21 (III) the impacts such practices
22 have had on United States national
23 interests; and

24 (ii) facilitating coordination among
25 Federal departments and agencies when

1 responding to such practices as well as
2 proactively deterring such economic coer-
3 cion, including by clarifying the roles for
4 Federal departments and agencies identi-
5 fied in subsection (d) in implementing the
6 strategy; and

7 (iii) forming policy recommendations
8 for the implementation of relevant United
9 States authorities to respond to instances
10 of PRC coercive economic practices;

11 (B) consult with United States allies and
12 partners on the feasibility and desirability of
13 collectively identifying, assessing, and respond-
14 ing to PRC coercive economic practices, as well
15 as actions that could be taken to expand coordi-
16 nation with the goal of ensuring a consistent,
17 coherent, and collective response to such prac-
18 tices and establishing long-term deterrence of
19 such practices;

20 (C) effectively engage the United States
21 private sector, particularly sectors, groups, or
22 other entities that are susceptible to such PRC
23 coercive economic practices, on concerns related
24 to such practices; and

1 (D) develop and implement a process for
2 regularly sharing relevant information, includ-
3 ing classified information to the extent appro-
4 priate and practicable, on such PRC coercive
5 economic practices with United States allies,
6 partners, and the private sector.

7 (2) CONSULTATION.—In carrying out its duties
8 under this subsection, the Task Force should regu-
9 larly consult, to the extent necessary and appro-
10 priate, with the following:

11 (A) Relevant stakeholders in the private
12 sector.

13 (B) Federal departments and agencies that
14 are not represented on the Task Force.

15 (C) United States allies and partners.

16 (d) MEMBERSHIP.—The President shall—

17 (1) appoint the chair of the Task Force from
18 among the staff of the National Security Council;

19 (2) appoint the vice chair of the Task Force
20 from among the staff of the National Economic
21 Council; and

22 (3) determine the Federal departments and
23 agencies that will serve on the task force, and direct
24 the head of those agencies to appoint personnel at

1 the level of Assistant Secretary or above to partici-
2 pate in the Task Force.

3 (e) REPORTS.—

4 (1) INITIAL REPORT.—Not later than 1 year
5 after the date of the enactment of this Act, the Task
6 Force shall submit to Congress a report that in-
7 cludes the following elements:

8 (A) A comprehensive review of the array of
9 economic tools the Government of the People's
10 Republic of China (PRC) employs or could em-
11 ploy in the future to coerce other governments
12 and non-PRC companies (including United
13 States companies) including the Government of
14 the PRC's continued efforts to codify informal
15 practices into its domestic law.

16 (B) The strategy required by subsection
17 (e)(1)(A).

18 (C) An interagency definition of PRC coer-
19 sive economic practices that captures both—

20 (i) the use of informal or extralegal
21 PRC coercive economic practices; and

22 (ii) the inappropriate use of economic
23 tools, including those authorized under the
24 laws and regulations of the PRC.

1 (D) A comprehensive review of the array of
2 tools the United States Government employs or
3 could employ to respond to economic coercion
4 against the government, companies, and other
5 entities of the United States or its allies and
6 partners.

7 (E) A list of unilateral or multilateral—

8 (i) preemptive practices to defend or
9 deter against PRC coercive economic prac-
10 tices; and

11 (ii) actions taken in response to the
12 Government of the PRC's general use of
13 coercive economic practices, including the
14 imposition of costs on the PRC.

15 (F) An assessment of United States allies
16 and partners key vulnerabilities to PRC coer-
17 sive economic practices.

18 (G) A description of gaps in existing re-
19 sources or capabilities for United States Gov-
20 ernment departments and agencies to respond
21 effectively to PRC coercive economic practices
22 directed at United States entities and assist
23 United States allies and partners in their re-
24 sponses to PRC coercive economic practices.

1 (H) An analysis of the circumstances
2 under which the PRC employs different types of
3 economic coercion and against what kinds of
4 targets.

5 (I) An assessment of United States and
6 international rules and norms as well as any
7 treaty obligations the PRC has stretched, cir-
8 cumvented, or broken through its economically
9 coercive practices and the United States re-
10 sponse in each instance.

11 (2) INTERIM REPORTS.—

12 (A) FIRST INTERIM REPORT.—Not later
13 than 1 year after the date on which the report
14 required by paragraph (1) is submitted to Con-
15 gress, the Task Force shall submit to Congress
16 a report that includes the following elements:

17 (i) Updates to information required by
18 subparagraphs (A) through (G) of para-
19 graph (1).

20 (ii) A description of activities con-
21 ducted by the Task Force to implement
22 the strategy required by subsection
23 (c)(1)(A).

24 (iii) An assessment of the implemen-
25 tation and effectiveness of the strategy,

1 lessons learned from the past year and
2 planned changes to the strategy.

3 (B) SECOND INTERIM REPORT.—Not later
4 than 1 year after the date on which the report
5 required by subparagraph (A) is submitted to
6 Congress, the Task Force shall submit to the
7 appropriate congressional committees a report
8 that includes an update to the elements re-
9 quired under the report required by subpara-
10 graph (A).

11 (3) FINAL REPORT.—Not later than 30 days
12 after the date on which the report required by para-
13 graph (2)(B) is submitted to Congress, the Task
14 Force shall submit to Congress a final report that
15 includes the following elements:

16 (A) An analysis of PRC coercive economic
17 practices and the cost of such coercive practices
18 to United States businesses.

19 (B) A description of areas of possible vul-
20 nerability for United States businesses and
21 businesses of United States partners and allies.

22 (C) Recommendations on how to continue
23 the effort to counter PRC coercive economic
24 practices, including through further coordina-
25 tion with United States allies and partners.

1 (D) Illustrative examples.

2 (4) FORM.—The reports required by this sub-
3 section shall be submitted in classified form, but
4 may include an unclassified summary.

5 (f) SUNSET.—

6 (1) IN GENERAL.—The Task Force shall termi-
7 nate at the end of the 60-day period beginning on
8 the date on which the final report required by sub-
9 section (e)(3) is submitted to Congress.

10 (2) ADDITIONAL ACTIONS.—The Task force
11 may use the 60-day period referred to in paragraph
12 (1) for the purposes of concluding its activities, in-
13 cluding providing testimony to Congress concerning
14 the final report required by subsection (e)(3).

15 (g) ASSISTANCE FOR COUNTRIES AND ENTITIES
16 TARGETED BY THE PEOPLE’S REPUBLIC OF CHINA FOR
17 ECONOMIC COERCION.—The Secretary of State, the Ad-
18 ministrator of the United States Agency for International
19 Development, the United States International Develop-
20 ment Finance Corporation, the Secretary of Commerce,
21 and the Secretary of the Treasury shall provide appro-
22 priate assistance to countries and entities that are subject
23 to coercive economic practices by the People’s Republic of
24 China.

1 **SEC. 5515. CHINA CENSORSHIP MONITOR AND ACTION**
2 **GROUP.**

3 (a) DEFINITIONS.—In this section:

4 (1) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the Committee on Foreign Relations,
8 the Committee on Appropriations, and the Se-
9 lect Committee on Intelligence of the Senate;
10 and

11 (B) the Committee on Foreign Affairs, the
12 Committee on Appropriations, and the Perma-
13 nent Select Committee on Intelligence of the
14 House of Representatives.

15 (2) QUALIFIED RESEARCH ENTITY.—The term
16 “qualified research entity” means an entity that—

17 (A) is a nonpartisan research organization
18 or a Federally funded research and development
19 center;

20 (B) has appropriate expertise and analyt-
21 ical capability to write the report required
22 under subsection (c); and

23 (C) is free from any financial, commercial,
24 or other entanglements, which could undermine
25 the independence of such report or create a

1 conflict of interest or the appearance of a con-
2 flict of interest, with—

3 (i) the Government of the People’s
4 Republic of China;

5 (ii) the Chinese Communist Party;

6 (iii) any company incorporated in the
7 People’s Republic of China or a subsidiary
8 of such company; or

9 (iv) any company or entity incor-
10 porated outside of the People’s Republic of
11 China that is believed to have a substantial
12 financial or commercial interest in the Peo-
13 ple’s Republic of China.

14 (3) UNITED STATES PERSON.—The term
15 “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States; or

19 (B) an entity organized under the laws of
20 the United States or any jurisdiction within the
21 United States, including a foreign branch of
22 such an entity.

23 (b) CHINA CENSORSHIP MONITOR AND ACTION
24 GROUP.—

1 (1) IN GENERAL.—The President shall establish
2 an interagency task force, which shall be known as
3 the “China Censorship Monitor and Action Group”
4 (referred to in this subsection as the “Task Force”).

5 (2) MEMBERSHIP.—The President shall take
6 the following actions with respect to the membership
7 of, and participation in, the Task Force:

8 (A) Appoint the chair of the Task Force
9 from among the staff of the National Security
10 Council.

11 (B) Appoint the vice chair of the Task
12 Force from among the staff of the National
13 Economic Council.

14 (C) Determine the Federal departments
15 and agencies that will serve on the Task Force,
16 and direct the head of those agencies to appoint
17 personnel at the level of Assistant Secretary or
18 above to participate in the Task Force.

19 (3) RESPONSIBILITIES.—The Task Force
20 shall—

21 (A) oversee the development and execution
22 of an integrated Federal Government strategy
23 to monitor and address the impacts of efforts
24 directed, or directly supported, by the Govern-
25 ment of the People’s Republic of China to cen-

1 sor or intimidate, in the United States or in
2 any of its possessions or territories, any United
3 States person, including United States compa-
4 nies that conduct business in the People's Re-
5 public of China, which are exercising their right
6 to freedom of speech; and

7 (B) submit the strategy developed pursu-
8 ant to subparagraph (A) to the appropriate
9 congressional committees not later than 120
10 days after the date of the enactment of this
11 Act.

12 (4) MEETINGS.—The Task Force shall meet
13 not less frequently than twice per year.

14 (5) CONSULTATIONS.—The Task Force should
15 regularly consult, to the extent necessary and appro-
16 priate, with—

17 (A) Federal agencies that are not rep-
18 resented on the Task Force;

19 (B) independent agencies of the United
20 States Government that are not represented on
21 the Task Force;

22 (C) relevant stakeholders in the private
23 sector and the media; and

24 (D) relevant stakeholders among United
25 States allies and partners facing similar chal-

1 lenges related to censorship or intimidation by
2 the Government of the People's Republic of
3 China.

4 (6) REPORTING REQUIREMENTS.—

5 (A) ANNUAL REPORT.—The Task Force
6 shall submit an annual report to the appro-
7 priate congressional committees that describes,
8 with respect to the reporting period—

9 (i) the strategic objectives and policies
10 pursued by the Task Force to address the
11 challenges of censorship and intimidation
12 of United States persons while in the
13 United States or any of its possessions or
14 territories, which is directed or directly
15 supported by the Government of the Peo-
16 ple's Republic of China;

17 (ii) the activities conducted by the
18 Task Force in support of the strategic ob-
19 jectives and policies referred to in clause
20 (i); and

21 (iii) the results of the activities re-
22 ferred to in clause (ii) and the impact of
23 such activities on the national interests of
24 the United States.

1 (B) FORM OF REPORT.—Each report sub-
2 mitted pursuant to subparagraph (A) shall be
3 unclassified, but may include a classified annex.

4 (C) CONGRESSIONAL BRIEFINGS.—Not
5 later than 90 days after the date of the enact-
6 ment of this Act, and annually thereafter, the
7 Task Force shall provide briefings to the appro-
8 priate congressional committees regarding the
9 activities of the Task Force to execute the
10 strategy developed pursuant to paragraph
11 (3)(A).

12 (c) REPORT ON CENSORSHIP AND INTIMIDATION OF
13 UNITED STATES PERSONS BY THE GOVERNMENT OF THE
14 PEOPLE'S REPUBLIC OF CHINA.—

15 (1) REPORT.—

16 (A) IN GENERAL.—Not later than 90 days
17 after the date of the enactment of this Act, the
18 Secretary of State shall select and seek to enter
19 into an agreement with a qualified research en-
20 tity that is independent of the Department of
21 State to write a report on censorship and in-
22 timidation in the United States and its posses-
23 sions and territories of United States persons,
24 including United States companies that conduct
25 business in the People's Republic of China,

1 which is directed or directly supported by the
2 Government of the People's Republic of China.

3 (B) MATTERS TO BE INCLUDED.—The re-
4 port required under subparagraph (A) shall—

5 (i) assess major trends, patterns, and
6 methods of the Government of the People's
7 Republic of China's efforts to direct or di-
8 rectly support censorship and intimidation
9 of United States persons, including United
10 States companies that conduct business in
11 the People's Republic of China, which are
12 exercising their right to freedom of speech;

13 (ii) assess, including through the use
14 of illustrative examples, as appropriate, the
15 impact on and consequences for United
16 States persons, including United States
17 companies that conduct business in the
18 People's Republic of China, that criticize—

19 (I) the Chinese Communist
20 Party;

21 (II) the Government of the Peo-
22 ple's Republic of China;

23 (III) the authoritarian model of
24 government of the People's Republic
25 of China; or

1 (IV) a particular policy advanced
2 by the Chinese Communist Party or
3 the Government of the People's Re-
4 public of China;

5 (iii) identify the implications for the
6 United States of the matters described in
7 clauses (i) and (ii);

8 (iv) assess the methods and evaluate
9 the efficacy of the efforts by the Govern-
10 ment of the People's Republic of China to
11 limit freedom of expression in the private
12 sector, including media, social media, film,
13 education, travel, financial services, sports
14 and entertainment, technology, tele-
15 communication, and internet infrastructure
16 interests;

17 (v) include policy recommendations
18 for the United States Government, includ-
19 ing recommendations regarding collabora-
20 tion with United States allies and partners,
21 to address censorship and intimidation by
22 the Government of the People's Republic of
23 China; and

24 (vi) include policy recommendations
25 for United States persons, including

1 United States companies that conduct
2 business in China, to address censorship
3 and intimidation by the Government of the
4 People's Republic of China.

5 (C) APPLICABILITY TO UNITED STATES
6 ALLIES AND PARTNERS.—To the extent prac-
7 ticable, the report required under subparagraph
8 (A) should identify implications and policy rec-
9 ommendations that are relevant to United
10 States allies and partners facing censorship and
11 intimidation directed or directly supported by
12 the Government of the People's Republic of
13 China.

14 (2) SUBMISSION OF REPORT.—

15 (A) IN GENERAL.—Not later than 1 year
16 after the date of the enactment of this Act, the
17 Secretary of State shall submit the report writ-
18 ten by the qualified research entity selected
19 pursuant to paragraph (1)(A) to the appro-
20 priate congressional committees.

21 (B) PUBLICATION.—The report referred to
22 in subparagraph (A) shall be made accessible to
23 the public online through relevant United
24 States Government websites.

1 (d) SUNSET.—This section shall terminate on the
2 date that is 5 years after the date of enactment of this
3 Act.

4 **PART 3—INCLUSION OF TAIWAN IN**
5 **INTERNATIONAL ORGANIZATIONS**

6 **SEC. 5516. FINDINGS.**

7 Congress makes the following findings:

8 (1) Since 2016, the Gambia, Sao Tome and
9 Principe, Panama, the Dominican Republic, Burkina
10 Faso, El Salvador, the Solomon Islands, and
11 Kiribati have severed diplomatic relations with Tai-
12 wan in favor of diplomatic relations with China.

13 (2) Taiwan was invited to participate in the
14 World Health Assembly (WHA), the decision-making
15 body of the World Health Organization (WHO), as
16 an observer annually between 2009 and 2016. Since
17 the 2016 election of President Tsai, the PRC has in-
18 creasingly resisted Taiwan's participation in the
19 WHA. Taiwan was not invited to attend the WHA
20 in 2017, 2018, 2019, 2020, or 2021.

21 (3) The Taipei Flight Information Region re-
22 portedly served 1,750,000 flights and 68,900,000
23 passengers in 2018, and is home to Taiwan Taoyuan
24 International Airport, the eleventh busiest airport in
25 the world. Taiwan has been excluded from partici-

1 pating at the International Civil Aviation Organiza-
2 tion (ICAO) since 2013.

3 (4) United Nations (UN) General Assembly
4 Resolution 2758 does not address the issue of rep-
5 resentation of Taiwan and its people at the United
6 Nations, nor does it give the PRC the right to rep-
7 resent the people of Taiwan.

8 **SEC. 5517. SENSE OF CONGRESS ON TAIWAN'S MEANINGFUL**
9 **PARTICIPATION IN THE INTERNATIONAL**
10 **COMMUNITY.**

11 It is the sense of Congress that—

12 (1) Taiwan is an important contributor to the
13 global community, as a model for democracy, and by
14 providing expertise in global health, international
15 aviation security, emerging technology development,
16 and high environmental standards;

17 (2) multiple United States Government admin-
18 istrations of both political parties have taken impor-
19 tant steps to advance Taiwan's meaningful partici-
20 pation in international organizations;

21 (3) existing efforts to enhance United States
22 cooperation with Taiwan to provide global public
23 goods, including through development assistance, hu-
24 manitarian assistance, and disaster relief, in tri-

1 lateral and multilateral fora are laudable and should
2 continue;

3 (4) nonetheless, significant structural, policy,
4 and legal barriers remain to advancing Taiwan's
5 meaningful participation in the international com-
6 munity; and

7 (5) efforts to share Taiwan's expertise with
8 other parts of the global community could be further
9 enhanced through a systematic approach, along with
10 greater attention from Congress and the American
11 public to such efforts.

12 **SEC. 5518. STRATEGY TO SUPPORT TAIWAN'S MEANINGFUL**
13 **PARTICIPATION IN INTERNATIONAL ORGANI-**
14 **ZATIONS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with other Federal departments and agen-
18 cies as appropriate, shall submit to the appropriate con-
19 gressional committees a strategy—

20 (1) to advance Taiwan's meaningful participa-
21 tion in a prioritized set of international organiza-
22 tions (IOs); and

23 (2) that responds to growing pressure from the
24 PRC on foreign governments, IOs, commercial ac-

1 tors, and civil society organizations to comply with
2 its “One-China Principle”, with respect to Taiwan.

3 (b) MATTERS TO BE INCLUDED.—The strategy re-
4 quired under subsection (a) should include the following
5 elements:

6 (1) An assessment of the methods the PRC
7 uses to coerce actors to into adhering to its “One-
8 China Principle.” The methods should include those
9 employed against governments, IOs, and civil society
10 organizations. The assessment should also include
11 pressure on commercial actors, to the extent it is rel-
12 evant in the context of Taiwan’s meaningful partici-
13 pation in IOs.

14 (2) An assessment of the policies of foreign gov-
15 ernments toward the PRC and Taiwan, to identify
16 likeminded allies and partners who might become
17 public or private partners in the strategy.

18 (3) A systematic analysis of all IOs, as prac-
19 ticable, to identify IOs that best lend themselves to
20 advancing Taiwan’s participation.

21 (4) A plan to expand economic, security, and
22 diplomatic engagement with nations that have de-
23 monstrably strengthened, enhanced, or upgraded re-
24 lations with Taiwan, in accordance with United
25 States interests.

1 (5) A survey of IOs that have allowed Taiwan's
2 meaningful participation, including an assessment of
3 whether any erosion in Taiwan's engagement has oc-
4 curred within those organizations and how Taiwan's
5 participation has positively strengthened the capacity
6 and activity of these organizations, thereby providing
7 positive models for Taiwan's inclusion in other simi-
8 lar forums.

9 (6) A list of no more than 20 IOs at which the
10 United States Government will prioritize for using
11 its voice, vote, and influence to advance Taiwan's
12 meaningful participation over the three-year period
13 following the date of enactment of this Act. The list
14 should be derived from the IOs identified in para-
15 graph (3).

16 (7) A description of the diplomatic strategies
17 and the coalitions the United States Government
18 plans to develop to implement paragraph (6).

19 (c) FORM OF REPORT.—The strategy required in
20 subsection (a) shall be classified, but it may include an
21 unclassified summary.

22 (d) SUPPORT FOR MEANINGFUL PARTICIPATION.—
23 The Permanent Representative of the United States to the
24 United Nations and other relevant United States officials

1 shall actively support Taiwan's meaningful participation
2 in all appropriate international organizations.

3 **SEC. 5519. MEANINGFUL PARTICIPATION OF TAIWAN IN**
4 **THE INTERNATIONAL CIVIL AVIATION ORGA-**
5 **NIZATION.**

6 (a) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that—

8 (1) the International Civil Aviation Organiza-
9 tion (ICAO) should allow Taiwan to meaningfully
10 participate in the organization, including in ICAO
11 triennial assembly sessions, conferences, technical
12 working groups, meetings, activities, and mecha-
13 nisms;

14 (2) Taiwan is a global leader and hub for inter-
15 national aviation, with a range of expertise, informa-
16 tion, and resources and the fifth busiest airport in
17 Asia (Taoyuan International Airport), and its mean-
18 ingful participation in ICAO would significantly en-
19 hance the ability of ICAO to ensure the safety and
20 security of global aviation; and

21 (3) coercion by the Chinese Communist Party
22 and the People's Republic of China has ensured the
23 systematic exclusion of Taiwan from meaningful par-
24 ticipation in ICAO, significantly undermining the

1 ability of ICAO to ensure the safety and security of
2 global aviation.

3 (b) PLAN FOR TAIWAN'S MEANINGFUL PARTICIPA-
4 TION IN THE INTERNATIONAL CIVIL AVIATION ORGANIZA-
5 TION.—The Secretary of State, in coordination with the
6 Secretary of Commerce and the Secretary of Transpor-
7 tation, is authorized—

8 (1) to initiate a United States plan to secure
9 Taiwan's meaningful participation in ICAO, includ-
10 ing in ICAO triennial assembly sessions, con-
11 ferences, technical working groups, meetings, activi-
12 ties, and mechanisms; and

13 (2) to instruct the United States representative
14 to the ICAO to—

15 (A) use the voice and vote of the United
16 States to ensure Taiwan's meaningful participa-
17 tion in ICAO, including in ICAO triennial as-
18 sembly sessions, conferences, technical working
19 groups, meetings, activities, and mechanisms;
20 and

21 (B) seek to secure a vote at the next ICAO
22 triennial assembly session on the question of
23 Taiwan's participation in that session.

24 (c) REPORT CONCERNING TAIWAN'S MEANINGFUL
25 PARTICIPATION IN THE INTERNATIONAL CIVIL AVIATION

1 ORGANIZATION.—Not later than 90 days after the date
2 of the enactment of this Act, and not later than April 1
3 of each year thereafter for the following 6 years, the Sec-
4 retary of State, in coordination with the Secretary of Com-
5 merce, shall submit to the Committee on Foreign Rela-
6 tions and the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on For-
8 eign Affairs, the Committee on Transportation and Infra-
9 structure, and the Committee on Energy and Commerce
10 of the House of Representatives an unclassified report
11 that—

12 (1) describes the United States plan to ensure
13 Taiwan’s meaningful participation in ICAO, includ-
14 ing in ICAO triennial assembly sessions, con-
15 ferences, technical working groups, meetings, activi-
16 ties, and mechanisms;

17 (2) includes an account of the efforts made by
18 the Secretary of State and the Secretary of Com-
19 merce to ensure Taiwan’s meaningful participation
20 in ICAO, including in ICAO triennial assembly ses-
21 sions, conferences, technical working groups, meet-
22 ings, activities, and mechanisms; and

23 (3) identifies the steps the Secretary of State
24 and the Secretary of Commerce will take in the next
25 year to ensure Taiwan’s meaningful participation in

1 ICAO, including in ICAO triennial assembly ses-
2 sions, conferences, technical working groups, meet-
3 ings, activities, and mechanisms.

4 **PART 4—MISCELLANEOUS PROVISIONS**

5 **SEC. 5520. REPORT ON TAIWAN TRAVEL ACT.**

6 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means—

9 (1) the Committee on Foreign Relations of the
10 Senate;

11 (2) the Committee on Armed Services of the
12 Senate;

13 (3) the Committee on Appropriations of the
14 Senate;

15 (4) the Committee on Foreign Affairs of the
16 House of Representatives;

17 (5) the Committee on Armed Services of the
18 House of Representatives; and

19 (6) the Committee on Appropriations of the
20 House of Representatives.

21 (b) LIST OF HIGH-LEVEL VISITS.—Not later than
22 180 days after the date of the enactment of this Act, and
23 annually thereafter for 5 years, the Secretary of State, in
24 accordance with the Taiwan Travel Act (Public Law 115–

1 135), shall submit to the appropriate committees of Con-
2 gress—

3 (1) a list of high-level officials from the United
4 States Government who have traveled to Taiwan on
5 or after the date of the enactment of the Taiwan
6 Travel Act; and

7 (2) a list of high-level officials of Taiwan who
8 have entered the United States on or after such date
9 of enactment.

10 (c) ANNUAL REPORT.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of the enactment of this Act, and annually
13 thereafter for 5 years, the Secretary of State shall
14 submit to the appropriate committees of Congress a
15 report on the implementation of the Taiwan Travel
16 Act (Public Law 115–135; 132 Stat. 341), including
17 a discussion of its positive effects on United States
18 interests in the region.

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

1 **SEC. 5521. AMENDMENTS TO THE TAIWAN ALLIES INTER-**
2 **NATIONAL PROTECTION AND ENHANCEMENT**
3 **INITIATIVE (TAIPEI) ACT OF 2019.**

4 The Taiwan Allies International Protection and En-
5 hancement Initiative (TAIPEI) Act of 2019 (Public Law
6 116–135) is amended—

7 (1) in section 2(5), by striking “and Kiribati”
8 and inserting “Kiribati, and Nicaragua,”;

9 (2) in section 4—

10 (A) in the matter preceding paragraph (1),
11 by striking “should be” and inserting “is”;

12 (B) in paragraph (2), by striking “and” at
13 the end;

14 (C) in paragraph (3), by striking the pe-
15 riod at the end and inserting “; and”; and

16 (D) by adding at the end the following:

17 “(4) to support Taiwan’s diplomatic relations
18 with governments and countries”; and

19 (3) in section 5—

20 (A) in subsection (a)—

21 (i) in paragraph (2), by striking
22 “and” at the end;

23 (ii) in paragraph (3), by striking the
24 period at the end and inserting “; and”;

25 and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(4) identify why governments and countries
4 have altered their diplomatic status vis-a-vis Taiwan
5 and make recommendations to mitigate further dete-
6 rioration in Taiwan’s diplomatic relations with gov-
7 ernments and countries.”;

8 (B) in subsection (b), by striking “1 year
9 after the date of the enactment of this Act, and
10 annually thereafter for five years, the Secretary
11 of State shall report” and inserting “90 days
12 after the date of the enactment of the Taiwan
13 Enhanced Resilience Act, and annually there-
14 after for the following 7 years, the Secretary of
15 State shall submit an unclassified report, with
16 a classified annex,”;

17 (C) by redesignating subsection (e) as sub-
18 section (d); and

19 (D) by inserting after subsection (b) the
20 following:

21 “(c) BRIEFINGS.—Not later than 90 days after the
22 date of the enactment of the Taiwan Enhanced Resilience
23 Act, and annually thereafter for the following 7 years, the
24 Secretary of State shall provide briefings to the appro-
25 priate congressional committees on the steps taken in ac-

1 cordance with section (a). The briefings required under
2 this subsection shall take place in an unclassified setting,
3 but may be accompanied by an additional classified brief-
4 ing.”.

5 **SEC. 5522. REPORT ON ROLE OF PEOPLE’S REPUBLIC OF**
6 **CHINA’S NUCLEAR THREAT IN ESCALATION**
7 **DYNAMICS.**

8 (a) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Foreign Relations of the
12 Senate;

13 (2) the Committee on Armed Services of the
14 Senate;

15 (3) the Select Committee on Intelligence of the
16 Senate;

17 (4) the Committee on Foreign Affairs of the
18 House of Representatives;

19 (5) the Committee on Armed Services of the
20 House of Representatives; and

21 (6) the Permanent Select Committee on Intel-
22 ligence of the House of Representatives.

23 (b) IN GENERAL.—Not later than 90 days after the
24 date of the enactment of this Act, the Secretary of State,
25 in consultation with the Secretary of Defense and the Di-

1 rector of National Intelligence, shall submit to the appro-
2 priate congressional committees a report assessing the role
3 of the increasing nuclear threat of the People’s Republic
4 of China in escalation dynamics with respect to Taiwan.

5 (c) FORM.—The report required by subsection (b)
6 shall be submitted in classified form, but may include an
7 unclassified summary.

8 **SEC. 5523. REPORT ANALYZING THE IMPACT OF RUSSIA’S**
9 **WAR AGAINST UKRAINE ON THE OBJECTIVES**
10 **OF THE PEOPLE’S REPUBLIC OF CHINA WITH**
11 **RESPECT TO TAIWAN.**

12 (a) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term “appropriate con-
14 gressional committees” means—

15 (1) the Committee on Foreign Relations of the
16 Senate;

17 (2) the Committee on Armed Services of the
18 Senate;

19 (3) the Committee on Appropriations of the
20 Senate;

21 (4) the Select Committee on Intelligence of the
22 Senate;

23 (5) the Committee on Banking, Housing, and
24 Urban Affairs of the Senate;

1 (6) the Committee on Commerce, Science, and
2 Transportation of the Senate;

3 (7) the Committee on Foreign Affairs of the
4 House of Representatives;

5 (8) the Committee on Armed Services of the
6 House of Representatives;

7 (9) the Committee on Appropriations of the
8 House of Representatives;

9 (10) the Permanent Select Committee on Intel-
10 ligence of the House of Representatives;

11 (11) the Committee on Financial Services of
12 the House of Representatives; and

13 (12) the Committee on Energy and Commerce
14 of the House of Representatives.

15 (b) IN GENERAL.—Not later than 90 days after the
16 date of the enactment of this Act, the Secretary of State,
17 in consultation with the Secretary of Defense and the Di-
18 rector of National Intelligence, shall submit a report to
19 the appropriate congressional committees that analyzes
20 the impact of Russia’s war against Ukraine on the PRC’s
21 diplomatic, military, economic, and propaganda objectives
22 with respect to Taiwan.

23 (c) ELEMENTS.—The report required by subsection
24 (b) shall describe—

1 (1) adaptations or known changes to PRC
2 strategies and military doctrine that the United
3 States assesses are a direct result of the Russian in-
4 vasion of Ukraine or that the United States assesses
5 represent lessons learned by the People's Republic of
6 China in light of Russia's invasion of Ukraine, in-
7 cluding changes—

8 (A) to PRC behavior in international fo-
9 rums;

10 (B) within the People's Liberation Army,
11 with respect to the size of forces, the makeup
12 of leadership, weapons procurement, equipment
13 upkeep, the doctrine on the use of specific
14 weapons, such as weapons banned under the
15 international law of armed conflict, efforts to
16 move weapons supply chains onto mainland
17 PRC, or any other changes in its military strat-
18 egy with respect to Taiwan;

19 (C) in economic planning, such as sanc-
20 tions evasion, efforts to minimize exposure to
21 sanctions, or moves in support of the protection
22 of currency or other strategic reserves;

23 (D) to propaganda, disinformation, and
24 other information operations originating in the
25 PRC; and

1 (E) to the PRC's strategy for the use of
2 force against Taiwan, including any information
3 on preferred scenarios or operations to secure
4 its objectives in Taiwan, adjustments based on
5 how the Russian military has performed in
6 Ukraine, and other relevant matters; and

7 (2) United States plans to adapt policies and
8 military planning in response to the changes referred
9 to in paragraph (1).

10 (d) FORM.—The report required by subsection (b)
11 shall be submitted in classified form.

12 (e) COORDINATION WITH ALLIES AND PARTNERS.—
13 The Secretary of State shall share information contained
14 in the report required by subsection (b), as appropriate,
15 with appropriate officials of allied and partners, including
16 Taiwan and other partners in Europe and in the Indo-
17 Pacific.

18 **SEC. 5524. EXPANDING UNITED STATES-TAIWAN DEVELOP-**
19 **MENT COOPERATION.**

20 (a) IN GENERAL.—No later than 120 days following
21 the date of enactment of this Act, the Secretary of State,
22 in consultation with the Administrator of the United
23 States Agency for International Development (USAID),
24 the United States International Development Finance
25 Corporation (DFC), and the heads of other relevant Fed-

1 eral departments and agencies that provide international
2 economic assistance and other support, shall submit to
3 Congress a report on cooperation with Taiwan on trilateral
4 and multilateral development initiatives through the
5 American Institute in Taiwan as appropriate.

6 (b) MATTERS TO BE INCLUDED.—The report re-
7 quired by subsection (a) shall include the following ele-
8 ments:

9 (1) A comprehensive review of existing coopera-
10 tion mechanisms and initiatives among USAID,
11 DFC, other relevant Federal agencies that provide
12 international economic assistance and other support,
13 and relevant departments and agencies in Taiwan,
14 including Taiwan's International Cooperation and
15 Development Fund (ICDF).

16 (2) An assessment of how United States devel-
17 opment cooperation with relevant departments and
18 agencies in Taiwan compares to comparable coopera-
19 tion with partners of similar economic size and for-
20 eign assistance capacity to Taiwan.

21 (3) An analysis of the opportunities and chal-
22 lenges the cooperation reviewed in paragraph (1) has
23 offered to date. The analysis shall include—

24 (A) opportunities that collaboration has of-
25 fered to expand the United States Govern-

1 ment’s ability to deliver support, assistance, and
2 other international financial products into a
3 wider range communities;

4 (B) sectors where USAID, DFC, ICDF,
5 other relevant Federal agencies that provide
6 international economic assistance and other
7 support in both Taiwan and the United States,
8 or the organizations’ implementing partners
9 have a comparative advantage in providing as-
10 sistance;

11 (C) opportunities to transition capacity
12 building events with relevant departments and
13 agencies in Taiwan, through the Global Co-
14 operation and Training Framework as well as
15 other forums, into enduring forms of develop-
16 ment cooperation.

17 (4) An assessment of any legal, policy,
18 logistical, financial, or administrative barriers to ex-
19 panding cooperation in trilateral or multilateral de-
20 velopment. The analysis shall include—

21 (A) availability of personnel at the Amer-
22 ican Institute in Taiwan responsible for coordi-
23 nating development assistance cooperation;

24 (B) volume of current cooperation initia-
25 tives and barriers to expanding them;

1 (C) diplomatic, policy, or legal barriers fac-
2 ing the United States or other partners to in-
3 cluding Taiwan in formal and informal multilat-
4 eral development cooperation mechanisms;

5 (D) resource or capacity barriers to ex-
6 panding cooperation facing the United States or
7 Taiwan; and

8 (E) geopolitical barriers that complicate
9 United States-Taiwan cooperation in third
10 countries.

11 (5) Recommendations to address the challenges
12 identified in paragraph (4).

13 (6) A description of any additional resources or
14 authorities that expanding cooperation might re-
15 quire.

16 (c) FORM OF REPORT.—The strategy required under
17 subsection (a) shall be submitted in unclassified form, but
18 may include a classified annex.

19 **SEC. 5525. SENSE OF CONGRESS ON EXPANDING UNITED**
20 **STATES ECONOMIC RELATIONS WITH TAI-**
21 **WAN.**

22 It is the sense of the Congress that—

23 (1) expanding United States economic relations
24 with Taiwan has benefitted the people of both the
25 United States and Taiwan, as Taiwan is now the

1 United States 10th largest goods trading partner,
2 13th largest export market, 13th largest source of
3 imports, and a key destination for United States ag-
4 ricultural exports;

5 (2) further integration would benefit both peo-
6 ples and is in the strategic and diplomatic interests
7 of the United States; and

8 (3) the United States should explore opportuni-
9 ties to expand economic agreements between Taiwan
10 and the United States, through dialogue, and by de-
11 veloping the legal templates required to support po-
12 tential future agreements.

13 **PART 5—SUPPORTING UNITED STATES EDU-**
14 **CATIONAL AND EXCHANGE PROGRAMS WITH**
15 **TAIWAN**

16 **SEC. 5526. SHORT TITLE.**

17 This part may be cited as the “Taiwan Fellowship
18 Act”.

19 **SEC. 5527. FINDINGS.**

20 Congress makes the following findings:

21 (1) The Taiwan Relations Act (Public Law 96–
22 8; 22 U.S.C. 3301 et seq.) affirmed United States
23 policy “to preserve and promote extensive, close, and
24 friendly commercial, cultural, and other relations be-
25 tween the people of the United States and the people

1 on Taiwan, as well as the people on the China main-
2 land and all other peoples of the Western Pacific
3 area”.

4 (2) Consistent with the Asia Reassurance Ini-
5 tiative Act of 2018 (Public Law 115–409), the
6 United States has grown its strategic partnership
7 with Taiwan’s vibrant democracy of 23,000,000 peo-
8 ple.

9 (3) The creation of a United States fellowship
10 program with Taiwan would support—

11 (A) a key priority of expanding people-to-
12 people exchanges, which was outlined in Presi-
13 dent Donald J. Trump’s 2017 National Secu-
14 rity Strategy;

15 (B) President Joseph R. Biden’s commit-
16 ment to Taiwan, “a leading democracy and a
17 critical economic and security partner”, as ex-
18 pressed in his March 2021 Interim National Se-
19 curity Strategic Guidance; and

20 (C) April 2021 guidance from the Depart-
21 ment of State based on a review required under
22 the Taiwan Assurance Act of 2020 (subtitle B
23 of title III of division FF of Public Law 116–
24 260) to “encourage U.S. government engage-

1 ment with Taiwan that reflects our deepening
2 unofficial relationship”.

3 **SEC. 5528. PURPOSES.**

4 The purposes of this part are—

5 (1) to further strengthen the United States-Tai-
6 wan strategic partnership and broaden under-
7 standing of the Indo-Pacific region by temporarily
8 assigning officials of any agencies of the United
9 States Government to Taiwan for intensive study in
10 Mandarin and placement as Fellows in a Taiwanese
11 civic institution;

12 (2) to provide for eligible United States per-
13 sonnel—

14 (A) to learn or strengthen Mandarin Chi-
15 nese language skills; and

16 (B) to expand their understanding of the
17 political economy of Taiwan and the Indo-Pa-
18 cific region; and

19 (3) to better position the United States to ad-
20 vance its economic, security, and human rights in-
21 terests and values in the Indo-Pacific region.

22 **SEC. 5529. DEFINITIONS.**

23 In this part:

24 (1) **AGENCY HEAD.**—The term “agency head”
25 means, in the case of the executive branch of United

1 States Government or a legislative branch agency
2 described in paragraph (2), the head of the respec-
3 tive agency.

4 (2) AGENCY OF THE UNITED STATES GOVERN-
5 MENT.—The term “agency of the United States
6 Government” includes the Government Account-
7 ability Office, the Congressional Budget Office, and
8 the Congressional Research Service of the legislative
9 branch, as well as any agency of the executive
10 branch.

11 (3) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the Committee on Foreign Relations of
15 the Senate;

16 (B) the Committee on Appropriations of
17 the Senate;

18 (C) the Committee on Foreign Affairs of
19 the House of Representatives; and

20 (D) the Committee on Appropriations of
21 the House of Representatives.

22 (4) DETAILEE.—The term “detailee” means—

23 (A) an employee of an agency of the
24 United States Government on loan to the Amer-
25 ican Institute in Taiwan, without a change of

1 position from the agency at which the employee
2 is employed; and

3 (B) a legislative branch employee from the
4 Government Accountability Office, Congres-
5 sional Budget Office, or the Congressional Re-
6 search Service.

7 (5) IMPLEMENTING PARTNER.—The term “im-
8 plementing partner” means any United States orga-
9 nization described in section 501(c)(3) of the Inter-
10 nal Revenue Code of 1986 that—

11 (A) performs logistical, administrative, and
12 other functions, as determined by the Depart-
13 ment of State and the American Institute of
14 Taiwan in support of the Taiwan Fellowship
15 Program; and

16 (B) enters into a cooperative agreement
17 with the American Institute in Taiwan to ad-
18 minister the Taiwan Fellowship Program.

19 (6) PROGRAM.—The term “Program” means
20 the Taiwan Fellowship Program established pursu-
21 ant to section 5530.

22 **SEC. 5530. TAIWAN FELLOWSHIP PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary of State shall
24 establish the Taiwan Fellowship Program (referred to in
25 this section as the “Program”) to provide a fellowship op-

1 opportunity in Taiwan of up to 2 years for eligible United
2 States citizens. The Department of State, in consultation
3 with the American Institute in Taiwan and the imple-
4 menting partner, may modify the name of the Program.

5 (b) COOPERATIVE AGREEMENT.—

6 (1) IN GENERAL.—The American Institute in
7 Taiwan should use amounts appropriated pursuant
8 to section 5533(a) to enter into an annual or multi-
9 year cooperative agreement with an appropriate im-
10 plementing partner.

11 (2) FELLOWSHIPS.—The Department of State
12 or the American Institute in Taiwan, in consultation
13 with, as appropriate, the implementing partner,
14 should award to eligible United States citizens, sub-
15 ject to available funding—

16 (A) approximately 5 fellowships during the
17 first 2 years of the Program; and

18 (B) approximately 10 fellowships during
19 each of the remaining years of the Program.

20 (c) AMERICAN INSTITUTION IN TAIWAN AGREEMENT;
21 IMPLEMENTING PARTNER.—Not later than 30 days after
22 the date of the enactment of this Act, the American Insti-
23 tute in Taiwan, in consultation with the Department of
24 State, should—

1 (1) begin negotiations with the Taipei Economic
2 and Cultural Representative Office, or with another
3 appropriate entity, for the purpose of entering into
4 an agreement to facilitate the placement of fellows
5 in an agency of Taiwan; and

6 (2) begin the process of selecting an imple-
7 menting partner, which—

8 (A) shall agree to meet all of the legal re-
9 quirements required to operate in Taiwan; and

10 (B) shall be composed of staff who dem-
11 onstrate significant experience managing ex-
12 change programs in the Indo-Pacific region.

13 (d) CURRICULUM.—

14 (1) FIRST YEAR.—During the first year of each
15 fellowship under this section, each fellow should
16 study—

17 (A) the Mandarin Chinese language;

18 (B) the people, history, and political cli-
19 mate on Taiwan; and

20 (C) the issues affecting the relationship be-
21 tween the United States and the Indo-Pacific
22 region.

23 (2) SECOND YEAR.—During the second year of
24 each fellowship under this section, each fellow, sub-
25 ject to the approval of the Department of State, the

1 American Institute in Taiwan, and the implementing
2 partner, and in accordance with the purposes of this
3 subtitle, should work in—

4 (A) a parliamentary office, ministry, or
5 other agency of Taiwan; or

6 (B) an organization outside the public sec-
7 tor in Taiwan, whose interests are associated
8 with the interests of the fellow and the agency
9 of the United States Government from which
10 the fellow is or had been employed.

11 (e) PROGRAM REQUIREMENTS.—

12 (1) ELIGIBILITY REQUIREMENTS.—A United
13 States citizen is eligible for a fellowship under this
14 section if the citizen—

15 (A) is an employee of the United States
16 Government;

17 (B) has received at least one exemplary
18 performance review in his or her current United
19 States Government role within at least the last
20 three years prior to beginning the fellowship;

21 (C) has at least 2 years of experience in
22 any branch of the United States Government;

23 (D) has a demonstrated professional or
24 educational background in the relationship be-

1 tween the United States and countries in the
2 Indo-Pacific region; and

3 (E) has demonstrated his or her commit-
4 ment to further service in the United States
5 Government.

6 (2) RESPONSIBILITIES OF FELLOWS.—Each re-
7 cipient of a fellowship under this section shall agree,
8 as a condition of such fellowship—

9 (A) to maintain satisfactory progress in
10 language training and appropriate behavior in
11 Taiwan, consistent with United States Govern-
12 ment policy toward Taiwan, as determined by
13 the Department of State, the American Insti-
14 tute in Taiwan and, as appropriate, its imple-
15 menting partner;

16 (B) to refrain from engaging in any intel-
17 ligence or intelligence-related activity on behalf
18 of the United States Government; and

19 (C) to continue Federal Government em-
20 ployment for a period of not less than 4 years
21 after the conclusion of the fellowship or for not
22 less than 2 years for a fellowship that is 1 year
23 or shorter.

24 (3) RESPONSIBILITIES OF IMPLEMENTING
25 PARTNER.—

1 (A) SELECTION OF FELLOWS.—The imple-
2 menting partner, with the concurrence of the
3 Department of State and the American Insti-
4 tute in Taiwan, shall—

5 (i) make efforts to recruit fellowship
6 candidates who reflect the diversity of the
7 United States;

8 (ii) select fellows for the Taiwan Fel-
9 lowship Program based solely on merit,
10 with appropriate supervision from the De-
11 partment of State and the American Insti-
12 tute in Taiwan; and

13 (iii) prioritize the selection of can-
14 didates willing to serve in a fellowship last-
15 ing 1 year or longer.

16 (B) FIRST YEAR.—The implementing part-
17 ner should provide each fellow in the first year
18 (or shorter duration, as jointly determined by
19 the Department of State and the American In-
20 stitute in Taiwan for those who are not serving
21 a 2-year fellowship) with—

22 (i) intensive Mandarin Chinese lan-
23 guage training; and

1 (ii) courses in the politics, culture,
2 and history of Taiwan, China, and the
3 broader Indo-Pacific.

4 (C) WAIVER OF FIRST-YEAR TRAINING.—
5 The Department of State, in coordination with
6 the American Institute in Taiwan and, as ap-
7 propriate, the implementing partner, may waive
8 any of the training required under paragraph
9 (2) to the extent that a fellow has Mandarin
10 language skills, knowledge of the topic de-
11 scribed in subparagraph (B)(ii), or for other re-
12 lated reasons approved by the Department of
13 State and the American Institute in Taiwan. If
14 any of the training requirements are waived for
15 a fellow serving a 2-year fellowship, the training
16 portion of his or her fellowship may be short-
17 ened to the extent appropriate.

18 (D) OFFICE; STAFFING.—The imple-
19 menting partner, in consultation with the De-
20 partment of State and the American Institute
21 in Taiwan, may maintain an office and at least
22 1 full-time staff member in Taiwan—

23 (i) to liaise with the American Insti-
24 tute in Taiwan and institutions of Taiwan;
25 and

1 (ii) to serve as the primary in-country
2 point of contact for the recipients of fellow-
3 ships under this part and their dependents.

4 (E) OTHER FUNCTIONS.—The imple-
5 menting partner may perform other functions
6 in association with support of the Taiwan Fel-
7 lowship Program, including logistical and ad-
8 ministrative functions, as prescribed by the De-
9 partment of State and the American Institute
10 in Taiwan.

11 (4) NONCOMPLIANCE.—

12 (A) IN GENERAL.—Any fellow who fails to
13 comply with the requirements under this section
14 shall reimburse the American Institute in Tai-
15 wan, or the appropriate United States Govern-
16 ment agency for—

17 (i) the Federal funds expended for the
18 fellow's participation in the fellowship, as
19 set forth in subparagraphs (B) and (C);
20 and

21 (ii) interest accrued on such funds
22 (calculated at the prevailing rate).

23 (B) FULL REIMBURSEMENT.—Any fellow
24 who violates subparagraph (A) or (B) of para-
25 graph (2) shall reimburse the American Insti-

1 tute in Taiwan, or the appropriate United
2 States Government agency, in an amount equal
3 to the sum of—

4 (i) all of the Federal funds expended
5 for the fellow's participation in the fellow-
6 ship; and

7 (ii) interest on the amount specified in
8 subparagraph (A), which shall be cal-
9 culated at the prevailing rate.

10 (C) PRO RATA REIMBURSEMENT.—Any fel-
11 low who violates subparagraph (C) of paragraph
12 (2) shall reimburse the American Institute in
13 Taiwan, or the appropriate United States Gov-
14 ernment agency, in an amount equal to the dif-
15 ference between—

16 (i) the amount specified in subpara-
17 graph (B); and

18 (ii) the product of—

19 (I) the amount the fellow re-
20 ceived in compensation during the
21 final year of the fellowship, including
22 the value of any allowances and bene-
23 fits received by the fellow; multiplied
24 by

1 (II) the percentage of the period
2 specified in paragraph (2)(C) during
3 which the fellow did not remain em-
4 ployed by the Federal Government.

5 (f) FLEXIBLE FELLOWSHIP DURATION.—Notwith-
6 standing any requirement under this section, the Sec-
7 retary of State, in consultation with the American Insti-
8 tute in Taiwan and, as appropriate, the implementing
9 partner, may award fellowships that have a duration of
10 less than 2 years, and may alter the curriculum require-
11 ments under subsection (d) for such purposes.

12 (g) SUNSET.—The fellowship program under this
13 part shall terminate 7 years after the date of the enact-
14 ment of this Act.

15 **SEC. 5531. REPORTS AND AUDITS.**

16 (a) ANNUAL REPORT.—Not later than 90 days after
17 the selection of the first class of fellows under this part,
18 and annually thereafter for 7 years, the Department of
19 State shall offer to brief the appropriate committees of
20 Congress regarding the following issues:

21 (1) An assessment of the performance of the
22 implementing partner in fulfilling the purposes of
23 this part.

24 (2) The names and sponsoring agencies of the
25 fellows selected by the implementing partner and the

1 extent to which such fellows represent the diversity
2 of the United States.

3 (3) The names of the parliamentary offices,
4 ministries, other agencies of Taiwan, and nongovern-
5 mental institutions to which each fellow was as-
6 signed during the second year of the fellowship.

7 (4) Any recommendations, as appropriate, to
8 improve the implementation of the Taiwan Fellow-
9 ship Program, including added flexibilities in the ad-
10 ministration of the program.

11 (5) An assessment of the Taiwan Fellowship
12 Program's value upon the relationship between the
13 United States and Taiwan or the United States and
14 Asian countries.

15 (b) ANNUAL FINANCIAL AUDIT.—

16 (1) IN GENERAL.—The financial records of any
17 implementing partner shall be audited annually in
18 accordance with generally accepted government au-
19 diting standards by independent certified public ac-
20 countants or independent licensed public accountants
21 who are certified or licensed by a regulatory author-
22 ity of a State or another political subdivision of the
23 United States.

24 (2) LOCATION.—Each audit under paragraph
25 (1) shall be conducted at the place or places where

1 the financial records of the implementing partner
2 are normally kept.

3 (3) ACCESS TO DOCUMENTS.—The imple-
4 menting partner shall make available to the account-
5 ants conducting an audit under paragraph (1)—

6 (A) all books, financial records, files, other
7 papers, things, and property belonging to, or in
8 use by, the implementing partner that are nec-
9 essary to facilitate the audit; and

10 (B) full facilities for verifying transactions
11 with the balances or securities held by deposi-
12 tories, fiscal agents, and custodians.

13 (4) REPORT.—

14 (A) IN GENERAL.—Not later than 270
15 days after the end of each fiscal year, the im-
16 plementing partner shall provide a report of the
17 audit conducted for such fiscal year under para-
18 graph (1) to the Department of State and the
19 American Institute in Taiwan.

20 (B) CONTENTS.—Each audit report
21 shall—

22 (i) set forth the scope of the audit;

23 (ii) include such statements, along
24 with the auditor's opinion of those state-
25 ments, as may be necessary to present fair-

1 ly the implementing partner's assets and
2 liabilities, surplus or deficit, with reason-
3 able detail;

4 (iii) include a statement of the imple-
5 menting partner's income and expenses
6 during the year; and

7 (iv) include a schedule of—

8 (I) all contracts and cooperative
9 agreements requiring payments great-
10 er than \$5,000; and

11 (II) any payments of compensa-
12 tion, salaries, or fees at a rate greater
13 than \$5,000 per year.

14 (C) COPIES.—Each audit report shall be
15 produced in sufficient copies for distribution to
16 the public.

17 **SEC. 5532. TAIWAN FELLOWS ON DETAIL FROM GOVERN-**
18 **MENT SERVICE.**

19 (a) IN GENERAL.—

20 (1) DETAIL AUTHORIZED.—With the approval
21 of the Secretary of State, an agency head may de-
22 tail, for a period of not more than 2 years, an em-
23 ployee of the agency of the United States Govern-
24 ment who has been awarded a fellowship under this
25 part, to the American Institute in Taiwan for the

1 purpose of assignment to Taiwan or an organization
2 described in section 5530(d)(2)(B).

3 (2) AGREEMENT.—Each detailee shall enter
4 into a written agreement with the Federal Govern-
5 ment before receiving a fellowship, in which the fel-
6 low shall agree—

7 (A) to continue in the service of the spon-
8 soring agency at the end of fellowship for a pe-
9 riod of at least 4 years (or at least 2 years if
10 the fellowship duration is 1 year or shorter) un-
11 less the detailee is involuntarily separated from
12 the service of such agency; and

13 (B) to pay to the American Institute in
14 Taiwan, or the United States Government agen-
15 cy, as appropriate, any additional expenses in-
16 curred by the Federal Government in connec-
17 tion with the fellowship if the detailee volun-
18 tarily separates from service with the spon-
19 soring agency before the end of the period for
20 which the detailee has agreed to continue in the
21 service of such agency.

22 (3) EXCEPTION.—The payment agreed to under
23 paragraph (2)(B) may not be required from a
24 detailee who leaves the service of the sponsoring
25 agency to enter into the service of another agency of

1 the United States Government unless the head of
2 the sponsoring agency notifies the detailee before the
3 effective date of entry into the service of the other
4 agency that payment will be required under this sub-
5 section.

6 (b) STATUS AS GOVERNMENT EMPLOYEE.—A
7 detailee—

8 (1) is deemed, for the purpose of preserving al-
9 lowances, privileges, rights, seniority, and other ben-
10 efits, to be an employee of the sponsoring agency;

11 (2) is entitled to pay, allowances, and benefits
12 from funds available to such agency, which is
13 deemed to comply with section 5536 of title 5,
14 United States Code; and

15 (3) may be assigned to a position with an entity
16 described in section 5530(d)(2)(A) if acceptance of
17 such position does not involve—

18 (A) the taking of an oath of allegiance to
19 another government; or

20 (B) the acceptance of compensation or
21 other benefits from any foreign government by
22 such detailee.

23 (c) RESPONSIBILITIES OF SPONSORING AGENCY.—

24 (1) IN GENERAL.—The Federal agency from
25 which a detailee is detailed should provide the fellow

1 allowances and benefits that are consistent with De-
2 partment of State Standardized Regulations or other
3 applicable rules and regulations, including—

4 (A) a living quarters allowance to cover the
5 cost of housing in Taiwan;

6 (B) a cost of living allowance to cover any
7 possible higher costs of living in Taiwan;

8 (C) a temporary quarters subsistence al-
9 lowance for up to 7 days if the fellow is unable
10 to find housing immediately upon arriving in
11 Taiwan;

12 (D) an education allowance to assist par-
13 ents in providing the fellow's minor children
14 with educational services ordinarily provided
15 without charge by public schools in the United
16 States;

17 (E) moving expenses to transport personal
18 belongings of the fellow and his or her family
19 in their move to Taiwan, which is comparable
20 to the allowance given for American Institute in
21 Taiwan employees assigned to Taiwan; and

22 (F) an economy-class airline ticket to and
23 from Taiwan for each fellow and the fellow's
24 immediate family.

1 (2) MODIFICATION OF BENEFITS.—The Amer-
2 ican Institute in Taiwan and its implementing part-
3 ner, with the approval of the Department of State,
4 may modify the benefits set forth in paragraph (1)
5 if such modification is warranted by fiscal cir-
6 cumstances.

7 (d) NO FINANCIAL LIABILITY.—The American Insti-
8 tute in Taiwan, the implementing partner, and Taiwan or
9 non-public sector entities in Taiwan at which a fellow is
10 detailed during the second year of the fellowship may not
11 be held responsible for the pay, allowances, or any other
12 benefit normally provided to the detailee.

13 (e) REIMBURSEMENT.—Fellows may be detailed
14 under subsection (a)(1) without reimbursement to the
15 United States by the American Institute in Taiwan.

16 (f) ALLOWANCES AND BENEFITS.—Detailees may be
17 paid by the American Institute in Taiwan for the allow-
18 ances and benefits listed in subsection (e).

19 **SEC. 5533. FUNDING.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the American Insti-
22 tute in Taiwan—

23 (1) for fiscal year 2023, \$2,900,000, of which—
24 (A) \$500,000 should be used to launch the
25 Taiwan Fellowship Program through a competi-

1 tive cooperative agreement with an appropriate
2 implementing partner;

3 (B) \$2,300,000 should be used to fund a
4 cooperative agreement with an appropriate im-
5 plementing partner; and

6 (C) \$100,000 should be used for manage-
7 ment expenses of the American Institute in Tai-
8 wan related to the management of the Taiwan
9 Fellowship Program; and

10 (2) for fiscal year 2024, and each succeeding
11 fiscal year, \$2,400,000, of which—

12 (A) \$2,300,000 should be used for a coop-
13 erative agreement to the appropriate imple-
14 menting partner; and

15 (B) \$100,000 should be used for manage-
16 ment expenses of the American Institute in Tai-
17 wan related to the management of the Taiwan
18 Fellowship Program.

19 (b) PRIVATE SOURCES.—The implementing partner
20 selected to implement the Taiwan Fellowship Program
21 may accept, use, and dispose of gifts or donations of serv-
22 ices or property in carrying out such program, subject to
23 the review and approval of the American Institute in Tai-
24 wan.

1 **SEC. 5534. STUDY AND REPORT.**

2 Not later than 1 year prior to the sunset of the fel-
3 lowship program under section 5530(g), the Comptroller
4 General of the United States shall conduct a study and
5 submit to the Committee on Foreign Relations of the Sen-
6 ate and the Committee on Foreign Affairs of the House
7 a report that includes—

8 (1) an analysis of the United States Govern-
9 ment participants in this program, including the
10 number of applicants and the number of fellowships
11 undertaken, the place of employment, and an assess-
12 ment of the costs and benefits for participants and
13 for the United States Government of such fellow-
14 ships;

15 (2) an analysis of the financial impact of the
16 fellowship on United States Government offices
17 which have provided fellows to participate in the pro-
18 gram; and

19 (3) recommendations, if any, on how to improve
20 the fellowship program.

21 **SEC. 5535. SUPPORTING UNITED STATES EDUCATIONAL**
22 **AND EXCHANGE PROGRAMS WITH TAIWAN.**

23 (a) ESTABLISHMENT OF THE UNITED STATES-TAI-
24 WAN CULTURAL EXCHANGE FOUNDATION.—The Sec-
25 retary of State should consider establishing an inde-
26 pendent nonprofit entity that—

1 (1) is dedicated to deepening ties between the
2 future leaders of Taiwan and the future leaders of
3 the United States; and

4 (2) works with State and local school districts
5 and educational institutions to send high school and
6 university students to Taiwan to study the Chinese
7 language, culture, history, politics, and other rel-
8 evant subjects.

9 (b) PARTNER.—State and local school districts and
10 educational institutions, including public universities, are
11 encouraged to partner with the Taipei Economic and Cul-
12 tural Representative Office in the United States to estab-
13 lish programs to promote more educational and cultural
14 exchanges.

15 **PART 6—UNITED STATES-TAIWAN PUBLIC**

16 **HEALTH PROTECTION**

17 **SEC. 5536. SHORT TITLE.**

18 This part may be cited as “United States-Taiwan
19 Public Health Protection Act”.

20 **SEC. 5537. DEFINITIONS.**

21 In this part:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—For the purposes of this part, the term “ap-
24 propriate congressional committees” means—

1 (A) the Committee on Foreign Relations of
2 the Senate;

3 (B) the Committee on Health, Education,
4 Labor, and Pensions of the Senate;

5 (C) the Committee on Appropriations of
6 the Senate;

7 (D) the Committee on Foreign Affairs of
8 the House of Representatives;

9 (E) the Committee on Energy and Com-
10 merce of the House of Representatives; and

11 (F) the Committee on Appropriations of
12 the House of Representatives.

13 (2) CENTER.—The term “Center” means the
14 Infectious Disease Monitoring Center described in
15 section 5538(a)(2).

16 **SEC. 5538. STUDY ON AN INFECTIOUS DISEASE MONI-**
17 **TORING CENTER.**

18 (a) STUDY.—Not later than one year after the date
19 of the enactment of this Act, the Secretary of State and
20 the Secretary of Health and Human Services, in consulta-
21 tion with the heads of other relevant Federal departments
22 and agencies, shall submit to appropriate congressional
23 committees a study that includes the following:

24 (1) A description of ongoing cooperation be-
25 tween the United States Government and Taiwan re-

1 lated to public health, including public health activi-
2 ties supported by the United States in Taiwan.

3 (2) A description how the United States and
4 Taiwan can promote further cooperation and expand
5 public health activities, including the feasibility and
6 utility of establishing an Infectious Disease Moni-
7 toring Center within the American Institute of Tai-
8 wan in Taipei, Taiwan to—

9 (A) regularly monitor, analyze, and dis-
10 seminate open-source material from countries in
11 the region, including viral strains, bacterial
12 subtypes, and other pathogens;

13 (B) engage in people-to-people contacts
14 with medical specialists and public health offi-
15 cials in the region;

16 (C) provide expertise and information on
17 infectious diseases to the United States Govern-
18 ment and Taiwanese officials; and

19 (D) carry out other appropriate activities,
20 as determined by the Director of the Center.

21 (b) ELEMENTS.—The study required by subsection
22 (a) shall include—

23 (1) a plan on how such a Center would be es-
24 tablished and operationalized, including—

1 (A) the personnel, material, and funding
2 requirements necessary to establish and operate
3 the Center; and

4 (B) the proposed structure and composi-
5 tion of Center personnel, which may include—

6 (i) infectious disease experts from the
7 Department of Health and Human Serv-
8 ices, who are recommended to serve as
9 detailees to the Center; and

10 (ii) additional qualified persons to
11 serve as detailees to or employees of the
12 Center, including—

13 (I) from any other relevant Fed-
14 eral department or agencies, to in-
15 clude the Department of State and
16 the United States Agency for Inter-
17 national Development;

18 (II) qualified foreign service na-
19 tionals or locally engaged staff who
20 are considered citizens of Taiwan; and

21 (III) employees of the Taiwan
22 Centers for Disease Control;

23 (2) an evaluation, based on the factors in para-
24 graph (1), of whether to establish the Center; and

1 (3) a description of any consultations or agree-
2 ments between the American Institute in Taiwan
3 and the Taipei Economic and Cultural Representa-
4 tive Office in the United States regarding the estab-
5 lishment and operation of the Center, including—

6 (A) the role that employees of the Taiwan
7 Centers for Disease Control would play in sup-
8 porting or coordinating with the Center; and

9 (B) whether any employees of the Taiwan
10 Centers for Disease Control would be detailed
11 to, or co-located with, the Center.

12 (c) CONSULTATION.—The Secretary of State and the
13 Secretary of Health and Human Services shall consult
14 with the appropriate congressional committees before full
15 completion of the study.

16 **PART 7—RULES OF CONSTRUCTION**

17 **SEC. 5539. RULE OF CONSTRUCTION.**

18 Nothing in this subtitle may be construed—

19 (1) to restore diplomatic relations with the Re-
20 public of China; or

21 (2) to alter the United States Government's po-
22 sition with respect to the international status of the
23 Republic of China.

1 **SEC. 5540. RULE OF CONSTRUCTION REGARDING THE USE**
2 **OF MILITARY FORCE.**

3 Nothing in this title may be construed as authorizing
4 the use of military force or the introduction of United
5 States forces into hostilities.

6 **Subtitle B—United States-Ecuador**
7 **Partnership Act of 2022**

8 **SEC. 5541. SHORT TITLE.**

9 This subtitle may be cited as the “United States-Ec-
10 uador Partnership Act of 2022”.

11 **SEC. 5542. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the United States should take additional
14 steps to strengthen its bilateral partnership with Ec-
15 uador, including by providing for robust trade and
16 investment, increasing law enforcement cooperation,
17 renewing the activities of the United States Agency
18 for International Development in Ecuador, and sup-
19 porting Ecuador’s response to and recovery from the
20 COVID–19 pandemic, as necessary and appropriate;
21 and

22 (2) strengthening the United States-Ecuador
23 partnership presents an opportunity to advance core
24 United States national security interests and work
25 with other democratic partners to maintain a pros-
26 perous, politically stable, and democratic Western

1 Hemisphere that is resilient to malign foreign influ-
2 ence.

3 **SEC. 5543. FACILITATING ECONOMIC AND COMMERCIAL**
4 **TIES.**

5 The Secretary of State, in coordination with the Sec-
6 retary of Commerce, the United States Trade Representa-
7 tive, the Secretary of the Treasury, and the heads of other
8 relevant Federal departments and agencies, as appro-
9 priate, shall develop and implement a strategy to strength-
10 en commercial and economic ties between the United
11 States and Ecuador by—

12 (1) promoting cooperation and information
13 sharing to encourage awareness of and increase
14 trade and investment opportunities between the
15 United States and Ecuador;

16 (2) supporting efforts by the Government of
17 Ecuador to promote a more open, transparent, and
18 competitive business environment, including by low-
19 ering trade barriers, implementing policies to reduce
20 trading times, and improving efficiencies to expedite
21 customs operations for importers and exporters of
22 all sizes, in all sectors, and at all ports of entry in
23 Ecuador;

24 (3) establishing frameworks or mechanisms to
25 review the long term financial sustainability and se-

1 security implications of foreign investments in Ecuador in strategic sectors or services;

2
3 (4) establishing competitive and transparent infrastructure project selection and procurement processes in Ecuador that promote transparency, open competition, financial sustainability, and robust adherence to global standards and norms;

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8 (5) developing programs to help the Government of Ecuador improve efficiency and transparency in customs administration, including through support for the Government of Ecuador's ongoing efforts to digitize its customs process and accept electronic documents required for the import, export, and transit of goods under specific international standards, as well as related training to expedite customs, security, efficiency, and competitiveness;

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18 (6) spurring digital transformation that would advance—

19
20 (A) the provision of digitized government services with the greatest potential to improve transparency, lower business costs, and expand citizens' access to public services and public information; and

1 (B) best practices to mitigate the risks to
2 digital infrastructure by doing business with
3 communication networks and communications
4 supply chains with equipment and services from
5 companies with close ties to or susceptible to
6 pressure from governments or security services
7 without reliable legal checks on governmental
8 powers; and

9 (7) identifying, as appropriate, a role for the
10 United States International Development Finance
11 Corporation, the Millennium Challenge Corporation,
12 the United States Agency for International Develop-
13 ment, and the United States private sector in sup-
14 porting efforts to increase private sector investment
15 and strengthen economic prosperity.

16 **SEC. 5544. PROMOTING INCLUSIVE ECONOMIC DEVELOP-**
17 **MENT.**

18 The Administrator of the United States Agency for
19 International Development, in coordination with the Sec-
20 retary of State and the heads of other relevant Federal
21 departments and agencies, as appropriate, shall develop
22 and implement a strategy and related programs to support
23 inclusive economic development across Ecuador's national
24 territory by—

1 (1) facilitating increased access to public and
2 private financing, equity investments, grants, and
3 market analysis for small and medium-sized busi-
4 nesses;

5 (2) providing technical assistance to local gov-
6 ernments to formulate and enact local development
7 plans that invest in Indigenous and Afro-Ecuadorian
8 communities;

9 (3) connecting rural agricultural networks, in-
10 cluding Indigenous and Afro-Ecuadorian agricultural
11 networks, to consumers in urban centers and export
12 markets, including through infrastructure construc-
13 tion and maintenance programs that are subject to
14 audits and carefully designed to minimize potential
15 environmental harm;

16 (4) partnering with local governments, the pri-
17 vate sector, and local civil society organizations, in-
18 cluding organizations representing marginalized
19 communities and faith-based organizations, to pro-
20 vide skills training and investment in support of ini-
21 tiatives that provide economically viable, legal alter-
22 natives to participating in illegal economies; and

23 (5) connecting small scale fishing enterprises to
24 consumers and export markets, in order to reduce
25 vulnerability to organized criminal networks.

1 **SEC. 5545. COMBATING ILLICIT ECONOMIES, CORRUPTION,**
2 **AND NEGATIVE FOREIGN INFLUENCE.**

3 The Secretary of State, in coordination with the Sec-
4 retary of the Treasury, shall develop and implement a
5 strategy and related programs to increase the capacity of
6 Ecuador's justice system and law enforcement authorities
7 to combat illicit economies, corruption, transnational
8 criminal organizations, and the harmful influence of ma-
9 lign foreign and domestic actors by—

10 (1) providing technical assistance and material
11 support (including, as appropriate, radars, vessels,
12 and communications equipment) to vetted specialized
13 units of Ecuador's national police and the armed
14 services to disrupt, degrade, and dismantle organiza-
15 tions involved in illicit narcotics trafficking,
16 transnational criminal activities, illicit mining, and
17 illegal, unregulated, and unreported fishing, among
18 other illicit activities;

19 (2) providing technical assistance to address
20 challenges related to Ecuador's penitentiary and cor-
21 rections system;

22 (3) strengthening the regulatory framework of
23 mining through collaboration with key Ecuadorian
24 institutions, such as the Interior Ministry's Special
25 Commission for the Control of Illegal Mining and
26 the National Police's Investigative Unit on Mining

1 Crimes, and providing technical assistance in sup-
2 port of their law enforcement activities;

3 (4) providing technical assistance to judges,
4 prosecutors, and ombudsmen to increase capacity to
5 enforce laws against human smuggling and traf-
6 ficking, illicit mining, illegal logging, illegal, unregu-
7 lated, and unreported (IUU) fishing, and other illicit
8 economic activities;

9 (5) providing support to the Government of Ec-
10 uador to prevent illegal, unreported, and unregulated
11 fishing, including through expanding detection and
12 response capabilities, and the use of dark vessel
13 tracing technology;

14 (6) supporting multilateral efforts to stem ille-
15 gal, unreported, and unregulated fishing with neigh-
16 boring countries in South America and within the
17 South Pacific Regional Fisheries Management
18 Organisation;

19 (7) assisting the Government of Ecuador's ef-
20 forts to protect defenders of internationally recog-
21 nized human rights, including through the work of
22 the Office of the Ombudsman of Ecuador, and by
23 encouraging the inclusion of Indigenous and Afro-
24 Ecuadorian communities and civil society organiza-
25 tions in this process;

1 (8) supporting efforts to improve transparency,
2 uphold accountability, and build capacity within the
3 Office of the Comptroller General;

4 (9) enhancing the institutional capacity and
5 technical capabilities of defense and security institu-
6 tions of Ecuador to conduct national or regional se-
7 curity missions, including through regular bilateral
8 and multilateral cooperation, foreign military financ-
9 ing, international military education, and training
10 programs, consistent with applicable Ecuadorian
11 laws and regulations;

12 (10) enhancing port management and maritime
13 security partnerships to disrupt, degrade, and dis-
14 mantle transnational criminal networks and facili-
15 tate the legitimate flow of people, goods, and serv-
16 ices; and

17 (11) strengthening cybersecurity cooperation—

18 (A) to effectively respond to cybersecurity
19 threats, including state-sponsored threats;

20 (B) to share best practices to combat such
21 threats;

22 (C) to help develop and implement infor-
23 mation architectures that respect individual pri-
24 vacy rights and reduce the risk that data col-

1 lected through such systems will be exploited by
2 malign state and non-state actors;

3 (D) to strengthen resilience against
4 cyberattacks; and

5 (E) to strengthen the resilience of critical
6 infrastructure.

7 **SEC. 5546. STRENGTHENING DEMOCRATIC GOVERNANCE.**

8 (a) STRENGTHENING DEMOCRATIC GOVERNANCE.—

9 The Secretary of State, in coordination with the Adminis-
10 trator of the United States Agency for International De-
11 velopment, should develop and implement initiatives to
12 strengthen democratic governance in Ecuador by sup-
13 porting—

14 (1) measures to improve the capacity of na-
15 tional and subnational government institutions to
16 govern through transparent, inclusive, and demo-
17 cratic processes;

18 (2) efforts that measurably enhance the capac-
19 ity of political actors and parties to strengthen
20 democratic institutions and the rule of law;

21 (3) initiatives to strengthen democratic govern-
22 ance, including combating political, administrative,
23 and judicial corruption and improving transparency
24 of the administration of public budgets; and

1 (4) the efforts of civil society organizations and
2 independent media—

3 (A) to conduct oversight of the Govern-
4 ment of Ecuador and the National Assembly of
5 Ecuador;

6 (B) to promote initiatives that strengthen
7 democratic governance, anti-corruption stand-
8 ards, and public and private sector trans-
9 parency; and

10 (C) to foster political engagement between
11 the Government of Ecuador, including the Na-
12 tional Assembly of Ecuador, and all parts of
13 Ecuadorian society, including women, indige-
14 nous communities, and Afro-Ecuadorian com-
15 munities.

16 (b) LEGISLATIVE STRENGTHENING.—The Adminis-
17 trator of the United States Agency for International De-
18 velopment, working through the Consortium for Elections
19 and Political Process Strengthening or any equivalent or
20 successor mechanism, shall develop and implement pro-
21 grams to strengthen the National Assembly of Ecuador
22 by providing training and technical assistance to—

23 (1) members and committee offices of the Na-
24 tional Assembly of Ecuador, including the Ethics
25 Committee and Audit Committee;

1 (2) assist in the creation of entities that can
2 offer comprehensive and independent research and
3 analysis on legislative and oversight matters pending
4 before the National Assembly, including budgetary
5 and economic issues; and

6 (3) improve democratic governance and govern-
7 ment transparency, including through effective legis-
8 lation.

9 (c) BILATERAL LEGISLATIVE COOPERATION.—To
10 the degree practicable, in implementing the programs re-
11 quired under subsection (b), the Administrator of the
12 United States Agency for International Development
13 should facilitate meetings and collaboration between mem-
14 bers of the United States Congress and the National As-
15 sembly of Ecuador.

16 **SEC. 5547. FOSTERING CONSERVATION AND STEWARDSHIP.**

17 The Administrator of the United States Agency for
18 International Development, in coordination with the Sec-
19 retary of State and the heads of other relevant Federal
20 departments and agencies, shall develop and implement
21 programs and enhance existing programs, as necessary
22 and appropriate, to improve ecosystem conservation and
23 enhance the effective stewardship of Ecuador’s natural re-
24 sources by—

1 (1) providing technical assistance to Ecuador's
2 Ministry of the Environment to safeguard national
3 parks and protected forests and protected species,
4 while promoting the participation of Indigenous com-
5 munities in this process;

6 (2) strengthening the capacity of communities
7 to access the right to prior consultation, encoded in
8 Article 57 of the Constitution of Ecuador and re-
9 lated laws, executive decrees, administrative acts,
10 and ministerial regulations;

11 (3) supporting Indigenous and Afro-Ecuadorian
12 communities as they raise awareness of threats to
13 biodiverse ancestral lands, including through support
14 for local media in such communities and technical
15 assistance to monitor illicit activities;

16 (4) partnering with the Government of Ecuador
17 in support of reforestation and improving river, lake,
18 and coastal water quality;

19 (5) providing assistance to communities af-
20 fected by illegal mining and deforestation; and

21 (6) fostering mechanisms for cooperation on
22 emergency preparedness and rapid recovery from
23 natural disasters, including by—

24 (A) establishing regional preparedness, re-
25 covery, and emergency management centers to

1 facilitate rapid response to survey and help
2 maintain planning on regional disaster antici-
3 pated needs and possible resources; and

4 (B) training disaster recovery officials on
5 latest techniques and lessons learned from
6 United States experiences.

7 **SEC. 5548. AUTHORIZATION TO TRANSFER EXCESS COAST**
8 **GUARD VESSELS.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that the United States should undertake efforts to
11 expand cooperation with the Government of Ecuador to—

12 (1) ensure protections for the Galápagos Marine
13 Reserve;

14 (2) deter illegal, unreported, and unregulated
15 fishing; and

16 (3) increase interdiction of narcotics trafficking
17 and other forms of illicit trafficking.

18 (b) AUTHORITY TO TRANSFER EXCESS COAST
19 GUARD VESSELS TO THE GOVERNMENT OF ECUADOR.—

20 The President shall conduct a joint assessment with the
21 Government of Ecuador to ensure sufficient capacity ex-
22 ists to maintain Island class cutters. Upon completion of
23 a favorable assessment, the President is authorized to
24 transfer up to two ISLAND class cutters to the Govern-
25 ment of Ecuador as excess defense articles pursuant to

1 the authority of section 516 of the Foreign Assistance Act
2 (22 U.S.C. 2321j).

3 (c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF
4 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value
5 of a vessel transferred to another country on a grant basis
6 pursuant to authority provided by subsection (b) shall not
7 be counted against the aggregate value of excess defense
8 articles transferred in any fiscal year under section 516
9 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

10 (d) COSTS OF TRANSFERS.—Any expense incurred by
11 the United States in connection with a transfer authorized
12 by this section shall be charged to the recipient notwith-
13 standing section 516(e) of the Foreign Assistance Act of
14 1961 (22 U.S.C. 2321j(e)).

15 (e) REPAIR AND REFURBISHMENT IN UNITED
16 STATES SHIPYARDS.—To the maximum extent prac-
17 ticable, the President shall require, as a condition of the
18 transfer of a vessel under this section, that the recipient
19 to which the vessel is transferred have such repair or re-
20 furbishment of the vessel as is needed, before the vessel
21 joins the naval forces of that recipient, performed at a
22 shipyard located in the United States.

23 (f) EXPIRATION OF AUTHORITY.—The authority to
24 transfer a vessel under this section shall expire at the end

1 of the 3-year period beginning on the date of the enact-
2 ment of this Act.

3 **SEC. 5549. REPORTING REQUIREMENTS.**

4 (a) SECRETARY OF STATE.—The Secretary of State,
5 in coordination with the heads of other relevant Federal
6 departments and agencies as described in sections 5543,
7 5545, and 5546(a), shall—

8 (1) not later than 180 days after the date of
9 the enactment of this Act, submit to the appropriate
10 congressional committees a comprehensive strategy
11 to address the requirements described in sections
12 5543, 5545, and 5546(a); and

13 (2) not later than 2 years and 4 years after
14 submitting the comprehensive strategy under para-
15 graph (1), submit to the appropriate congressional
16 committees a report describing the implementation
17 of the strategy.

18 (b) ADMINISTRATOR OF THE UNITED STATES AGEN-
19 CY FOR INTERNATIONAL DEVELOPMENT.—The Adminis-
20 trator of the United States Agency for International De-
21 velopment, in coordination with the heads of other relevant
22 Federal departments and agencies as described in sections
23 5544, 5546(b), and 5547, shall—

24 (1) not later than 180 days after the date of
25 the enactment of this Act, submit to appropriate

1 congressional committees a comprehensive strategy
2 to address the requirements described in sections
3 5544, 5546(b) and 5547; and

4 (2) not later than 2 years and 4 years after
5 submitting the comprehensive strategy under para-
6 graph (1), submit to the appropriate congressional
7 committees a report describing the implementation
8 of the strategy.

9 (c) SUBMISSION.—The strategies and reports re-
10 quired under subsections (a) and (b) may be submitted
11 to the appropriate congressional committees as joint strat-
12 egies and reports.

13 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
14 In this subtitle, the term “appropriate congressional com-
15 mittees” means the Committee on Foreign Relations of
16 the Senate and the Committee on Foreign Affairs and the
17 Committee on Energy and Commerce of the House of
18 Representatives.

19 **SEC. 5550. SUNSET.**

20 This subtitle shall terminate on the date that is 5
21 years after the date of the enactment of this Act.

1 **Subtitle C—FENTANYL Results Act**

2 **SEC. 5551. SHORT TITLE.**

3 This subtitle may be cited as the “Fighting Emerging
4 Narcotics Through Additional Nations to Yield Lasting
5 Results Act” or the “FENTANYL Results Act”.

6 **SEC. 5552. PRIORITIZATION OF EFFORTS OF THE DEPART- 7 **MENT OF STATE TO COMBAT INTER- 8 **NATIONAL TRAFFICKING IN COVERED SYN- 9 **THETIC DRUGS.********

10 (a) IN GENERAL.—The Secretary of State shall
11 prioritize efforts of the Department of State to combat
12 international trafficking of covered synthetic drugs by car-
13 rying out programs and activities to include the following:

14 (1) Supporting increased data collection by the
15 United States and foreign countries through in-
16 creased drug use surveys among populations, in-
17 creased use of wastewater testing where appropriate,
18 and multilateral sharing of that data.

19 (2) Engaging in increased consultation and
20 partnership with international drug agencies, includ-
21 ing the European Monitoring Centre for Drugs and
22 Drug Addiction, regulatory agencies in foreign coun-
23 tries, and the United Nations Office on Drugs and
24 Crime.

1 (3) Carrying out programs to provide technical
2 assistance and equipment, as appropriate, to
3 strengthen the capacity of foreign law enforcement
4 agencies with respect to covered synthetic drugs, as
5 required by section 5553.

6 (4) Carrying out exchange programs for govern-
7 mental and nongovernmental personnel in the
8 United States and in foreign countries to provide
9 educational and professional development on demand
10 reduction matters relating to the illicit use of cov-
11 ered synthetic drugs and other drugs, as required by
12 section 5554.

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than one year
15 after the date of the enactment of this Act, the Sec-
16 retary of State shall submit to the appropriate con-
17 gressional committees a report on the implementa-
18 tion of this section.

19 (2) APPROPRIATE CONGRESSIONAL COMMIT-
20 TEES DEFINED.—In this subsection, the term “ap-
21 propriate congressional committees” means—

22 (A) the Committee on Foreign Relations,
23 the Committee on Appropriations, and the
24 Committee on the Judiciary of the Senate; and

1 (B) the Committee on Foreign Affairs, the
2 Committee on Appropriations, and the Com-
3 mittee on the Judiciary of the House of Rep-
4 resentatives.

5 **SEC. 5553. PROGRAM TO PROVIDE ASSISTANCE TO BUILD**
6 **THE CAPACITY OF FOREIGN LAW ENFORCE-**
7 **MENT AGENCIES WITH RESPECT TO COV-**
8 **ERED SYNTHETIC DRUGS.**

9 (a) IN GENERAL.—Notwithstanding section 660 of
10 the Foreign Assistance Act of 1961 (22 U.S.C. 2420), the
11 Secretary of State shall establish a program to provide as-
12 sistance to strengthen the capacity of law enforcement
13 agencies of the countries described in subsection (c) to
14 help such agencies to identify, track, and improve their
15 forensics detection capabilities with respect to covered syn-
16 thetic drugs.

17 (b) PRIORITY.—The Secretary of State shall
18 prioritize technical assistance, and the provision of equip-
19 ment, as appropriate, under subsection (a) among those
20 countries described in subsection (c) in which such assist-
21 ance and equipment would have the most impact in reduc-
22 ing illicit use of covered synthetic drugs in the United
23 States.

24 (c) COUNTRIES DESCRIBED.—The foreign countries
25 described in this subsection are—

1 (1) countries that are producers of covered syn-
2 thetic drugs;

3 (2) countries whose pharmaceutical and chem-
4 ical industries are known to be exploited for develop-
5 ment or procurement of precursors of covered syn-
6 thetic drugs; or

7 (3) major drug-transit countries for covered
8 synthetic drugs as defined by the Secretary of State.

9 (d) EXCEPTION.—No assistance may be provided to
10 the People’s Republic of China or to any of its law enforce-
11 ment agencies pursuant to the program authorized by this
12 section.

13 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated to the Secretary of State
15 to carry out this section \$4,000,000 for each of fiscal
16 years 2023 through 2027.

17 **SEC. 5554. EXCHANGE PROGRAM ON DEMAND REDUCTION**

18 **MATTERS RELATING TO ILLICIT USE OF COV-**

19 **ERED SYNTHETIC DRUGS.**

20 (a) IN GENERAL.—The Secretary of State shall es-
21 tablish or continue and strengthen, as appropriate, an ex-
22 change program for governmental and nongovernmental
23 personnel in the United States and in foreign countries
24 to provide educational and professional development on

1 demand reduction matters relating to the illicit use of cov-
2 ered synthetic drugs and other drugs.

3 (b) PROGRAM REQUIREMENTS.—The program re-
4 quired by subsection (a)—

5 (1) shall be limited to individuals who have ex-
6 pertise and experience in matters described in sub-
7 section (a);

8 (2) in the case of inbound exchanges, may be
9 carried out as part of exchange programs and inter-
10 national visitor programs administered by the Bu-
11 reau of Educational and Cultural Affairs of the De-
12 partment of State, including the International Vis-
13 itor Leadership Program, in coordination with the
14 Bureau of International Narcotics and Law Enforce-
15 ment Affairs; and

16 (3) shall include outbound exchanges for gov-
17 ernmental or nongovernmental personnel in the
18 United States.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary of State
21 to carry out this section \$1,000,000 for each of fiscal
22 years 2023 through 2027.

1 **SEC. 5555. AMENDMENTS TO INTERNATIONAL NARCOTICS**
2 **CONTROL PROGRAM.**

3 (a) INTERNATIONAL NARCOTICS CONTROL STRAT-
4 EGY REPORT.—Section 489(a) of the Foreign Assistance
5 Act of 1961 (22 U.S.C. 2291h(a)) is amended—

6 (1) by redesignating the second paragraph (10)
7 as paragraph (11); and

8 (2) by adding at the end the following:

9 “(12) COVERED SYNTHETIC DRUGS AND NEW
10 PSYCHOACTIVE SUBSTANCES.—

11 “(A) COVERED SYNTHETIC DRUGS.—Infor-
12 mation that contains an assessment of the
13 countries significantly involved in the manufac-
14 ture, production, transshipment, or trafficking
15 of covered synthetic drugs, to include the fol-
16 lowing:

17 “(i) The scale of legal domestic pro-
18 duction and any available information on
19 the number of manufacturers and pro-
20 ducers of such drugs in such countries.

21 “(ii) Information on any law enforce-
22 ment assessments of the scale of illegal
23 production of such drugs, including a de-
24 scription of the capacity of illegal labora-
25 tories to produce such drugs.

1 “(iii) The types of inputs used and a
2 description of the primary methods of syn-
3 thesis employed by illegal producers of
4 such drugs.

5 “(iv) An assessment of the policies of
6 such countries to regulate licit manufac-
7 ture and interdict illicit manufacture, di-
8 version, distribution, shipment, and traf-
9 ficking of such drugs and an assessment of
10 the effectiveness of the policies’ implemen-
11 tation.

12 “(B) NEW PSYCHOACTIVE SUBSTANCES.—
13 Information on, to the extent practicable, any
14 policies of responding to new psychoactive sub-
15 stances, to include the following:

16 “(i) Which governments have articu-
17 lated policies on scheduling of such sub-
18 stances.

19 “(ii) Any data on impacts of such
20 policies and other responses to such sub-
21 stances.

22 “(iii) An assessment of any policies
23 the United States could adopt to improve
24 its response to new psychoactive sub-
25 stances.

1 “(C) DEFINITIONS.—In this paragraph,
2 the terms ‘covered synthetic drug’ and ‘new
3 psychoactive substance’ have the meaning given
4 those terms in section 5558 of the
5 FENTANYL Results Act.”.

6 (b) DEFINITION OF MAJOR ILLICIT DRUG PRO-
7 DUCING COUNTRY.—Section 481(e) of the Foreign Assist-
8 ance Act of 1961 (22 U.S.C. 2291(e)) is amended—

9 (1) in paragraph (2)—

10 (A) in subparagraph (C), by striking “; or”
11 and inserting a semicolon;

12 (B) in subparagraph (D), by striking the
13 semicolon at the end and inserting “; or”; and

14 (C) by adding at the end the following:

15 “(E) that is a significant direct source of
16 covered synthetic drugs or psychotropic drugs
17 or other controlled substances, including pre-
18 cursor chemicals when those chemicals are used
19 in the production of such drugs and substances,
20 significantly affecting the United States;”;

21 (2) by amending paragraph (5) to read as fol-
22 lows:

23 “(5) the term ‘major drug-transit country’
24 means a country through which are transported cov-
25 ered synthetic drugs or psychotropic drugs or other

1 controlled substances significantly affecting the
2 United States;”;

3 (3) in paragraph (7), by striking “; and” and
4 inserting a semicolon;

5 (4) in paragraph (8), by striking the period at
6 the end and inserting “; and”; and

7 (5) by adding at the end the following:

8 “(9) the term ‘covered synthetic drug’ has the
9 meaning given that term in section 5558 of the
10 FENTANYL Results Act.”.

11 **SEC. 5556. SENSE OF CONGRESS.**

12 It is the sense of Congress that—

13 (1) the President should direct the United
14 States Representative to the United Nations to use
15 the voice, vote, and influence of the United States at
16 the United Nations to advocate for more transparent
17 assessments of countries by the International Nar-
18 cotics Control Board; and

19 (2) bilateral, plurilateral, and multilateral inter-
20 national cooperation is essential to combating the
21 trafficking of covered synthetic drugs.

22 **SEC. 5557. RULE OF CONSTRUCTION.**

23 Nothing in this subtitle or the amendments made by
24 this subtitle shall be construed to affect the prioritization
25 of extradition requests.

1 **SEC. 5558. DEFINITIONS.**

2 In this subtitle:

3 (1) CONTROLLED SUBSTANCE; CONTROLLED
4 SUBSTANCE ANALOGUE.—The terms “controlled
5 substance” and “controlled substance analogue”
6 have the meanings given those terms in section 102
7 of the Controlled Substances Act (21 U.S.C. 802).

8 (2) COVERED SYNTHETIC DRUG.—The term
9 “covered synthetic drug” means—

10 (A) a synthetic controlled substance or
11 synthetic controlled substance analogue, includ-
12 ing fentanyl or a fentanyl analogue; or

13 (B) a new psychoactive substance.

14 (3) NEW PSYCHOACTIVE SUBSTANCE.—The
15 term “new psychoactive substance” means a sub-
16 stance of abuse, or any preparation thereof, that—

17 (A) is not—

18 (i) included in any schedule as a con-
19 trolled substance under the Controlled
20 Substances Act (21 U.S.C. 801 et seq.); or

21 (ii) controlled by the Single Conven-
22 tion on Narcotic Drugs, done at New York
23 March 30, 1961, or the Convention on
24 Psychotropic Substances, done at Vienna
25 February 21, 1971;

1 (B) is new or has reemerged on the illicit
2 market; and

3 (C) poses a threat to the public health and
4 safety.

5 **Subtitle D—International**
6 **Pandemic Preparedness**

7 **SEC. 5559. SHORT TITLE.**

8 This subtitle may be cited as the “Global Health Se-
9 curity and International Pandemic Prevention, Prepared-
10 ness and Response Act of 2022”.

11 **SEC. 5560. DEFINITIONS.**

12 In this subtitle:

13 (1) The term “appropriate congressional com-
14 mittees” means—

15 (A) the Committee on Foreign Relations of
16 the Senate;

17 (B) the Committee on Appropriations of
18 the Senate;

19 (C) the Committee on Foreign Affairs of
20 the House of Representatives; and

21 (D) the Committee on Appropriations of
22 the House of Representatives.

23 (2) The terms “Global Health Security Agen-
24 da” and “GHSA” mean the multi-sectoral initiative
25 launched in 2014, and renewed in 2018, that brings

1 together countries, regions, international organiza-
2 tions, nongovernmental organizations, and the pri-
3 vate sector—

4 (A) to elevate global health security as a
5 national-level priority;

6 (B) to share best practices; and

7 (C) to facilitate national capacity to com-
8 ply with and adhere to—

9 (i) the International Health Regula-
10 tions (2005);

11 (ii) the international standards and
12 guidelines established by the World
13 Organisation for Animal Health;

14 (iii) United Nations Security Council
15 Resolution 1540 (2004);

16 (iv) the Convention on the Prohibition
17 of the Development, Production and Stock-
18 piling of Bacteriological and Toxin Weap-
19 ons and on their Destruction, done at
20 Washington, London, and Moscow, April
21 10, 1972 (commonly referred to as the
22 “Biological Weapons Convention”);

23 (v) the Global Health Security Agenda
24 2024 Framework; and

1 (vi) other relevant frameworks that
2 contribute to global health security.

3 (3) The term “Global Health Security Index”
4 means the comprehensive assessment and
5 benchmarking of health security and related capa-
6 bilities across the countries that make up the States
7 Parties to the International Health Regulations
8 (2005).

9 (4) The term “Global Health Security Initia-
10 tive” means the informal network of countries and
11 organizations that came together in 2001, to under-
12 take concerted global action to strengthen public
13 health preparedness and response to chemical, bio-
14 logical, radiological, and nuclear threats, including
15 pandemic influenza.

16 (5) The term “IHR (2005) Monitoring and
17 Evaluation Framework” means the framework
18 through which the World Health Organization and
19 the State Parties to the International Health Regu-
20 lations, as amended in 2005, review, measure, and
21 assess core country public health capacities and en-
22 sure mutual accountability for global health security
23 under the International Health Regulations (2005),
24 including through the Joint External Evaluations,
25 simulation exercises, and after-action reviews.

1 (6) The term “Joint External Evaluation”
2 means the voluntary, collaborative, multi-sectoral
3 process facilitated by the World Health Organiza-
4 tion—

5 (A) to assess country capacity to prevent,
6 detect, and rapidly respond to public health
7 risks occurring naturally or due to deliberate or
8 accidental events;

9 (B) to assess progress in achieving the tar-
10 gets under the International Health Regulations
11 (2005); and

12 (C) to recommend priority actions.

13 (7) The term “key stakeholders” means actors
14 engaged in efforts to advance global health security
15 programs and objectives, including—

16 (A) national and local governments in
17 partner countries;

18 (B) other bilateral donors;

19 (C) international, regional, and local orga-
20 nizations, including private, voluntary, non-
21 governmental, and civil society organizations,
22 including faith-based and indigenous organiza-
23 tions;

24 (D) international, regional, and local finan-
25 cial institutions;

1 (E) representatives of historically
2 marginalized groups, including women, youth,
3 and indigenous peoples;

4 (F) the private sector, including medical
5 device, technology, pharmaceutical, manufac-
6 turing, logistics, and other relevant companies;
7 and

8 (G) public and private research and aca-
9 demic institutions.

10 (8) The term “One Health approach” means
11 the collaborative, multi-sectoral, and
12 transdisciplinary approach toward achieving optimal
13 health outcomes in a manner that recognizes the
14 interconnection between people, animals, plants, and
15 their shared environment.

16 (9) The term “pandemic preparedness” refers
17 to the actions taken to establish and sustain the ca-
18 pacity and capabilities necessary to rapidly identify,
19 prevent, protect against, and respond to the emer-
20 gence, reemergence, and spread of pathogens of pan-
21 demic potential.

22 (10) The term “partner country” means a for-
23 eign country in which the relevant Federal depart-
24 ments and agencies are implementing United States
25 foreign assistance for global health security and pan-

1 demic prevention, preparedness, and response under
2 this subtitle.

3 (11) The term “relevant Federal departments
4 and agencies” means any Federal department or
5 agency implementing United States policies and pro-
6 grams relevant to the advancement of United States
7 global health security and diplomacy overseas, which
8 may include—

9 (A) the Department of State;

10 (B) the United States Agency for Inter-
11 national Development;

12 (C) the Department of Health and Human
13 Services;

14 (D) the Department of Defense;

15 (E) the Defense Threat Reduction Agency;

16 (F) the Millennium Challenge Corporation;

17 (G) the Development Finance Corporation;

18 (H) the Peace Corps; and

19 (I) any other department or agency that
20 the President determines to be relevant for
21 these purposes.

22 (12) The term “resilience” means the ability of
23 people, households, communities, systems, institu-
24 tions, countries, and regions to reduce, mitigate,
25 withstand, adapt to, and quickly recover from shocks

1 and stresses in a manner that reduces chronic vul-
2 nerability to the emergence, reemergence, and
3 spread of pathogens of pandemic potential and facili-
4 tates inclusive growth.

5 (13) The terms “respond” and “response”
6 mean the actions taken to counter an infectious dis-
7 ease.

8 (14) The term “USAID” means the United
9 States Agency for International Development.

10 **SEC. 5561. ENHANCING THE UNITED STATES’ INTER-**
11 **NATIONAL RESPONSE TO PANDEMICS.**

12 (a) LEVERAGING UNITED STATES BILATERAL GLOB-
13 AL HEALTH PROGRAMS FOR INTERNATIONAL PANDEMIC
14 RESPONSE.—Subject to the notification requirements
15 under section 634A of the Foreign Assistance Act of 1961
16 (22 U.S.C. 2394–1), amounts authorized to be appro-
17 priated or otherwise made available to carry out section
18 104 of the Foreign Assistance Act (22 U.S.C. 2151b) may
19 be used in countries receiving such United States foreign
20 assistance for the purpose of—

- 21 (1) strengthening vaccine readiness;
- 22 (2) reducing vaccine hesitancy;
- 23 (3) delivering and administering vaccines;
- 24 (4) strengthening health systems and global
25 supply chains as necessary for global health security

1 and pandemic preparedness, prevention, and re-
2 sponse;

3 (5) supporting global health workforce plan-
4 ning, training, and management for pandemic pre-
5 paredness, prevention, and response;

6 (6) enhancing transparency, quality, and reli-
7 ability of public health data;

8 (7) increasing bidirectional testing, including
9 screening for symptomatic and asymptomatic cases;
10 and

11 (8) building laboratory capacity.

12 (b) ROLES OF THE DEPARTMENT OF STATE, USAID,
13 AND THE DEPARTMENT OF HEALTH AND HUMAN SERV-
14 ICES IN INTERNATIONAL PANDEMIC RESPONSE.—

15 (1) FINDING.—Congress finds that different
16 outbreaks of infectious disease threats may require
17 flexibility and changes to the designated roles and
18 responsibilities of relevant Federal departments and
19 agencies.

20 (2) LEAD AGENCIES FOR COORDINATION OF
21 THE UNITED STATES' INTERNATIONAL RESPONSE TO
22 INFECTIOUS DISEASE OUTBREAKS WITH SEVERE OR
23 PANDEMIC POTENTIAL.—The President shall iden-
24 tify the relevant Federal departments and agencies,
25 including the Department of State, USAID, and the

1 Department of Health and Human Services (includ-
2 ing the Centers for Disease Control and Prevention),
3 leading specific aspects of the United States inter-
4 national operational response to outbreaks of emerg-
5 ing high-consequence infectious disease threats in
6 accordance with federal law.

7 (3) NOTIFICATION.—Not later than 120 days
8 after the date of the enactment of this Act, and reg-
9 ularly thereafter as appropriate, the President shall
10 notify the appropriate congressional committees, the
11 Committee on Health, Education, Labor, and Pen-
12 sions of the Senate, and the Committee on Energy
13 and Commerce of the House of Representatives of
14 the roles and responsibilities of each relevant Fed-
15 eral department and agency with respect to the
16 international operational response to the outbreak of
17 an emerging high-consequence infectious disease
18 threat.

19 (c) USAID DISASTER SURGE CAPACITY.—

20 (1) DISASTER SURGE CAPACITY.—The Adminis-
21 trator of the USAID is authorized to expend funds
22 made available to carry out part I and chapter 4 of
23 part II of the Foreign Assistance Act of 1961 (22
24 U.S.C. 2151 and 2346), including funds made avail-
25 able for “Assistance for Europe, Eurasia and Cen-

1 tral Asia”, in addition to amounts otherwise made
2 available for such purposes, for the cost (including
3 support costs) of individuals detailed to or employed
4 by USAID whose primary responsibility is to carry
5 out programs to address global health emergencies
6 and natural or manmade disasters.

7 (2) NOTIFICATION.—Not later than 15 days be-
8 fore making funds available to address manmade
9 disasters pursuant to paragraph (1), the Secretary
10 of State or the Administrator of the USAID shall
11 notify the appropriate congressional committees of
12 such intended action.

13 **SEC. 5562. INTERNATIONAL PANDEMIC PREVENTION AND**
14 **PREPAREDNESS.**

15 (a) UNITED STATES INTERNATIONAL ACTIVITIES TO
16 ADVANCE GLOBAL HEALTH SECURITY AND DIPLOMACY
17 STRATEGY AND REPORT.—

18 (1) IN GENERAL.—The President shall develop,
19 update, maintain, and advance a comprehensive
20 strategy for improving United States global health
21 security and diplomacy for pandemic prevention,
22 preparedness, and response which, consistent with
23 the purposes of this subtitle, shall—

24 (A) clearly articulate United States policy
25 goals related to pandemic prevention, prepared-

1 ness, and response, including through actions to
2 strengthen diplomatic leadership and the effec-
3 tiveness of United States foreign policy and
4 international preparedness assistance for global
5 health security through advancement of a One
6 Health approach, the Global Health Security
7 Agenda, the International Health Regulations
8 (2005), and other relevant frameworks that
9 contribute to pandemic prevention and pre-
10 paredness;

11 (B) establish specific and measurable
12 goals, benchmarks, timetables, performance
13 metrics, and monitoring and evaluation plans
14 for United States foreign policy and assistance
15 for global health security that promote learning
16 and adaptation and reflect international best
17 practices relating to global health security,
18 transparency, and accountability;

19 (C) establish transparent mechanisms to
20 improve coordination and avoid duplication of
21 effort between and among the relevant Federal
22 departments and agencies, partner countries,
23 donor countries, the private sector, multilateral
24 organizations, and other key stakeholders;

1 (D) prioritize working with partner coun-
2 tries with—

3 (i) demonstrated need, as identified
4 through the Joint External Evaluation
5 process, the Global Health Security Index
6 classification of health systems, national
7 action plans for health security, Global
8 Health Security Agenda, other risk-based
9 assessments, and complementary or suc-
10 cessor indicators of global health security
11 and pandemic preparedness; and

12 (ii) demonstrated commitment to
13 transparency, including budget and global
14 health data transparency, complying with
15 the International Health Regulations
16 (2005), investing in domestic health sys-
17 tems, and achieving measurable results;

18 (E) reduce long-term reliance upon United
19 States foreign assistance for global health secu-
20 rity by—

21 (i) ensuring that United States global
22 health assistance authorized under this
23 subtitle is strategically planned and coordi-
24 nated in a manner that delivers immediate
25 impact and contributes to enduring results,

1 including through efforts to enhance com-
2 munity capacity and resilience to infectious
3 disease threats and emergencies; and

4 (ii) ensuring partner country owner-
5 ship of global health security strategies,
6 data, programs, and outcomes and im-
7 proved domestic resource mobilization, co-
8 financing, and appropriate national budget
9 allocations for global health security and
10 pandemic prevention, preparedness, and re-
11 sponse;

12 (F) assist partner countries in building the
13 technical capacity of relevant ministries, sys-
14 tems, and networks to prepare, execute, mon-
15 itor, and evaluate national action plans for
16 global health security and pandemic prevention,
17 preparedness, and response that are developed
18 with input from key stakeholders, including
19 mechanism to enhance budget and global health
20 data transparency, as necessary and appro-
21 priate;

22 (G) support and align United States for-
23 eign assistance authorized under this subtitle
24 with such national action plans for health secu-

1 rity and pandemic prevention, preparedness,
2 and response, as appropriate;

3 (H) facilitate communication and collabo-
4 ration, as appropriate, among local stakeholders
5 in support of country-led strategies and initia-
6 tives to better identify and prevent health im-
7 pacts related to the emergence, reemergence,
8 and spread of zoonoses;

9 (I) support the long-term success of pro-
10 grams by building the pandemic preparedness
11 capacity of local organizations and institutions
12 in target countries and communities;

13 (J) develop community resilience to infec-
14 tious disease threats and emergencies;

15 (K) support global health budget and
16 workforce planning in partner countries, con-
17 sistent with the purposes of this subtitle, in-
18 cluding training in financial management and
19 budget and global health data transparency;

20 (L) strengthen linkages between com-
21plementary bilateral and multilateral foreign as-
22sistance programs, including efforts of the
23World Bank, the World Health Organization,
24the Global Fund to Fight AIDS, Tuberculosis,
25and Malaria, and Gavi, the Vaccine Alliance,

1 that contribute to the development of more re-
2 siliant health systems and global supply chains
3 for global health security and pandemic preven-
4 tion, preparedness, and response in partner
5 countries with the capacity, resources, and per-
6 sonnel required to prevent, detect, and respond
7 to infectious disease threats; and

8 (M) support innovation and partnerships
9 with the private sector, health organizations,
10 civil society, nongovernmental, faith-based and
11 indigenous organizations, and health research
12 and academic institutions to improve pandemic
13 prevention, preparedness, and response, includ-
14 ing for the development and deployment of ef-
15 fective and accessible infectious disease tracking
16 tools, diagnostics, therapeutics, and vaccines.

17 (2) SUBMISSION OF STRATEGY.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date of the enactment of this
20 Act, the President, in consultation with the
21 heads of the relevant Federal departments and
22 agencies, shall submit the strategy required
23 under paragraph (1) to—

24 (i) the appropriate congressional com-
25 mittees;

1 (ii) the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate;
3 and

4 (iii) the Committee on Energy and
5 Commerce of the House of Representa-
6 tives.

7 (B) AGENCY-SPECIFIC PLANS.—The strat-
8 egy required under paragraph (1) shall include
9 specific implementation plans from each rel-
10 evant Federal department and agency that de-
11 scribe—

12 (i) the anticipated contributions of the
13 Federal department or agency, including
14 technical, financial, and in-kind contribu-
15 tions, to implement the strategy; and

16 (ii) the efforts of the Federal depart-
17 ment or agency to ensure that the activi-
18 ties and programs carried out pursuant to
19 the strategy are designed to achieve max-
20 imum impact and long-term sustainability.

21 (3) ANNUAL REPORT.—

22 (A) IN GENERAL.—Not later than 1 year
23 after the submission of the strategy pursuant to
24 paragraph (2)(A), and not later than October 1
25 of each year thereafter, the President shall sub-

1 mit to the committees listed in such paragraph
2 a report that describes the status of the imple-
3 mentation of such strategy.

4 (B) CONTENTS.—Each report submitted
5 pursuant to subparagraph (A) shall—

6 (i) identify any substantial changes
7 made to the strategy during the preceding
8 calendar year;

9 (ii) describe the progress made in im-
10 plementing the strategy, including specific
11 information related to the progress toward
12 improving countries' ability to detect, pre-
13 vent, and respond to infectious disease
14 threats;

15 (iii) identify—

16 (I) the indicators used to estab-
17 lish benchmarks and measure results
18 over time; and

19 (II) the mechanisms for reporting
20 such results in an open and trans-
21 parent manner;

22 (iv) contain a transparent, open, and
23 detailed accounting of obligations by rel-
24 evant Federal departments and agencies to
25 implement the strategy, including, to the

1 extent practicable, for each such Federal
2 department and agency, the statutory
3 source of obligated funds, the amounts ob-
4 ligated, implementing partners and sub-
5 partners, targeted beneficiaries, and activi-
6 ties supported;

7 (v) the efforts of the relevant Federal
8 department or agency to ensure that the
9 activities and programs carried out pursu-
10 ant to the strategy are designed to achieve
11 maximum impact and enduring results, in-
12 cluding through specific activities to
13 strengthen health systems for global health
14 security and pandemic prevention, pre-
15 paredness, and response, as appropriate;

16 (vi) assess efforts to coordinate
17 United States global health security pro-
18 grams, activities, and initiatives with key
19 stakeholders;

20 (vii) incorporate a plan for regularly
21 reviewing and updating strategies, partner-
22 ships, and programs and sharing lessons
23 learned with a wide range of stakeholders
24 in an open, transparent manner; and

1 (viii) describe the progress achieved
2 and challenges concerning the United
3 States Government's ability to advance the
4 Global Health Security Agenda and pan-
5 demic preparedness, including data
6 disaggregated by priority country using in-
7 dicators that are consistent on a year-to-
8 year basis and recommendations to resolve,
9 mitigate, or otherwise address the chal-
10 lenges identified through such indicators.

11 (C) FORM.—The strategy and reports re-
12 quired under this subsection shall be submitted
13 in unclassified form, but may contain a classi-
14 fied annex.

15 (b) UNITED STATES COORDINATOR FOR GLOBAL
16 HEALTH SECURITY.—The President shall designate an
17 appropriate senior official to be the United States Coordi-
18 nator for Global Health Security, who shall be responsible
19 for the coordination of the Global Health Security Agenda
20 Interagency Review Council and who should—

21 (1) have significant background and expertise
22 in public health, health security, and emergency re-
23 sponse management;

24 (2) coordinate, through a whole-of-government
25 approach, the efforts of relevant Federal depart-

1 ments and agencies to implement the strategy under
2 subsection (a); and

3 (3) seek to fully use the unique capabilities of
4 each relevant Federal department and agency and
5 ensure effective and appropriate United States rep-
6 resentation at relevant international forums, while
7 collaborating with and leveraging the contributions
8 of other key stakeholders.

9 (c) AMBASSADOR-AT-LARGE FOR GLOBAL HEALTH
10 SECURITY AND DIPLOMACY.—

11 (1) ESTABLISHMENT.—There is established,
12 within the Department of State, the position of Am-
13 bassador-At-Large for Global Health Security and
14 Diplomacy (referred to in this section as the “Am-
15 bassador-At-Large”).

16 (2) APPOINTMENT; QUALIFICATIONS.—The Am-
17 bassador-At-Large—

18 (A) shall be appointed by the President, by
19 and with the advice and consent of the Senate;

20 (B) shall report to the Secretary of State;
21 and

22 (C) shall have—

23 (i) demonstrated knowledge and expe-
24 rience in the field of health security, devel-

1 opment, public health, epidemiology, or
2 medicine; and

3 (ii) relevant diplomatic, policy, and
4 political expertise.

5 (3) **AUTHORITIES.**—The Ambassador-At-Large
6 may—

7 (A) operate internationally to carry out the
8 purposes of this section;

9 (B) ensure effective coordination, manage-
10 ment, and oversight of United States foreign
11 policy, diplomatic efforts, and foreign assistance
12 funded with amounts authorized to be appro-
13 priated pursuant to section 5564(a) that are
14 used by the Department of State to advance the
15 relevant elements of the United States global
16 health security and diplomacy strategy devel-
17 oped pursuant to subsection (a) by—

18 (i) developing and updating, as appro-
19 priate, in collaboration with the Adminis-
20 trator of the USAID and the Secretary of
21 Health and Human Services, related policy
22 guidance and unified auditing, monitoring,
23 and evaluation plans;

1 (ii) avoiding duplication of effort and
2 collaborating with other relevant Federal
3 departments and agencies;

4 (iii) leading, in collaboration with the
5 Secretary of Health and Human Services,
6 the Administrator of the USAID, and
7 other relevant Federal departments and
8 agencies, diplomatic efforts to identify and
9 address current and emerging threats to
10 global health security;

11 (iv) working to enhance coordination
12 with, and transparency among, the govern-
13 ments of partner countries and key stake-
14 holders, including the private sector;

15 (v) promoting greater donor and na-
16 tional investment in partner countries to
17 build health systems and supply chains for
18 global health security and pandemic pre-
19 vention and preparedness;

20 (vi) securing bilateral and multilateral
21 financing commitments to advance the
22 Global Health Security Agenda, in coordi-
23 nation with relevant Federal departments
24 and agencies, including through funding
25 for the Financial Intermediary Fund for

1 Pandemic Prevention, Preparedness, and
2 Response; and

3 (vii) providing regular updates to the
4 appropriate congressional committees, the
5 Committee on Health, Education, Labor,
6 and Pensions of the Senate, and the Com-
7 mittee on Energy and Commerce of the
8 House of Representatives regarding the
9 fulfillment of the activities described in
10 this paragraph;

11 (C) ensure, in collaboration with the Sec-
12 retary of the Treasury, the Secretary of Health
13 and Human Services, and the Administrator of
14 the USAID, effective representation of the
15 United States in the Financial Intermediary
16 Fund for Pandemic Prevention, Preparedness,
17 and Response;

18 (D) use detailees, on a reimbursable or
19 nonreimbursable basis, from relevant Federal
20 departments and agencies and hire personal
21 service contractors, who may operate domesti-
22 cally and internationally, to ensure that the
23 Ambassador-At-Large has access to the highest
24 quality experts available to the United States

1 Government to carry out the functions under
2 this subtitle; and

3 (E) perform such other functions as the
4 Secretary of State may assign.

5 (d) STRENGTHENING HEALTH SYSTEMS FOR GLOB-
6 AL HEALTH SECURITY AND PANDEMIC PREVENTION AND
7 PREPAREDNESS.—

8 (1) STATEMENT OF POLICY.—It is the policy of
9 the United States to ensure that bilateral global
10 health assistance programs are effectively managed
11 and coordinated, as necessary and appropriate to
12 achieve the purposes of this subtitle, to contribute to
13 the strengthening of health systems for global health
14 security and pandemic prevention, preparedness, and
15 response in each country in which such programs
16 are carried out.

17 (2) COORDINATION.—The Administrator of the
18 USAID shall work with the Global Malaria Coordi-
19 nator, the Coordinator of United States Government
20 Activities to Combat HIV/AIDS Globally, the Am-
21 bassador-at-Large for Global Health Security and
22 Diplomacy at the Department of State, and the Sec-
23 retary of Health and Human Services, to identify
24 areas of collaboration and coordination in countries
25 with global health programs and activities under-

1 taken by the USAID pursuant to the United States
2 Leadership Against HIV/AIDS, Tuberculosis, and
3 Malaria Act of 2003 (Public Law 108–25) and other
4 relevant provisions of law, to ensure that such activi-
5 ties contribute to the strengthening of health sys-
6 tems for global health security and pandemic preven-
7 tion and preparedness.

8 (e) COORDINATION FOR INTERNATIONAL PANDEMIC
9 EARLY WARNING NETWORK.—

10 (1) SENSE OF CONGRESS.—It is the sense of
11 Congress that the Secretary of Health and Human
12 Services, in coordination with the Secretary of State,
13 the USAID Administrator, the Director of the Cen-
14 ters for Disease Control and Prevention, and the
15 heads of the other relevant Federal departments and
16 agencies, should work with the World Health Orga-
17 nization and other key stakeholders to establish or
18 strengthen effective early warning systems, at the
19 partner country, regional, and international levels,
20 that utilize innovative information and analytical
21 tools and robust review processes to track, docu-
22 ment, analyze, and forecast infectious disease
23 threats with epidemic and pandemic potential.

24 (2) REPORT.—Not later than 1 year after the
25 date of the enactment of this Act, and annually

1 thereafter for the following 4 years, the Secretary of
2 Health and Human Services, in coordination with
3 the Secretary of State and the heads of the other
4 relevant Federal departments and agencies, shall
5 submit a report to the appropriate congressional
6 committees, the Committee on Health, Education,
7 Labor, and Pensions of the Senate, and the Com-
8 mittee on Energy and Commerce of the House of
9 Representatives that describes United States Gov-
10 ernment efforts and opportunities to establish or
11 strengthen effective early warning systems to detect
12 infectious disease threats internationally.

13 (f) INTERNATIONAL EMERGENCY OPERATIONS.—

14 (1) SENSE OF CONGRESS.—It is the sense of
15 Congress that it is essential to enhance the capacity
16 of key stakeholders to effectively operationalize early
17 warning and execute multi-sectoral emergency oper-
18 ations during an infectious disease outbreak, par-
19 ticularly in countries and areas that deliberately
20 withhold critical global health data and delay access
21 during an infectious disease outbreak, in advance of
22 the next infectious disease outbreak with pandemic
23 potential.

24 (2) PUBLIC HEALTH EMERGENCIES OF INTER-
25 NATIONAL CONCERN.—The Secretary of Health and

1 Human Services, in coordination with the Secretary
2 of State, should work with the World Health Organi-
3 zation and like-minded member states to adopt an
4 approach toward assessing infectious disease threats
5 under the International Health Regulations (2005)
6 for the World Health Organization to identify and
7 transparently communicate, on an ongoing basis,
8 varying levels of risk leading up to a declaration by
9 the Director General of the World Health Organiza-
10 tion of a Public Health Emergency of International
11 Concern for the duration and in the aftermath of
12 such declaration.

13 (3) EMERGENCY OPERATIONS.—The Secretary
14 of Health and Human Services, in coordination with
15 the Secretary of State, the Administrator of the
16 USAID, the Director of the Centers for Disease
17 Control and Prevention, and the heads of other rel-
18 evant Federal departments and agencies and con-
19 sistent with the requirements under the Inter-
20 national Health Regulations (2005) and the objec-
21 tives of the World Health Organization’s Health
22 Emergencies Programme, the Global Health Secu-
23 rity Agenda, and national actions plans for health
24 security, should work, in cooperation with the World
25 Health Organization, with partner countries, and

1 other key stakeholders, to support the establishment,
2 strengthening, and rapid response capacity of global
3 health emergency operations centers, at the partner
4 country and international levels, including efforts—

5 (A) to collect and share de-identified public
6 health data, assess risk, and operationalize
7 early warning;

8 (B) to secure, including through utilization
9 of stand-by arrangements and emergency fund-
10 ing mechanisms, the staff, systems, and re-
11 sources necessary to execute cross-sectoral
12 emergency operations during the 48-hour period
13 immediately following an infectious disease out-
14 break with pandemic potential; and

15 (C) to organize and conduct emergency
16 simulations.

17 **SEC. 5563. FINANCIAL INTERMEDIARY FUND FOR PAN-**
18 **DEMIC PREVENTION, PREPAREDNESS, AND**
19 **RESPONSE.**

20 (a) IN GENERAL.—

21 (1) FINDING.—Congress finds that the Finan-
22 cial Intermediary Fund for Pandemic Prevention,
23 Preparedness, and Response (referred to in this sec-
24 tion as the “Fund”) was established in September
25 2022 by donor countries, relevant United Nations

1 agencies, including the World Health Organization,
2 and other key multilateral stakeholders as a multi-
3 lateral, catalytic financing mechanism for pandemic
4 prevention and preparedness.

5 (2) OBJECTIVES.—The objectives of the Fund
6 are—

7 (A) closing critical gaps in pandemic pre-
8 vention and preparedness; and

9 (B) working with, and building the capac-
10 ity of, eligible partner countries in the areas of
11 global health security, infectious disease control,
12 and pandemic prevention and preparedness in
13 order to—

14 (i) prioritize capacity building and fi-
15 nancing availability in eligible partner
16 countries;

17 (ii) incentivize countries to prioritize
18 the use of domestic resources for global
19 health security and pandemic prevention
20 and preparedness;

21 (iii) leverage governmental, non-
22 governmental, and private sector invest-
23 ments;

24 (iv) regularly respond to and evaluate
25 progress based on clear metrics and bench-

1 marks, such as those developed through
2 the IHR (2005) Monitoring and Evalua-
3 tion Framework and the Global Health Se-
4 curity Index;

5 (v) align with and complement ongo-
6 ing bilateral and multilateral efforts and fi-
7 nancing, including through the World
8 Bank, the World Health Organization, the
9 Global Fund to Fight AIDS, Tuberculosis,
10 and Malaria, the Coalition for Epidemic
11 Preparedness and Innovation, and Gavi,
12 the Vaccine Alliance; and

13 (vi) help countries accelerate and
14 achieve compliance with the International
15 Health Regulations (2005) and fulfill the
16 Global Health Security Agenda 2024
17 Framework not later than 8 years after
18 the date on which the Fund is established,
19 in coordination with the ongoing Joint Ex-
20 ternal Evaluation national action planning
21 process.

22 (3) GOVERNING BOARD.—

23 (A) IN GENERAL.—The Fund should be
24 governed by a transparent, representative, and

1 accountable body (referred to in this section as
2 the “Governing Board”), which should—

3 (i) function as a partnership with, and
4 through full engagement by, donor govern-
5 ments, eligible partner countries, and inde-
6 pendent civil society; and

7 (ii) be composed of not more than 25
8 representatives of governments, founda-
9 tions, academic institutions, independent
10 civil society, indigenous people, vulnerable
11 communities, frontline health workers, and
12 the private sector with demonstrated com-
13 mitment to carrying out the purposes of
14 the Fund and upholding transparency and
15 accountability requirements.

16 (B) DUTIES.—The Governing Board
17 should—

18 (i) be charged with approving strate-
19 gies, operations, and grant making au-
20 thorities such that it is able to conduct ef-
21 fective fiduciary, monitoring, and evalua-
22 tion efforts, and other oversight functions;

23 (ii) determine operational procedures
24 to enable the Fund to effectively fulfill its
25 mission;

1 (iii) provide oversight and account-
2 ability for the Fund in collaboration with a
3 qualified and independent Inspector Gen-
4 eral;

5 (iv) develop and utilize a mechanism
6 to obtain formal input from eligible part-
7 ner countries, independent civil society,
8 and implementing entities relative to pro-
9 gram design, review, and implementation
10 and associated lessons learned; and

11 (v) coordinate and align with other
12 multilateral financing and technical assist-
13 ance activities, and with the activities of
14 the United States and other nations lead-
15 ing pandemic prevention, preparedness,
16 and response activities in partner coun-
17 tries, as appropriate.

18 (C) COMPOSITION.—The Governing Board
19 should include—

20 (i) representatives of the governments
21 of founding member countries who, in ad-
22 dition to meeting the requirements under
23 subparagraph (A), qualify based upon—

24 (I) meeting an established initial
25 contribution threshold, which should

1 be not less than 10 percent of the
2 country's total initial contributions;
3 and

4 (II) demonstrating a commitment
5 to supporting the International
6 Health Regulations (2005);

7 (ii) a geographically diverse group of
8 members from donor countries, academic
9 institutions, independent civil society, in-
10 cluding faith-based and indigenous organi-
11 zations, and the private sector who are se-
12 lected on the basis of their experience and
13 commitment to innovation, best practices,
14 and the advancement of global health secu-
15 rity objectives; and

16 (iii) representatives of the World
17 Health Organization, to serve in an ob-
18 server status.

19 (D) CONTRIBUTIONS.—Each government
20 or private sector foundation or for-profit entity
21 represented on the Governing Board should
22 agree to make annual contributions to the Fund
23 in an amount that is not less than the min-
24 imum amount determined by the Governing
25 Board.

1 (E) QUALIFICATIONS.—Individuals ap-
2 pointed to the Governing Board should have
3 demonstrated knowledge and experience across
4 a variety of sectors, including human and ani-
5 mal health, agriculture, development, defense,
6 finance, research, and academia.

7 (F) CONFLICTS OF INTEREST.—All Gov-
8 erning Board members should be required to
9 recuse themselves from matters presenting con-
10 flicts of interest, including financing decisions
11 relating to such countries, bodies, and institu-
12 tions.

13 (G) REMOVAL PROCEDURES.—The Fund
14 should establish procedures for the removal of
15 members of the Governing Board who—

16 (i) engage in a consistent pattern of
17 human rights abuses;

18 (ii) fail to uphold global health data
19 transparency requirements; or

20 (iii) otherwise violate the established
21 standards of the Fund, including in rela-
22 tion to corruption.

23 (b) AUTHORITY FOR UNITED STATES PARTICIPA-
24 TION.—

1 (1) **FOUNDING MEMBER.**—The United States is
2 authorized to participate in the Fund and shall be
3 represented on the Governing Board by an officer or
4 employee of the United States Government who has
5 been appointed by the President (referred in this
6 section as the “FIF Representative”).

7 (2) **EFFECTIVE DATE; TERMINATION DATE.**—

8 (A) **EFFECTIVE DATE.**—This subsection
9 shall take effect on the date on which the Sec-
10 retary of State submits to Congress a certified
11 copy of the agreement establishing the Fund.

12 (B) **TERMINATION DATE.**—The member-
13 ship authorized under paragraph (1) shall ter-
14minate on the date on which the Fund is termi-
15nated.

16 (3) **ENFORCEABILITY.**—Any agreement con-
17 cluded under the authorities provided under this
18 subsection shall be legally effective and binding upon
19 the United States, in accordance with the terms of
20 the agreement—

21 (A) upon the enactment of appropriate im-
22 plementing legislation that provides for the ap-
23 proval of the specific agreement or agreements,
24 including attachments, annexes, and supporting
25 documentation, as appropriate; or

1 (B) if concluded and submitted as a treaty,
2 upon the approval by the Senate of the resolu-
3 tion of ratification of such treaty.

4 (c) IMPLEMENTATION OF PROGRAM OBJECTIVES.—
5 In carrying out the objectives described in subsection
6 (a)(2), the Fund should work to eliminate duplication and
7 waste by upholding strict transparency and accountability
8 standards and coordinating its programs and activities
9 with key partners working to advance pandemic preven-
10 tion and preparedness.

11 (d) PRIORITY COUNTRIES.—In providing assistance
12 under this section, the Fund should give priority to low-
13 and lower middle-income countries with—

14 (1) low scores on the Global Health Security
15 Index classification of health systems;

16 (2) measurable gaps in global health security
17 and pandemic prevention and preparedness identi-
18 fied under the IHR (2005) Monitoring and Evalua-
19 tion Framework and national action plans for health
20 security;

21 (3) demonstrated political and financial com-
22 mitment to pandemic prevention and preparedness;
23 and

24 (4) demonstrated commitment to—

1 (A) upholding global health budget and
2 data transparency and accountability standards;

3 (B) complying with the International
4 Health Regulations (2005);

5 (C) investing in domestic health systems;
6 and

7 (D) achieving measurable results.

8 (e) ACCOUNTABILITY; CONFLICTS OF INTEREST;
9 CRITERIA FOR PROGRAMS.—The FIF Representative
10 shall—

11 (1) take such actions as may be necessary to
12 ensure that the Fund will have in effect adequate
13 procedures and standards to account for and mon-
14 itor the use of funds contributed to the Fund, in-
15 cluding the cost of administering the Fund, by—

16 (A) engaging Fund stakeholders; and

17 (B) actively promoting transparency and
18 accountability of Fund governance and oper-
19 ations;

20 (2) seek to ensure there is agreement to put in
21 place a conflict of interest policy to ensure fairness
22 and a high standard of ethical conduct in the Fund's
23 decision-making processes, including proactive proce-
24 dures to screen staff for conflicts of interest and
25 measures to address any conflicts, such as—

- 1 (A) potential divestments of interests;
- 2 (B) prohibition from engaging in certain
3 activities;
- 4 (C) recusal from certain decision-making
5 and administrative processes; and
- 6 (D) representation by an alternate board
7 member; and
- 8 (3) seek agreement on the criteria that should
9 be used to determine the programs and activities
10 that should be assisted by the Fund.
- 11 (f) SELECTION OF PARTNER COUNTRIES, PROJECTS,
12 AND RECIPIENTS.—The Governing Board should estab-
13 lish—
- 14 (1) eligible partner country selection criteria,
15 including transparent metrics to measure and assess
16 global health security and pandemic prevention and
17 preparedness strengths and vulnerabilities in coun-
18 tries seeking assistance;
- 19 (2) minimum standards for ensuring eligible
20 partner country ownership and commitment to long-
21 term results, including requirements for domestic
22 budgeting, resource mobilization, and co-investment;
- 23 (3) criteria for the selection of projects to re-
24 ceive support from the Fund;

1 (4) standards and criteria regarding qualifica-
2 tions of recipients of such support; and

3 (5) such rules and procedures as may be nec-
4 essary—

5 (A) for cost-effective management of the
6 Fund; and

7 (B) to ensure transparency and account-
8 ability in the grant-making process.

9 (g) ADDITIONAL TRANSPARENCY AND ACCOUNT-
10 ABILITY REQUIREMENTS.—

11 (1) INSPECTOR GENERAL.—The FIF Rep-
12 resentative shall seek to ensure that the Fund main-
13 tains an independent Office of the Inspector General
14 that—

15 (A) is fully enabled to operate independ-
16 ently and transparently;

17 (B) is supported by and with the requisite
18 resources and capacity to regularly conduct and
19 publish, on a publicly accessible website, rig-
20 orous financial, programmatic, and reporting
21 audits and investigations of the Fund and its
22 grantees, including subgrantees; and

23 (C) establishes an investigative unit that—

24 (i) develops an oversight mechanism
25 to ensure that grant funds are not diverted

1 to illicit or corrupt purposes or activities;
2 and

3 (ii) submits an annual report to the
4 Governing Board describing its activities,
5 investigations, and results.

6 (2) SENSE OF CONGRESS ON CORRUPTION.—It
7 is the sense of Congress that—

8 (A) corruption within global health pro-
9 grams contribute directly to the loss of human
10 life and cannot be tolerated; and

11 (B) in making financial recoveries relating
12 to a corrupt act or criminal conduct committed
13 by a grant recipient, as determined by the In-
14 spector General described in paragraph (1), the
15 responsible grant recipient should be assessed
16 at a recovery rate of up to 150 percent of such
17 loss.

18 (3) ADMINISTRATIVE EXPENSES; FINANCIAL
19 TRACKING SYSTEMS.—The FIF Representative shall
20 seek to ensure that the Fund establishes, maintains,
21 and makes publicly available a system to track—

22 (A) the administrative and management
23 costs of the Fund on a quarterly basis; and

1 (B) the amount of funds disbursed to each
2 grant recipient and subrecipient during each
3 grant's fiscal cycle.

4 (4) EXEMPTION FROM DUTIES AND TAXES.—

5 The FIF Representative should seek to ensure that
6 the Fund adopts rules that condition grants upon
7 agreement by the relevant national authorities in an
8 eligible partner country to exempt from duties and
9 taxes all products financed by such grants, including
10 procurements by any principal or subrecipient for
11 the purpose of carrying out such grants.

12 (h) REPORTS TO CONGRESS.—

13 (1) ANNUAL REPORT.—

14 (A) IN GENERAL.—Not later than 180
15 days after the date of the enactment of this
16 Act, and annually thereafter for the duration of
17 the Fund, the Secretary of State, in collabora-
18 tion with the Administrator of the USAID and
19 the heads of other relevant Federal depart-
20 ments and agencies, shall submit a report on
21 the activities of the Fund to the appropriate
22 congressional committees.

23 (B) REPORT ELEMENTS.—Each report re-
24 quired under subparagraph (A) shall describe—

25 (i) the goals of the Fund;

1 (ii) the programs, projects, and activi-
2 ties supported by the Fund;

3 (iii) private and governmental con-
4 tributions to the Fund; and

5 (iv) the criteria utilized to determine
6 the programs and activities that should be
7 assisted by the Fund, including baselines,
8 targets, desired outcomes, measurable
9 goals, and extent to which those goals are
10 being achieved.

11 (2) GAO REPORT ON EFFECTIVENESS.—Not
12 later than 2 years after the date on which the Fund
13 is established, the Comptroller General of the United
14 States shall submit a report to the appropriate con-
15 gressional committees that evaluates the effective-
16 ness of the Fund, including—

17 (A) the effectiveness of the programs,
18 projects, and activities supported by the Fund;
19 and

20 (B) an assessment of the merits of contin-
21 ued United States participation in the Fund.

22 (i) UNITED STATES CONTRIBUTIONS.—

23 (1) IN GENERAL.—Subject to paragraph (4)(C),
24 the President may provide contributions to the
25 Fund.

1 (2) NOTIFICATION.—The Secretary of State,
2 the Administrator of the USAID, or the head of any
3 other relevant Federal department or agency shall
4 submit a notification to the appropriate congress-
5 sional committees not later than 15 days before
6 making a contribution to the Fund that identifies—

7 (A) the amount of the proposed contribu-
8 tion;

9 (B) the total of funds contributed by other
10 donors; and

11 (C) the national interests served by United
12 States participation in the Fund.

13 (3) LIMITATION.—During the 5-year period be-
14 ginning on the date of the enactment of this Act, the
15 cumulative total of United States contributions to
16 the Fund may not exceed 33 percent of the total
17 contributions to the Fund from all sources.

18 (4) WITHHOLDINGS.—

19 (A) SUPPORT FOR ACTS OF INTER-
20 NATIONAL TERRORISM.—If the Secretary of
21 State determines that the Fund has provided
22 assistance to a country, the government of
23 which the Secretary of State has determined,
24 for purposes of section 620A of the Foreign As-
25 sistance Act of 1961 (22 U.S.C. 2371) has re-

1 peatedly provided support for acts of inter-
2 national terrorism, the United States shall
3 withhold from its contribution to the Fund for
4 the next fiscal year an amount equal to the
5 amount expended by the Fund to the govern-
6 ment of such country.

7 (B) EXCESSIVE SALARIES.—If the Sec-
8 retary of State determines that the salary dur-
9 ing any of the first 5 fiscal years beginning
10 after the date of the enactment of this Act of
11 any individual employed by the Fund exceeds
12 the salary of the Vice President of the United
13 States for such fiscal year, the United States
14 should withhold from its contribution for the
15 following fiscal year an amount equal to the ag-
16 gregate difference between the 2 salaries.

17 (C) ACCOUNTABILITY CERTIFICATION RE-
18 QUIREMENT.—The Secretary of State may
19 withhold not more than 20 percent of planned
20 United States contributions to the Fund until
21 the Secretary certifies to the appropriate con-
22 gressional committees that the Fund has estab-
23 lished procedures to provide access by the Of-
24 fice of Inspector General of the Department of
25 State, as cognizant Inspector General, the In-

1 spector General of the Department of Health
2 and Human Services, the USAID Inspector
3 General, and the Comptroller General of the
4 United States to the Fund's financial data and
5 other information relevant to United States
6 contributions to the Fund (as determined by
7 the Inspector General of the Department of
8 State, in consultation with the Secretary of
9 State).

10 **SEC. 5564. GENERAL PROVISIONS.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated \$5,000,000,000 for the 5-year period
14 beginning on October 1, 2022 to carry out the pur-
15 poses of sections 5562 and 5563, which may be in
16 addition to amounts otherwise made available for
17 such purposes, in consultation with the appropriate
18 congressional committees and subject to the require-
19 ments under chapters 1 and 10 of part I and section
20 634A of the Foreign Assistance Act of 1961 (22
21 U.S.C. 2151 et seq.).

22 (2) EXCEPTION.—Section 110 of the Traf-
23 ficking Victims Protection Act of 2000 (22 U.S.C.
24 7107) shall not apply with respect to assistance
25 made available under this subtitle.

1 (b) COMPLIANCE WITH THE FOREIGN AID TRANS-
2 PARENCY AND ACCOUNTABILITY ACT OF 2016.—Section
3 2(3) of the Foreign Aid Transparency and Accountability
4 Act of 2016 (Public Law 114–191; 22 U.S.C. 2394c note)
5 is amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

10 (3) by adding at the end the following:

11 “(F) the Global Health Security and Inter-
12 national Pandemic Prevention, Preparedness
13 and Response Act of 2022.”.

14 **SEC. 5565. SUNSET.**

15 This subtitle shall cease to be effective on September
16 30, 2027.

17 **SEC. 5566. RULE OF CONSTRUCTION.**

18 Nothing in this subtitle may be construed to impair
19 or otherwise affect the authorities granted to the Adminis-
20 trator of the USAID, the Secretary of Health and Human
21 Services, or the head of any other Federal department or
22 agency under any applicable law.

1 **Subtitle E—Burma Act of 2022**

2 **SEC. 5567. SHORT TITLE.**

3 This subtitle may be cited as the “Burma Unified
4 through Rigorous Military Accountability Act of 2022” or
5 the “BURMA Act of 2022”.

6 **SEC. 5568. DEFINITIONS.**

7 In this subtitle:

8 (1) **BURMESE MILITARY.**—The term “Burmese
9 military”—

10 (A) means the Armed Forces of Burma,
11 including the army, navy, and air force; and

12 (B) includes security services under the
13 control of the Armed Forces of Burma, such as
14 the police and border guards.

15 (2) **EXECUTIVE ORDER 14014.**—The term “Ex-
16 ecutive Order 14014” means Executive Order 14014
17 (86 Fed. Reg. 9429; relating to blocking property
18 with respect to the situation in Burma).

19 (3) **GENOCIDE.**—The term “genocide” means
20 any offense described in section 1091(a) of title 18,
21 United States Code.

22 (4) **WAR CRIME.**—The term “war crime” has
23 the meaning given the term in section 2441(c) of
24 title 18, United States Code.

1 **PART 1—MATTERS RELATING TO THE CONFLICT**
2 **IN BURMA**

3 **SEC. 5569. STATEMENT OF POLICY.**

4 It is the policy of the United States to—

5 (1) continue to support the people of Burma in
6 their struggle for democracy, human rights, and jus-
7 tice;

8 (2) support the efforts of the National Unity
9 Government (NUG), the National Unity Consult-
10 ative Council (NUCC), the Committee Representing
11 Pyidaungsu Hluttaw (CRPH), the Burmese Civil
12 Disobedience Movement, and other entities in
13 Burma and in other countries to oppose the Bur-
14 mese military and bring about an end to the military
15 junta's rule;

16 (3) support a credible process for the restora-
17 tion of civilian government in Burma, with a re-
18 formed Burmese military under civilian control and
19 the enactment of constitutional, political, and eco-
20 nomic reform that protects the rights of minority
21 groups and furthers a federalist form of government;

22 (4) hold accountable perpetrators of human
23 rights violations committed against ethnic groups in
24 Burma and the people of Burma, including through
25 the February 2022 coup d'etat;

1 (5) hold accountable the Russian Federation
2 and the People’s Republic of China for their support
3 of the Burmese military;

4 (6) continue to provide humanitarian assistance
5 to populations impacted by violence perpetrated by
6 the Burmese military wherever they may reside, and
7 coordinate efforts among like-minded governments
8 and other international donors to maximize the ef-
9 fectiveness of assistance and support for the people
10 of Burma;

11 (7) secure the unconditional release of all un-
12 lawfully detained individuals in Burma, including
13 those detained for the exercise of their fundamental
14 freedoms; and

15 (8) provide humanitarian assistance to the peo-
16 ple of Burma in Burma, Bangladesh, Thailand, and
17 the surrounding region without going through the
18 Burmese military.

19 **PART 2—SANCTIONS AND POLICY**

20 **COORDINATION WITH RESPECT TO BURMA**

21 **SEC. 5570. DEFINITIONS.**

22 In this part:

23 (1) ADMITTED; ALIEN.—The terms “admitted”
24 and “alien” have the meanings given those terms in

1 section 101 of the Immigration and Nationality Act
2 (8 U.S.C. 1101).

3 (2) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Foreign Relations
7 and the Committee on Banking, Housing, and
8 Urban Affairs of the Senate; and

9 (B) the Committee on Foreign Affairs and
10 the Committee on Financial Services of the
11 House of Representatives.

12 (3) CORRESPONDENT ACCOUNT; PAYABLE-
13 THROUGH ACCOUNT.—The terms “correspondent ac-
14 count” and “payable-through account” have the
15 meanings given those terms in section 5318A of title
16 31, United States Code.

17 (4) FOREIGN FINANCIAL INSTITUTION.—The
18 term “foreign financial institution” has the meaning
19 of that term as determined by the Secretary of the
20 Treasury by regulation.

21 (5) FOREIGN PERSON.—The term “foreign per-
22 son” means a person that is not a United States
23 person.

24 (6) KNOWINGLY.—The term “knowingly”, with
25 respect to conduct, a circumstance, or a result,

1 means that a person has actual knowledge, or should
2 have known, of the conduct, the circumstance, or the
3 result.

4 (7) PERSON.—The term “person” means an in-
5 dividual or entity.

6 (8) SUPPORT.—The term “support”, with re-
7 spect to the Burmese military, means to knowingly
8 have materially assisted, sponsored, or provided fi-
9 nancial, material, or technological support for, or
10 goods or services to or in support of the Burmese
11 military.

12 (9) UNITED STATES PERSON.—The term
13 “United States person” means—

14 (A) a United States citizen or an alien law-
15 fully admitted to the United States for perma-
16 nent residence;

17 (B) an entity organized under the laws of
18 the United States or any jurisdiction within the
19 United States, including a foreign branch of
20 such an entity; or

21 (C) any person in the United States.

1 **SEC. 5571. IMPOSITION OF SANCTIONS WITH RESPECT TO**
2 **HUMAN RIGHTS ABUSES AND PERPETRATION**
3 **OF A COUP IN BURMA.**

4 (a) **MANDATORY SANCTIONS.**—Not later than 180
5 days after the date of the enactment of this Act, the Presi-
6 dent shall impose the sanctions described in subsection (d)
7 with respect to any foreign person that the President de-
8 termines—

9 (1) is a senior official of—

10 (A) the Burmese military or security forces
11 of Burma;

12 (B) the State Administration Council, the
13 military-appointed cabinet at the level of Dep-
14 uty Minister or higher, or a military-appointed
15 minister of a Burmese state or region; or

16 (C) an entity that primarily operates in the
17 defense sector of the Burmese economy; or

18 (2) is a Burmese state-owned commercial enter-
19 prise (other than an entity described in subsections
20 (c)(1) and (c)(2)) that—

21 (A) is operating in the industrial or extrac-
22 tive sectors; and

23 (B) significantly financially benefits the
24 Burmese military.

25 (b) **ADDITIONAL MEASURE RELATING TO FACILITA-**
26 **TION OF TRANSACTIONS.**—The Secretary of the Treasury

1 may, in consultation with the Secretary of State, prohibit
2 or impose strict conditions on the opening or maintaining
3 in the United States of a correspondent account or pay-
4 able-through account by a foreign financial institution
5 that the President determines has, on or after the date
6 of the enactment of this Act, knowingly conducted or fa-
7 cilitated a significant transaction or transactions on behalf
8 of a foreign person subject to sanctions under this section
9 imposed pursuant to subsection (a).

10 (c) ADDITIONAL SANCTIONS.—The President may
11 impose the sanctions described in subsection (d) with re-
12 spect to—

13 (1) the Myanmar Oil and Gas Enterprise;

14 (2) any Burmese state-owned enterprise that—

15 (A) is not operating in the industrial or ex-
16 tractive sectors; and

17 (B) significantly financially benefits the
18 Burmese military;

19 (3) a spouse or adult child of any person de-
20 scribed in subsection (a)(1);

21 (4) any foreign person that, leading up to, dur-
22 ing, and since the February 1, 2021, coup d’etat in
23 Burma, is responsible for or has directly and know-
24 ingly engaged in—

1 (A) actions or policies that significantly
2 undermine democratic processes or institutions
3 in Burma;

4 (B) actions or policies that significantly
5 threaten the peace, security, or stability of
6 Burma;

7 (C) actions or policies by a Burmese per-
8 son that—

9 (i) significantly prohibit, limit, or pe-
10 nalize the exercise of freedom of expression
11 or assembly by people in Burma; or

12 (ii) limit access to print, online, or
13 broadcast media in Burma; or

14 (D) the orchestration of arbitrary deten-
15 tion or torture in Burma or other serious
16 human rights abuses in Burma; or

17 (5) any Burmese entity that provides materiel
18 to the Burmese military.

19 (d) SANCTIONS DESCRIBED.—The sanctions de-
20 scribed in this subsection are the following:

21 (1) PROPERTY BLOCKING.—The President may
22 exercise all powers granted to the President by the
23 International Emergency Economic Powers Act (50
24 U.S.C. 1701 et seq.) to the extent necessary to block
25 and prohibit all transactions in all property and in-

1 terests in property of the foreign person if such
2 property and interests in property are in the United
3 States, come within the United States, or are or
4 come within the possession or control of a United
5 States person.

6 (2) FOREIGN EXCHANGE.—The President may,
7 pursuant to such regulations as the President may
8 prescribe, prohibit any transactions in foreign ex-
9 change that are subject to the jurisdiction of the
10 United States and in which the foreign person has
11 any interest.

12 (3) VISAS, ADMISSION, OR PAROLE.—

13 (A) IN GENERAL.—An alien who is de-
14 scribed in subsection (a) or (c) is—

15 (i) inadmissible to the United States;

16 (ii) ineligible for a visa or other docu-
17 mentation to enter the United States; and

18 (iii) otherwise ineligible to be admitted
19 or paroled into the United States or to re-
20 ceive any other benefit under the Immigra-
21 tion and Nationality Act (8 U.S.C. 1101 et
22 seq.).

23 (B) CURRENT VISAS REVOKED.—

24 (i) IN GENERAL.—The issuing con-
25 sular officer, the Secretary of State, or the

1 Secretary of Homeland Security (or a des-
2 ignee of one of such Secretaries) shall, in
3 accordance with section 221(i) of the Im-
4 migration and Nationality Act (8 U.S.C.
5 1201(i)), revoke any visa or other entry
6 documentation issued to an alien described
7 in subparagraph (A) regardless of when
8 the visa or other entry documentation is
9 issued.

10 (ii) EFFECT OF REVOCATION.—A rev-
11 ocation under clause (i)—

12 (I) shall take effect immediately;

13 and

14 (II) shall automatically cancel
15 any other valid visa or entry docu-
16 mentation that is in the alien's pos-
17 session.

18 (e) ASSESSMENT AND REPORT ON SANCTIONS WITH
19 RESPECT TO BURMESE STATE-OWNED ENTERPRISE OP-
20 ERATING IN THE ENERGY SECTOR.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, the
23 President shall conduct an assessment with respect
24 to the Burmese state-owned enterprise described in
25 subsection (c)(1), including relevant factors per-

1 taining to the possible application of sanctions on
2 such enterprise.

3 (2) REPORT REQUIRED.—Upon making the de-
4 termination required by paragraph (1), the Presi-
5 dent shall submit to the appropriate congressional
6 committees a report on the assessment.

7 (3) FORM OF REPORT.—The report required by
8 paragraph (2) shall be submitted in unclassified
9 form but may include a classified annex.

10 (f) EXCEPTIONS.—

11 (1) EXCEPTION FOR INTELLIGENCE, LAW EN-
12 FORCEMENT, AND NATIONAL SECURITY ACTIVI-
13 TIES.—Sanctions under this section shall not apply
14 to any authorized intelligence, law enforcement, or
15 national security activities of the United States.

16 (2) EXCEPTION TO COMPLY WITH INTER-
17 NATIONAL OBLIGATIONS.—Sanctions under sub-
18 section (d)(3) shall not apply with respect to the ad-
19 mission of an alien if admitting or paroling the alien
20 into the United States is necessary to permit the
21 United States to comply with the Agreement regard-
22 ing the Headquarters of the United Nations, signed
23 at Lake Success June 26, 1947, and entered into
24 force November 21, 1947, between the United Na-

1 tions and the United States, or other applicable
2 international obligations.

3 (3) EXCEPTION RELATING TO THE PROVISION
4 OF HUMANITARIAN ASSISTANCE.—Sanctions under
5 this section may not be imposed with respect to
6 transactions or the facilitation of transactions for—

7 (A) the sale of agricultural commodities,
8 food, medicine, or medical devices to Burma;

9 (B) the provision of humanitarian assist-
10 ance to the people of Burma;

11 (C) financial transactions relating to hu-
12 manitarian assistance or for humanitarian pur-
13 poses in Burma; or

14 (D) transporting goods or services that are
15 necessary to carry out operations relating to
16 humanitarian assistance or humanitarian pur-
17 poses in Burma.

18 (4) EXCEPTION RELATING TO WIND-DOWN OF
19 PROJECTS.—Sanctions under this section shall not
20 be imposed with respect to transactions or the facili-
21 tation of transactions related to the disposition of in-
22 vestments pursuant to—

23 (A) agreements entered into between
24 United States persons and the Government of
25 Burma prior to May 21, 1997;

1 (B) the exercise of rights pursuant to such
2 agreements; or

3 (C) transactions related to the subsequent
4 operation of the assets encompassed by such
5 disposed investments.

6 (g) WAIVER.—The President may, on a case-by-case
7 basis waive the application of sanctions or restrictions im-
8 posed with respect to a foreign person under this section
9 if the President certifies to the appropriate congressional
10 committees at the time such waiver is to take effect that
11 the waiver is in the national interest of the United States.

12 (h) IMPLEMENTATION; PENALTIES.—

13 (1) IMPLEMENTATION.—The President may ex-
14 ercise all authorities provided to the President under
15 sections 203 and 205 of the International Emer-
16 gency Economic Powers Act (50 U.S.C. 1702 and
17 1704) to carry out this section.

18 (2) PENALTIES.—The penalties provided for in
19 subsections (b) and (c) of section 206 of the Inter-
20 national Emergency Economic Powers Act (50
21 U.S.C. 1705) shall apply to a person that violates,
22 attempts to violate, conspires to violate, or causes a
23 violation of this section or any regulations promul-
24 gated under this section to the same extent that

1 such penalties apply to a person that commits an
2 unlawful act described in section 206(a) of that Act.

3 (i) REPORT.—Not later than 90 days after the date
4 of the enactment of this Act and annually thereafter for
5 8 years, the Secretary of State, in consultation with the
6 Secretary of the Treasury, shall submit to the appropriate
7 congressional committees a classified report that—

8 (1) describes the primary sources of income to
9 which the Burmese military has access and that the
10 United States has been unable to reach using sanc-
11 tions authorities; and

12 (2) assesses the impact of the sanctions im-
13 posed pursuant to the authorities under this section
14 on the Burmese people and the Burmese military.

15 **SEC. 5572. SANCTIONS AND POLICY COORDINATION FOR**
16 **BURMA.**

17 (a) IN GENERAL.—The head of the Office of Sanc-
18 tions Coordination in the Department of State should de-
19 velop a comprehensive strategy for the implementation of
20 the full range of United States diplomatic capabilities to
21 implement Burma-related sanctions in order to promote
22 human rights and the restoration of civilian government
23 in Burma.

1 (b) MATTERS TO BE INCLUDED.—The strategy de-
2 scribed in subsection (a) should include plans and steps
3 to—

4 (1) coordinate the sanctions policies of the
5 United States with relevant bureaus and offices in
6 the Department of State and other relevant United
7 States Government agencies;

8 (2) conduct relevant research and vetting of en-
9 tities and individuals that may be subject to sanc-
10 tions and coordinate with other United States Gov-
11 ernment agencies and international financial intel-
12 ligence units to assist in efforts to enforce anti-
13 money laundering and anti-corruption laws and reg-
14 ulations;

15 (3) promote a comprehensive international ef-
16 fort to impose and enforce multilateral sanctions
17 with respect to Burma;

18 (4) support interagency United States Govern-
19 ment efforts, including efforts of the United States
20 Chief of Mission to Burma, the United States Am-
21 bassador to ASEAN, and the United States Perma-
22 nent Representative to the United Nations, relating
23 to—

24 (A) identifying opportunities to exert pres-
25 sure on the governments of the People's Repub-

1 lic of China and the Russian Federation to sup-
2 port multilateral action against the Burmese
3 military; and

4 (B) working with like-minded partners to
5 impose a coordinated arms embargo on the
6 Burmese military and targeted sanctions on the
7 economic interests of the Burmese military, in-
8 cluding through the introduction and adoption
9 of a United Nations Security Council resolu-
10 tion; and

11 (5) provide timely input for reporting on the
12 impacts of the implementation of sanctions on the
13 Burmese military and the people of Burma.

14 **SEC. 5573. SUPPORT FOR GREATER UNITED NATIONS AC-**
15 **TION WITH RESPECT TO BURMA.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) the United Nations Security Council has
19 not taken adequate steps to condemn the February
20 1, 2021, coup in Burma, pressure the Burmese mili-
21 tary to cease its violence against civilians, or secure
22 the release of those unjustly detained;

23 (2) countries, such as the People’s Republic of
24 China and the Russian Federation, that are directly
25 or indirectly shielding the Burmese military from

1 international scrutiny and action, should be obliged
2 to endure the reputational damage of doing so by
3 taking public votes on resolutions related to Burma
4 that apply greater pressure on the Burmese military
5 to restore Burma to its democratic path; and

6 (3) the United Nations Secretariat and the
7 United Nations Security Council should take con-
8 crete steps to address the coup and ongoing crisis in
9 Burma consistent with United Nations General As-
10 sembly resolution 75/287, “The situation in
11 Myanmar,” which was adopted on June 18, 2021.

12 (b) SUPPORT FOR GREATER ACTION.—The President
13 shall direct the United States Permanent Representative
14 to the United Nations to use the voice, vote, and influence
15 of the United States to spur greater action by the United
16 Nations and the United Nations Security Council with re-
17 spect to Burma by—

18 (1) pushing the United Nations Security Coun-
19 cil to consider a resolution condemning the February
20 1, 2021, coup and calling on the Burmese military
21 to cease its violence against the people of Burma
22 and release without preconditions the journalists,
23 pro-democracy activists, and political officials that it
24 has unjustly detained;

1 (2) pushing the United Nations Security Coun-
2 cil to consider a resolution that immediately imposes
3 a global arms embargo against Burma to ensure
4 that the Burmese military is not able to obtain
5 weapons and munitions from other nations to fur-
6 ther harm, murder, and oppress the people of
7 Burma;

8 (3) pushing the United Nations and other
9 United Nations authorities to cut off assistance to
10 the Government of Burma while providing humani-
11 tarian assistance directly to the people of Burma
12 through United Nations bodies and civil society or-
13 ganizations, particularly such organizations working
14 with ethnic minorities that have been adversely af-
15 fected by the coup and the Burmese military's vio-
16 lent crackdown; and

17 (4) spurring the United Nations Security Coun-
18 cil to consider multilateral sanctions against the
19 Burmese military for its atrocities against Rohingya
20 and individuals of other ethnic and religious minori-
21 ties, its coup, and the atrocities it has and continues
22 to commit in the coup's aftermath.

23 (c) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the United States Permanent Representative to

1 the United Nations should use the voice, vote, and influ-
2 ence of the United States to—

3 (1) object to the appointment of representatives
4 to the United Nations and United Nations bodies
5 such as the Human Rights Council that are sanc-
6 tioned by the Burmese military; and

7 (2) work to ensure the Burmese military is not
8 recognized as the legitimate government of Burma
9 in any United Nations body.

10 **SEC. 5574. SUNSET.**

11 (a) IN GENERAL.—The authority to impose sanctions
12 and the sanctions imposed under this part shall terminate
13 on the date that is 8 years after the date of the enactment
14 of this Act.

15 (b) CERTIFICATION FOR EARLY SUNSET OF SANC-
16 TIONS.—Sanctions imposed under this part may be re-
17 moved before the date specified in subsection (a), if the
18 President submits to the appropriate congressional com-
19 mittees a certification that—

20 (1) the Burmese military has released all polit-
21 ical prisoners taken into custody on or after Feb-
22 ruary 1, 2021, or is providing legal recourse to those
23 that remain in custody;

1 (2) the elected government of Burma has been
2 reinstated or new free and fair elections have been
3 held;

4 (3) all legal charges against those winning elec-
5 tion in November 2020 are dropped; and

6 (4) the 2008 constitution of Burma has been
7 amended or replaced to place the Burmese military
8 under civilian oversight and ensure that the Bur-
9 mese military no longer automatically receives 25
10 percent of seats in Burma's state, regional, and na-
11 tional Hluttaws.

12 (c) NOTIFICATION FOR EARLY SUNSET OF SANC-
13 TIONS ON INDIVIDUALS.—

14 (1) IN GENERAL.—The President may termi-
15 nate the application of sanctions under this part
16 with respect to specific individuals if the President
17 submits to the appropriate congressional commit-
18 tees—

19 (A) a notice of and justification for the
20 termination; and

21 (B) a notice that the individual is not en-
22 gaging in the activity or is no longer occupying
23 the position that was the basis for the sanctions
24 or has taken significant verifiable steps toward
25 stopping the activity.

1 (2) FORM.—The notice required by paragraph
2 (1) shall be submitted in unclassified form but may
3 include a classified annex.

4 **PART 3—AUTHORIZATIONS OF APPROPRIATIONS**
5 **FOR ASSISTANCE FOR BURMA**

6 **SEC. 5575. GENERAL AUTHORIZATION OF APPROPRIA-**
7 **TIONS.**

8 During each of the fiscal years 2023 through 2027,
9 following consultation with the appropriate congressional
10 committees and subject to the limitations described in sec-
11 tion 5576, funds authorized to be made available to carry
12 out chapter 4 of part II of the Foreign Assistance Act
13 of 1961 may be made available, notwithstanding any other
14 provision of law, for—

15 (1) programs to strengthen federalism in and
16 among ethnic states in Burma, including for non-le-
17 thal assistance for Ethnic Armed Organizations in
18 Burma;

19 (2) the administrative operations and programs
20 of entities in Burma, including the political entities
21 and affiliates of Ethnic Armed Organizations and
22 pro-democracy movement organizations, that support
23 efforts to establish an inclusive and representative
24 democracy in Burma;

1 (3) technical support and non-lethal assistance
2 for Burma's Ethnic Armed Organizations, People's
3 Defense Forces, and pro-democracy movement orga-
4 nizations to strengthen communications and com-
5 mand and control, and coordination of international
6 relief and other operations between and among such
7 entities;

8 (4) programs and activities relating to former
9 members of the Burmese military that have con-
10 demned the February 1, 2022, coup d'etat and
11 voiced support for the restoration of civilian rule;

12 (5) programs to assist civil society organiza-
13 tions to investigate and document atrocities in
14 Burma for the purposes of truth, justice, and ac-
15 countability;

16 (6) programs to assist civil society organiza-
17 tions in Burma that support individuals that who
18 are unlawfully detained in Burma for exercising
19 their fundamental freedoms; and

20 (7) programs to assist civil society organiza-
21 tions and ethnic groups with reconciliation activities
22 related to Burma.

1 **SEC. 5576. LIMITATIONS.**

2 Except as provided for by this part, none of the funds
3 authorized to be appropriated for assistance for Burma
4 by this part may be made available to—

5 (1) the State Administrative Council or any or-
6 ganization or entity controlled by, or an affiliate of,
7 the Burmese military, or to any individual or organi-
8 zation that has committed a gross violation of
9 human rights or advocates violence against ethnic or
10 religious groups or individuals in Burma, as deter-
11 mined by the Secretary of State for programs ad-
12 ministered by the Department of State and the
13 United States Agency for International Develop-
14 ment, or President of the National Endowment for
15 Democracy (NED) for programs administered by
16 NED; and

17 (2) the Burmese military.

18 **SEC. 5577. APPROPRIATE CONGRESSIONAL COMMITTEES**

19 **DEFINED.**

20 In this part, the term “appropriate congressional
21 committees” means—

22 (1) the Committee on Foreign Relations, the
23 Committee on Armed Services, and the Committee
24 on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the House of Representatives.

4 **PART 4—EFFORTS AGAINST HUMAN RIGHTS**
5 **ABUSES**

6 **SEC. 5578. AUTHORIZATION TO PROVIDE TECHNICAL AS-**
7 **SISTANCE FOR EFFORTS AGAINST HUMAN**
8 **RIGHTS ABUSES.**

9 (a) IN GENERAL.—The Secretary of State is author-
10 ized to provide assistance to support appropriate civilian
11 or international entities that—

12 (1) identify suspected perpetrators of war
13 crimes, crimes against humanity, and genocide in
14 Burma;

15 (2) collect, document, and protect evidence of
16 crimes in Burma and preserving the chain of cus-
17 tody for such evidence;

18 (3) conduct criminal investigations of such
19 crimes; and

20 (4) support investigations related to Burma
21 conducted by other countries, and by entities man-
22 dated by the United Nations, such as the Inde-
23 pendent Investigative Mechanism for Myanmar.

24 (b) AUTHORIZATION FOR TRANSITIONAL JUSTICE
25 MECHANISMS.—The Secretary of State, taking into ac-

1 count any relevant findings in the report submitted under
2 section 5941, is authorized to provide support for the es-
3 tablishment and operation of transitional justice mecha-
4 nisms, including a hybrid tribunal, to prosecute individuals
5 suspected of committing war crimes, crimes against hu-
6 manity, or genocide in Burma.

7 **PART 5—SANCTIONS EXCEPTION RELATING TO**

8 **IMPORTATION OF GOODS**

9 **SEC. 5579. SANCTIONS EXCEPTION RELATING TO IMPORTA-**
10 **TION OF GOODS.**

11 (a) **IN GENERAL.**—The authorities and requirements
12 to impose sanctions under this subtitle shall not include
13 the authority or requirement to impose sanctions on the
14 importation of goods.

15 (b) **GOOD DEFINED.**—In this section, the term
16 “good” means any article, natural or man-made sub-
17 stance, material, supply, or manufactured product, includ-
18 ing inspection and test equipment, and excluding technical
19 data.

1 **Subtitle F—Promotion of Freedom**
2 **of Information and Countering**
3 **of Censorship and Surveillance**
4 **in North Korea**

5 **SEC. 5580. SHORT TITLE.**

6 This subtitle may be cited as the “Otto Warmbier
7 Countering North Korean Censorship and Surveillance
8 Act of 2022”.

9 **SEC. 5581. FINDINGS; SENSE OF CONGRESS.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) The information landscape in North Korea
13 is the most repressive in the world, consistently
14 ranking last or near-last in the annual World Press
15 Freedom Index.

16 (2) Under the brutal rule of Kim Jung Un, the
17 country’s leader since 2012, the North Korean re-
18 gime has tightened controls on access to informa-
19 tion, as well as enacted harsh punishments for con-
20 sumers of outside media, including sentencing to
21 time in a concentration camp and a maximum pen-
22 alty of death.

23 (3) Such repressive and unjust laws sur-
24 rounding information in North Korea resulted in the
25 death of 22-year-old United States citizen and uni-

1 versity student Otto Warmbier, who had traveled to
2 North Korea in December 2015 as part of a guided
3 tour.

4 (4) Otto Warmbier was unjustly arrested, sen-
5 tenced to 15 years of hard labor, and severely mis-
6 treated at the hands of North Korean officials.
7 While in captivity, Otto Warmbier suffered a serious
8 medical emergency that placed him into a comatose
9 state. Otto Warmbier was comatose upon his release
10 in June 2017 and died 6 days later.

11 (5) Despite increased penalties for possession
12 and viewership of foreign media, the people of North
13 Korean have increased their desire for foreign media
14 content, according to a survey of 200 defectors con-
15 cluding that 90 percent had watched South Korean
16 or other foreign media before defecting.

17 (6) On March 23, 2021, in an annual resolu-
18 tion, the United Nations General Assembly con-
19 demned “the long-standing and ongoing systematic,
20 widespread and gross violations of human rights in
21 the Democratic People’s Republic of Korea” and ex-
22 pressed grave concern at, among other things, “the
23 denial of the right to freedom of thought, conscience,
24 and religion . . . and of the rights to freedom of
25 opinion, expression, and association, both online and

1 offline, which is enforced through an absolute mo-
2 nopoly on information and total control over orga-
3 nized social life, and arbitrary and unlawful state
4 surveillance that permeates the private lives of all
5 citizens”.

6 (7) In 2018, Typhoon Yutu caused extensive
7 damage to 15 broadcast antennas used by the
8 United States Agency for Global Media in Asia, re-
9 sulting in reduced programming to North Korea.
10 The United States Agency for Global Media has re-
11 built 5 of the 15 antenna systems as of June 2021.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) in the event of a crisis situation, particu-
15 larly where information pertaining to the crisis is
16 being actively censored or a false narrative is being
17 put forward, the United States should be able to
18 quickly increase its broadcasting capability to deliver
19 fact-based information to audiences, including those
20 in North Korea; and

21 (2) the United States International Broad-
22 casting Surge Capacity Fund is already authorized
23 under section 316 of the United States International
24 Broadcasting Act of 1994 (22 U.S.C. 6216), and ex-
25 panded authority to transfer unobligated balances

1 from expired accounts of the United States Agency
2 for Global Media would enable the Agency to more
3 nimbly respond to crises.

4 **SEC. 5582. STATEMENT OF POLICY.**

5 It is the policy of the United States—

6 (1) to provide the people of North Korea with
7 access to a diverse range of fact-based information;

8 (2) to develop and implement novel means of
9 communication and information sharing that in-
10 crease opportunities for audiences in North Korea to
11 safely create, access, and share digital and non-dig-
12 ital news without fear of repressive censorship, sur-
13 veillance, or penalties under law; and

14 (3) to foster and innovate new technologies to
15 counter North Korea's state-sponsored repressive
16 surveillance and censorship by advancing internet
17 freedom tools, technologies, and new approaches.

18 **SEC. 5583. UNITED STATES STRATEGY TO COMBAT NORTH**
19 **KOREA'S REPRESSIVE INFORMATION ENVI-**
20 **RONMENT.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the President shall de-
23 velop and submit to Congress a strategy on combating
24 North Korea's repressive information environment.

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

3 (1) An assessment of the challenges to the free
4 flow of information into North Korea created by the
5 censorship and surveillance technology apparatus of
6 the Government of North Korea.

7 (2) A detailed description of the agencies and
8 other government entities, key officials, and security
9 services responsible for the implementation of North
10 Korea's repressive laws regarding foreign media con-
11 sumption.

12 (3) A detailed description of the agencies and
13 other government entities and key officials of foreign
14 governments that assist, facilitate, or aid North Ko-
15 rea's repressive censorship and surveillance state.

16 (4) A review of existing public-private partner-
17 ships that provide circumvention technology and an
18 assessment of the feasibility and utility of new tools
19 to increase free expression, circumvent censorship,
20 and obstruct repressive surveillance in North Korea.

21 (5) A description of and funding levels required
22 for current United States Government programs and
23 activities to provide access for the people of North
24 Korea to a diverse range of fact-based information.

1 (6) An update of the plan required by section
2 104(a)(7)(A) of the North Korean Human Rights
3 Act of 2004 (22 U.S.C. 7814(a)(7)(A)).

4 (7) A description of Department of State pro-
5 grams and funding levels for programs that promote
6 internet freedom in North Korea, including moni-
7 toring and evaluation efforts.

8 (8) A description of grantee programs of the
9 United States Agency for Global Media in North
10 Korea that facilitate circumvention tools and broad-
11 casting, including monitoring and evaluation efforts.

12 (9) A detailed assessment of how the United
13 States International Broadcasting Surge Capacity
14 Fund authorized under section 316 of the United
15 States International Broadcasting Act of 1994 (22
16 U.S.C. 6216) has operated to respond to crisis situa-
17 tions in the past, and how authority to transfer un-
18 obligated balances from expired accounts would help
19 the United States Agency for Global Media in crisis
20 situations in the future.

21 (10) A detailed plan for how the authorization
22 of appropriations under section 5584 will operate
23 alongside and augment existing programming from
24 the relevant Federal agencies and facilitate the de-
25 velopment of new tools to assist that programming.

1 (11) A detailed plan for engagement and co-
2 ordination with the Republic of Korea, as appro-
3 priate, necessary for implementing the objectives of
4 the strategy required by subsection (a), including—

5 (A) with regard to any new or expanded
6 activities contemplated under paragraphs (9)
7 and (10); and

8 (B) any cooperation with or approval from
9 the Government of the Republic of Korea re-
10 quired to carry out such activities.

11 (c) FORM OF STRATEGY.—The strategy required by
12 subsection (a) shall be submitted in unclassified form, but
13 may include the matters required by paragraphs (2) and
14 (3) of subsection (b) in a classified annex.

15 **SEC. 5584. PROMOTING FREEDOM OF INFORMATION AND**
16 **COUNTERING CENSORSHIP AND SURVEIL-**
17 **LANCE IN NORTH KOREA.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the United States
20 Agency for Global Media an additional \$10,000,000 for
21 each of fiscal years 2024 through 2027 to provide in-
22 creased broadcasting and grants for the following pur-
23 poses:

24 (1) To promote the development of internet
25 freedom tools, technologies, and new approaches, in-

1 including both digital and non-digital means of infor-
2 mation sharing related to North Korea.

3 (2) To explore public-private partnerships to
4 counter North Korea’s repressive censorship and
5 surveillance state.

6 (3) To develop new means to protect the pri-
7 vacy and identity of individuals receiving media from
8 the United States Agency for Global Media and
9 other outside media outlets from within North
10 Korea.

11 (4) To bolster existing programming from the
12 United States Agency for Global Media by restoring
13 the broadcasting capacity of damaged antennas
14 caused by Typhoon Yutu in 2018.

15 (b) ANNUAL REPORTS.—Section 104(a)(7)(B) of the
16 North Korean Human Rights Act of 2004 (22 U.S.C.
17 7814(a)(7)(B)) is amended—

18 (1) in the matter preceding clause (i)—

19 (A) by striking “1 year after the date of
20 the enactment of this paragraph” and inserting
21 “September 30, 2022”; and

22 (B) by striking “Broadcasting Board of
23 Governors” and inserting “Chief Executive Of-
24 ficer of the United States Agency for Global
25 Media”; and

1 (2) in clause (i), by inserting after “this sec-
2 tion” the following: “and sections 5583 and 5584 of
3 the Otto Warmbier Countering North Korean Cen-
4 sorship and Surveillance Act of 2022”.

5 **Subtitle G—Other Matters**

6 **SEC. 5585. CONGRESSIONAL NOTIFICATION FOR REWARDS**

7 **PAID USING CRYPTOCURRENCIES.**

8 (a) **IN GENERAL.**—Section 36(e)(6) of the State De-
9 partment Basic Authorities Act of 1956 (22 U.S.C.
10 2708(e)(6)) is amended by adding at the end the following
11 new sentence: “Not later than 15 days before making a
12 reward in a form that includes cryptocurrency, the Sec-
13 retary of State shall notify the Committee on Foreign Af-
14 fairs of the House of Representatives and the Committee
15 on Foreign Relations of the Senate of such form for the
16 reward.”.

17 (b) **REPORT.**—Not later than 180 days after the date
18 of the enactment of this Act, the Secretary of State shall
19 submit to the Committee on Foreign Affairs of the House
20 of Representatives and the Committee on Foreign Rela-
21 tions of the Senate a report on the use of cryptocurrency
22 as a part of the Department of State Rewards program
23 established under section 36(a) of the State Department
24 Basic Authorities Act of 1956 (22 U.S.C. 2708(a)) that—

1 (1) justifies any determination of the Secretary
2 to make rewards under such program in a form that
3 includes cryptocurrency;

4 (2) lists each cryptocurrency payment made
5 under such program as of the date of the submission
6 of the report;

7 (3) provides evidence of the manner and extent
8 to which cryptocurrency payments would be more
9 likely to induce whistleblowers to come forward with
10 information than rewards paid out in United States
11 dollars or other forms of money or nonmonetary
12 items; and

13 (4) examines whether the Department's use of
14 cryptocurrency could provide bad actors with addi-
15 tional hard-to-trace funds that could be used for
16 criminal or illicit purposes.

17 **SEC. 5586. SECURE ACCESS TO SANITATION FACILITIES**
18 **FOR WOMEN AND GIRLS.**

19 Subsection (a) of section 501 of the Foreign Rela-
20 tions Authorization Act, Fiscal Years 1994 and 1995 (22
21 U.S.C. 2601 note) is amended—

22 (1) by redesignating paragraphs (6) through
23 (11) as paragraphs (7) through (12), respectively;
24 and

1 (2) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) the provision of safe and secure access to
4 sanitation facilities, with a special emphasis on
5 women and children;”.

6 **SEC. 5587. REAUTHORIZATION OF THE TROPICAL FOREST**
7 **AND CORAL REEF CONSERVATION ACT OF**
8 **1998.**

9 Section 806(d) of the Tropical Forest and Coral Reef
10 Conservation Act of 1998 (22 U.S.C. 2431d(d)) is amend-
11 ed by adding at the end the following new paragraphs:

12 “(9) \$20,000,000 for fiscal year 2023.

13 “(10) \$20,000,000 for fiscal year 2024.

14 “(11) \$20,000,000 for fiscal year 2025.

15 “(12) \$20,000,000 for fiscal year 2026.

16 “(13) \$20,000,000 for fiscal year 2027.”.

17 **SEC. 5588. GLOBAL FOOD SECURITY REAUTHORIZATION**
18 **ACT OF 2022.**

19 (a) FINDINGS.—Section 2 of the Global Food Secu-
20 rity Act of 2016 (22 U.S.C. 9301) is amended by striking
21 “Congress makes” and all that follows through “(3) A
22 comprehensive” and inserting “Congress finds that a com-
23 prehensive”.

1 (b) STATEMENT OF POLICY OBJECTIVES; SENSE OF
2 CONGRESS.—Section 3(a) of such Act (22 U.S.C.
3 9302(a)) is amended—

4 (1) in the matter preceding paragraph (1), by
5 striking “programs, activities, and initiatives that”
6 and inserting “comprehensive, multi-sectoral pro-
7 grams, activities, and initiatives that consider agri-
8 culture and food systems in their totality and that”.

9 (2) in paragraph (1), by striking “and economic
10 freedom through the coordination” and inserting “,
11 economic freedom, and security through the phasing,
12 sequencing, and coordination”;

13 (3) by striking paragraphs (3) and (4) and in-
14 serting the following:

15 “(3) increase the productivity, incomes, and
16 livelihoods of small-scale producers and artisanal
17 fishing communities, especially women in these com-
18 munities, by working across terrestrial and aquatic
19 food systems and agricultural value chains, including
20 by—

21 “(A) enhancing local capacity to manage
22 agricultural resources and food systems effec-
23 tively and expanding producer access to, and
24 participation in, local, regional, and inter-
25 national markets;

1 “(B) increasing the availability and afford-
2 ability of high quality nutritious and safe foods
3 and clean water;

4 “(C) creating entrepreneurship opportuni-
5 ties and improving access to business develop-
6 ment related to agriculture and food systems,
7 including among youth populations, linked to
8 local, regional, and international markets; and

9 “(D) enabling partnerships to facilitate the
10 development of and investment in new agricul-
11 tural technologies to support more resilient and
12 productive agricultural practices;

13 “(4) build resilience to agriculture and food sys-
14 tems shocks and stresses, including global food ca-
15 strophes in which conventional methods of agri-
16 culture are unable to provide sufficient food and nu-
17 trition to sustain the global population, among vul-
18 nerable populations and households through inclu-
19 sive growth, while reducing reliance upon emergency
20 food and economic assistance;”;

21 (4) by amending paragraph (6) to read as fol-
22 lows:

23 “(6) improve the nutritional status of women,
24 adolescent girls, and children, with a focus on reduc-
25 ing child stunting and incidence of wasting, includ-

1 ing through the promotion of highly nutritious foods,
2 diet diversification, large-scale food fortification, and
3 nutritional behaviors that improve maternal and
4 child health and nutrition, especially during the first
5 1,000-day window until a child reaches 2 years of
6 age;” and

7 (5) in paragraph (7)—

8 (A) by striking “science and technology,”
9 and inserting “combating fragility, resilience,
10 science and technology, natural resource man-
11 agement”; and

12 (B) by inserting “, including deworming,”
13 after “nutrition.”

14 (c) DEFINITIONS.—Section 4 of the Global Food Se-
15 curity Act of 2016 (22 U.S.C. 9303) is amended—

16 (1) in paragraph (2), by inserting “, including
17 in response to shocks and stresses to food and nutri-
18 tion security” before the period at the end;

19 (2) by redesignating paragraphs (4) through
20 (12) as paragraphs (5) through (13), respectively;

21 (3) by inserting after paragraph (3) the fol-
22 lowing:

23 “(4) FOOD SYSTEM.—The term ‘food system’
24 means the intact or whole unit made up of inter-
25 related components of people, behaviors, relation-

1 ships, and material goods that interact in the pro-
2 duction, processing, packaging, transporting, trade,
3 marketing, consumption, and use of food, feed, and
4 fiber through aquaculture, farming, wild fisheries,
5 forestry, and pastoralism that operates within and is
6 influenced by social, political, economic, and environ-
7 mental contexts.”;

8 (4) in paragraph (6), as redesignated, by
9 amending subparagraph (H) to read as follows:

10 “(H) local agricultural producers, includ-
11 ing farmer and fisher organizations, coopera-
12 tives, small-scale producers, youth, and women;
13 and”;

14 (5) in paragraph (7), as redesignated, by insert-
15 ing “the Inter-American Foundation,” after “United
16 States African Development Foundation,”;

17 (6) in paragraph (9), as redesignated—

18 (A) by inserting “agriculture and food” be-
19 fore “systems”; and

20 (B) by inserting “, including global food
21 catastrophes,” after “food security”;

22 (7) in paragraph (10), as redesignated, by
23 striking “fishers” and inserting “artisanal fishing
24 communities”;

1 (8) in paragraph (11), as redesignated, by
2 amending subparagraphs (D) and (E) to read as fol-
3 lows:

4 “(D) is a marker of an environment defi-
5 cient in the various needs that allow for a
6 child’s healthy growth, including nutrition; and

7 “(E) is associated with long-term poor
8 health, delayed motor development, impaired
9 cognitive function, and decreased immunity.”;

10 (9) in paragraph (13), as redesignated, by
11 striking “agriculture and nutrition security” and in-
12 serting “food and nutrition security and agriculture-
13 led economic growth”; and

14 (10) by adding at the end the following:

15 “(14) WASTING.—The term ‘wasting’ means—

16 “(A) a life-threatening condition attrib-
17 utable to poor nutrient intake or disease that is
18 characterized by a rapid deterioration in nutri-
19 tional status over a short period of time; and

20 “(B) in the case of children, is character-
21 ized by low weight for height and weakened im-
22 munity, increasing their risk of death due to
23 greater frequency and severity of common infec-
24 tion, particularly when severe.”.

1 (d) COMPREHENSIVE GLOBAL FOOD SECURITY
2 STRATEGY.—Section 5(a) of the Global Food Security Act
3 of 2016 (22 U.S.C. 9304) is amended—

4 (1) in paragraph (4), by striking “country-
5 owned agriculture, nutrition, and food security policy
6 and investment plans” and inserting “partner coun-
7 try-led agriculture, nutrition, regulatory, food secu-
8 rity, and water resources management policy and in-
9 vestment plans and governance systems”;

10 (2) by amending paragraph (5) to read as fol-
11 lows:

12 “(5) support the locally-led and inclusive devel-
13 opment of agriculture and food systems, including
14 by enhancing the extent to which small-scale food
15 producers, especially women, have access to and con-
16 trol over the inputs, skills, resource management ca-
17 pacity, networking, bargaining power, financing,
18 market linkages, technology, and information needed
19 to sustainably increase productivity and incomes, re-
20 duce poverty and malnutrition, and promote long-
21 term economic prosperity;”;

22 (3) in paragraph (6)—

23 (A) by inserting “, adolescent girls,” after
24 “women”; and

1 (B) by inserting “and preventing incidence
2 of wasting” after “reducing child stunting”;

3 (4) in paragraph (7), by inserting “poor water
4 resource management and” after “including”;

5 (5) in paragraph (8)—

6 (A) by striking “the long-term success of
7 programs” and inserting “long-term impact”;
8 and

9 (B) by inserting “, including agricultural
10 research capacity,” after “institutions”;

11 (6) in paragraph (9), by striking “integrate re-
12 siliience and nutrition strategies into food security
13 programs, such that chronically vulnerable popu-
14 lations are better able to” and inserting “coordinate
15 with and complement relevant strategies to ensure
16 that chronically vulnerable populations are better
17 able to adapt,”;

18 (7) by redesignating paragraph (17) as para-
19 graph (22);

20 (8) by redesignating paragraphs (12) through
21 (16) as paragraphs (14) through (18), respectively;

22 (9) by striking paragraphs (10) and (11) and
23 inserting the following:

24 “(10) develop community and producer resil-
25 ience and adaptation strategies to disasters, emer-

1 agencies, and other shocks and stresses to food and
2 nutrition security, including conflicts, droughts,
3 flooding, pests, and diseases, that adversely impact
4 agricultural yield and livelihoods;

5 “(11) harness science, technology, and innova-
6 tion, including the research and extension activities
7 supported by the private sector, relevant Federal de-
8 partments and agencies, Feed the Future Innovation
9 Labs or any successor entities, and international and
10 local researchers and innovators, recognizing that
11 significant investments in research and technological
12 advances will be necessary to reduce global poverty,
13 hunger, and malnutrition;

14 “(12) use evidenced-based best practices, in-
15 cluding scientific and forecasting data, and improved
16 planning and coordination by, with, and among key
17 partners and relevant Federal departments and
18 agencies to identify, analyze, measure, and mitigate
19 risks, and strengthen resilience capacities;

20 “(13) ensure scientific and forecasting data is
21 accessible and usable by affected communities and
22 facilitate communication and collaboration among
23 local stakeholders in support of adaptation planning
24 and implementation, including scenario planning and

1 preparedness using seasonal forecasting and sci-
2 entific and local knowledge;”;

3 (10) in paragraph (15), as redesignated, by in-
4 serting “nongovernmental organizations, including”
5 after “civil society,”;

6 (11) in paragraph (16), as redesignated, by in-
7 serting “and coordination, as appropriate,” after
8 “collaboration”;

9 (12) in paragraph (18), as redesignated, by
10 striking “section 8(b)(4); and” and inserting “sec-
11 tion 8(a)(4);”; and

12 (13) by inserting after paragraph (18), as re-
13 designated, the following:

14 “(19) improve the efficiency and resilience of
15 agricultural production, including management of
16 crops, rangelands, pastures, livestock, fisheries, and
17 aquacultures;

18 “(20) ensure investments in food and nutrition
19 security consider and integrate best practices in the
20 management and governance of natural resources
21 and conservation, especially among food insecure
22 populations living in or near biodiverse ecosystems;

23 “(21) be periodically updated in a manner that
24 reflects learning and best practices; and”.

1 (e) PERIODIC UPDATES.—Section 5 of the Global
2 Food Security Act of 2016 (22 U.S.C. 9304), as amended
3 by subsection (d), is further amended by adding at the
4 end the following:

5 “(d) PERIODIC UPDATES.—Not less frequently than
6 quinquennially through fiscal year 2030, the President, in
7 consultation with the head of each relevant Federal de-
8 partment and agency, shall submit to the appropriate con-
9 gressional committees updates to the Global Food Security
10 Strategy required under subsection (a) and the agency-
11 specific plans described in subsection (c)(2).”.

12 (f) AUTHORIZATION OF APPROPRIATIONS TO IMPLE-
13 MENT THE GLOBAL FOOD SECURITY STRATEGY.—Section
14 6(b) of such Act (22 U.S.C. 9305(b)) is amended—

15 (1) by striking “\$1,000,600,000 for each of fis-
16 cal years 2017 through 2023” and inserting
17 “\$1,200,000,000 for each of the fiscal years 2024
18 through 2028”; and

19 (2) by adding at the end the following:
20 “Amounts authorized to appropriated under this
21 subsection should be prioritized to carry out pro-
22 grams and activities in target countries.”.

23 (g) EMERGENCY FOOD SECURITY PROGRAM.—

24 (1) IN GENERAL.—Section 7 of the Global Food
25 Security Act of 2016 (22 U.S.C. 9306) is amended

1 by striking “(a) SENSE OF CONGRESS.—” and all
2 that follows through “It shall be” and inserting “It
3 shall be”.

4 (2) AUTHORIZATION OF APPROPRIATIONS.—
5 Section 492(a) of the Foreign Assistance Act of
6 1961 (22 U.S.C. 2292a(a)) is amended by striking
7 “\$2,794,184,000 for each of fiscal years 2017
8 through 2023, of which up to \$1,257,382,000” and
9 inserting “\$3,905,460,000 for each of the fiscal
10 years 2024 through 2028, of which up to
11 \$1,757,457,000”.

12 (h) REPORTS.—Section 8(a) of the Global Food Se-
13 curity Act of 2016 (22 U.S.C. 9307) is amended—

14 (1) in the matter preceding paragraph (1)—

15 (A) by striking “During each of the first
16 7 years after the date of the submission of the
17 strategy required under section 5(c),” and in-
18 serting “For each of the fiscal years through
19 2028,”;

20 (B) by striking “reports that describe” and
21 inserting “a report that describes”; and

22 (C) by striking “at the end of the report-
23 ing period” and inserting “during the preceding
24 year”;

1 (2) in paragraph (2), by inserting “, including
2 any changes to the target countries selected pursu-
3 ant to the selection criteria described in section
4 5(a)(2) and justifications for any such changes” be-
5 fore the semicolon at the end;

6 (3) in paragraph (3), by inserting “identify
7 and” before “describe”;

8 (4) by redesignating paragraphs (12) through
9 (14) as paragraphs (15) through (17), respectively;

10 (5) by redesignating paragraphs (5) through
11 (11) as paragraphs (7) through (13), respectively;

12 (6) by striking paragraph (4) and inserting the
13 following:

14 “(4) identify and describe the priority quan-
15 titative metrics used to establish baselines and per-
16 formance targets at the initiative, country, and zone
17 of influence levels;

18 “(5) identify such established baselines and per-
19 formance targets at the country and zone of influ-
20 ence levels;

21 “(6) identify the output and outcome bench-
22 marks and indicators used to measure results annu-
23 ally, and report the annual measurement of results
24 for each of the priority metrics identified pursuant
25 to paragraph (4), disaggregated by age, gender, and

1 disability, to the extent practicable and appropriate,
2 in an open and transparent manner that is acces-
3 sible to the people of the United States;”;

4 (7) in paragraph (7), as redesignated, by strik-
5 ing “agriculture” and inserting “food”;

6 (8) in paragraph (8), as redesignated—

7 (A) by inserting “quantitative and quali-
8 tative” after “how”; and

9 (B) by inserting “at the initiative, country,
10 and zone of influence levels, including longitu-
11 dinal data and key uncertainties” before the
12 semicolon at the end;

13 (9) in paragraph (9), as redesignated, by insert-
14 ing “within target countries, amounts and justifica-
15 tion for any spending outside of target countries”
16 after “amounts spent”;

17 (10) in paragraph (13), as redesignated, by
18 striking “and the impact of private sector invest-
19 ment” and inserting “and efforts to encourage fi-
20 nancial donor burden sharing and the impact of
21 such investment and efforts”;

22 (11) by inserting after paragraph (13), as re-
23 designated, the following:

24 “(14) describe how agriculture research is
25 prioritized within the Global Food Security Strategy

1 to support agriculture-led growth and eventual self-
2 sufficiency and assess efforts to coordinate research
3 programs within the Global Food Security Strategy
4 with key stakeholders;”;

5 (12) in paragraph (16), as redesignated, by
6 striking “and” at the end;

7 (13) in paragraph (17), as redesignated—

8 (A) by inserting “, including key challenges
9 or missteps,” after “lessons learned”; and

10 (B) by striking the period at the end and
11 inserting “; and”; and

12 (14) by adding at the end the following:

13 “(18) during the final year of each strategy re-
14 quired under section 5, complete country graduation
15 reports to determine whether a country should re-
16 main a target country based on quantitative and
17 qualitative analysis.”.

18 **SEC. 5589. EXTENSION AND MODIFICATION OF CERTAIN EX-**

19 **PORT CONTROLS.**

20 (a) **EXTENSION OF EXPORT PROHIBITION ON MUNI-**
21 **TIONS ITEMS TO THE HONG KONG POLICE FORCE.**—Sec-
22 tion 3 of the Act entitled “An Act to prohibit the commer-
23 cial export of covered munitions items to the Hong Kong
24 Police Force”, approved November 27, 2019 (Public Law
25 116–77; 133 Stat. 1173), is amended by striking “shall

1 expire” and all that follows and inserting “shall expire on
2 December 31, 2024.”.

3 (b) MODIFICATION OF AUTHORITY OF PRESIDENT
4 UNDER EXPORT CONTROL REFORM ACT OF 2018.—Sec-
5 tion 1753(a)(2)(F) of the Export Control Reform Act of
6 2018 (50 U.S.C. 4812(a)(2)(F)) is amended by inserting
7 “, security, or” before “intelligence”.

8 **SEC. 5590. IMPOSITION OF SANCTIONS WITH RESPECT TO**
9 **THE SALE, SUPPLY, OR TRANSFER OF GOLD**
10 **TO OR FROM RUSSIA.**

11 (a) IDENTIFICATION.—Not later than 90 days after
12 the date of the enactment of this Act, and periodically as
13 necessary thereafter, the President—

14 (1) shall submit to Congress a report identi-
15 fying foreign persons that knowingly participated in
16 a significant transaction—

17 (A) for the sale, supply, or transfer (in-
18 cluding transportation) of gold, directly or indi-
19 rectly, to or from the Russian Federation or the
20 Government of the Russian Federation, includ-
21 ing from reserves of the Central Bank of the
22 Russian Federation held outside the Russian
23 Federation; or

1 (B) that otherwise involved gold in which
2 the Government of the Russian Federation had
3 any interest; and

4 (2) shall impose the sanctions described in sub-
5 section (b)(1) with respect to each such person; and

6 (3) may impose the sanctions described in sub-
7 section (b)(2) with respect to any such person that
8 is an alien.

9 (b) SANCTIONS DESCRIBED.—The sanctions de-
10 scribed in this subsection are the following:

11 (1) BLOCKING OF PROPERTY.—The exercise of
12 all powers granted to the President by the Inter-
13 national Emergency Economic Powers Act (50
14 U.S.C. 1701 et seq.) to the extent necessary to block
15 and prohibit all transactions in all property and in-
16 terests in property of a foreign person identified in
17 the report required by subsection (a)(1) if such
18 property and interests in property are in the United
19 States, come within the United States, or are or
20 come within the possession or control of a United
21 States person.

22 (2) INELIGIBILITY FOR VISAS, ADMISSION, OR
23 PAROLE.—

24 (A) VISAS, ADMISSION, OR PAROLE.—An
25 alien described in subsection (a)(1) is—

1 (i) inadmissible to the United States;

2 (ii) ineligible to receive a visa or other

3 documentation to enter the United States;

4 and

5 (iii) otherwise ineligible to be admitted

6 or paroled into the United States or to re-

7 ceive any other benefit under the Immigra-

8 tion and Nationality Act (8 U.S.C. 1101 et

9 seq.).

10 (B) CURRENT VISAS REVOKED.—

11 (i) IN GENERAL.—The issuing con-

12 sular officer, the Secretary of State, or the

13 Secretary of Homeland Security (or a des-

14 ignee of one of such Secretaries) shall, in

15 accordance with section 221(i) of the Im-

16 migration and Nationality Act (8 U.S.C.

17 1201(i)), revoke any visa or other entry

18 documentation issued to an alien described

19 in subsection (a)(1).

20 (ii) IMMEDIATE EFFECT.—The rev-

21 ocation under clause (i) of a visa or other

22 entry documentation issued to an alien

23 shall—

24 (I) take effect immediately; and

1 (II) automatically cancel any
2 other valid visa or entry documenta-
3 tion that is in the alien's possession.

4 (c) IMPLEMENTATION; PENALTIES.—

5 (1) IMPLEMENTATION.—The President may ex-
6 ercise all authorities provided under sections 203
7 and 205 of the International Emergency Economic
8 Powers Act (50 U.S.C. 1702 and 1704) to carry out
9 this section.

10 (2) PENALTIES.—A person that violates, at-
11 tempts to violate, conspires to violate, or causes a
12 violation of this section or any regulation, license, or
13 order issued to carry out this section shall be subject
14 to the penalties set forth in subsections (b) and (c)
15 of section 206 of the International Emergency Eco-
16 nomic Powers Act (50 U.S.C. 1705) to the same ex-
17 tent as a person that commits an unlawful act de-
18 scribed in subsection (a) of that section.

19 (d) NATIONAL INTEREST WAIVER.—The President
20 may waive the imposition of sanctions under this section
21 with respect to a person if the President—

22 (1) determines that such a waiver is in the na-
23 tional interests of the United States; and

24 (2) submits to Congress a notification of the
25 waiver and the reasons for the waiver.

1 (e) TERMINATION.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the requirement to impose sanctions
4 under this section, and any sanctions imposed under
5 this section, shall terminate on the earlier of—

6 (A) the date that is 3 years after the date
7 of the enactment of this Act; or

8 (B) the date that is 30 days after the date
9 on which the President certifies to Congress
10 that—

11 (i) the Government of the Russian
12 Federation has ceased its destabilizing ac-
13 tivities with respect to the sovereignty and
14 territorial integrity of Ukraine; and

15 (ii) such termination in the national
16 interests of the United States.

17 (2) TRANSITION RULES.—

18 (A) CONTINUATION OF CERTAIN AUTHORI-
19 TIES.—Any authorities exercised before the ter-
20 mination date under paragraph (1) to impose
21 sanctions with respect to a foreign person under
22 this section may continue to be exercised on
23 and after that date if the President determines
24 that the continuation of those authorities is in
25 the national interests of the United States.

1 (B) APPLICATION TO ONGOING INVESTIGA-
2 TIONS.—The termination date under paragraph
3 (1) shall not apply to any investigation of a civil
4 or criminal violation of this section or any regu-
5 lation, license, or order issued to carry out this
6 section, or the imposition of a civil or criminal
7 penalty for such a violation, if—

8 (i) the violation occurred before the
9 termination date; or

10 (ii) the person involved in the viola-
11 tion continues to be subject to sanctions
12 pursuant to subparagraph (A).

13 (f) EXCEPTIONS.—

14 (1) EXCEPTIONS FOR AUTHORIZED INTEL-
15 LIGENCE AND LAW ENFORCEMENT AND NATIONAL
16 SECURITY ACTIVITIES.—This section shall not apply
17 with respect to activities subject to the reporting re-
18 quirements under title V of the National Security
19 Act of 1947 (50 U.S.C. 3091 et seq.) or any author-
20 ized intelligence, law enforcement, or national secu-
21 rity activities of the United States.

22 (2) EXCEPTION TO COMPLY WITH INTER-
23 NATIONAL AGREEMENTS.—Sanctions under sub-
24 section (b)(2) may not apply with respect to the ad-
25 mission of an alien to the United States if such ad-

1 mission is necessary to comply with the obligations
2 of the United States under the Agreement regarding
3 the Headquarters of the United Nations, signed at
4 Lake Success June 26, 1947, and entered into force
5 November 21, 1947, between the United Nations
6 and the United States, or the Convention on Con-
7 sular Relations, done at Vienna April 24, 1963, and
8 entered into force March 19, 1967, or other inter-
9 national obligations.

10 (3) HUMANITARIAN EXEMPTION.—The Presi-
11 dent shall not impose sanctions under this section
12 with respect to any person for conducting or facili-
13 tating a transaction for the sale of agricultural com-
14 modities, food, medicine, or medical devices or for
15 the provision of humanitarian assistance.

16 (4) EXCEPTION RELATING TO IMPORTATION OF
17 GOODS.—

18 (A) IN GENERAL.—The requirement or au-
19 thority to impose sanctions under this section
20 shall not include the authority or a requirement
21 to impose sanctions on the importation of
22 goods.

23 (B) GOOD DEFINED.—In this paragraph,
24 the term “good” means any article, natural or
25 manmade substance, material, supply, or manu-

1 factured product, including inspection and test
2 equipment, and excluding technical data.

3 (g) DEFINITIONS.—In this section:

4 (1) The terms “admission”, “admitted”,
5 “alien”, and “lawfully admitted for permanent resi-
6 dence” have the meanings given those terms in sec-
7 tion 101 of the Immigration and Nationality Act (8
8 U.S.C. 1101).

9 (2) The term “foreign person” means an indi-
10 vidual or entity that is not a United States person.

11 (3) The term “knowingly”, with respect to con-
12 duct, a circumstance, or a result, means that a per-
13 son has actual knowledge, or should have known, of
14 the conduct, the circumstance, or the result.

15 (4) The term “United States person” means—

16 (A) a United States citizen or an alien law-
17 fully admitted for permanent residence to the
18 United States;

19 (B) an entity organized under the laws of
20 the United States or any jurisdiction within the
21 United States, including a foreign branch of
22 such an entity; or

23 (C) any person in the United States.

1 **SEC. 5591. RENEGOTIATION OF COMPACTS OF FREE ASSO-**
2 **CIATION.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress as follows:

5 (1) The United States shares deep ties, history
6 and interests with the Freely Associated States of
7 the Republic of the Marshall Islands, Federated
8 States of Micronesia, and Palau and continues a
9 special, unique and mutually beneficial relationship
10 with them under the decades-old Compacts of Free
11 Association.

12 (2) Under the Compacts, the United States has
13 undertaken the responsibility and obligation to pro-
14 vide and ensure the security and defense of the
15 Freely Associated States.

16 (3) The Compacts are critical to the national
17 security of the United States and its allies and part-
18 ners and are the bedrock of the United States role
19 in the Pacific.

20 (4) Renewal of key provisions of the Compacts,
21 now being renegotiated with each nation, is critical
22 for regional security.

23 (5) Maintaining and strengthening the Com-
24 pacts supports both United States national security
25 and the United States responsibility for the security
26 and defense of the Freely Associated States.

1 (b) BRIEFING ON RENEGOTIATIONS.—Not later than
2 90 days after the date of the enactment of this Act, the
3 Secretary of State, in coordination with the Secretary of
4 Defense and the Secretary of the Interior, shall brief the
5 following committees on the status of the renegotiations
6 of the Compacts of Free Association described in sub-
7 section (a) and opportunities to expand its support for the
8 renegotiations:

9 (1) The congressional defense committees.

10 (2) The Committee on Foreign Affairs and the
11 Committee on Natural Resources of the House of
12 Representatives.

13 (3) The Committee on Foreign Relations and
14 the Committee on Energy and Natural Resources of
15 the Senate.

16 **SEC. 5592. SECRETARY OF STATE ASSISTANCE FOR PRIS-**
17 **ONERS IN ISLAMIC REPUBLIC OF IRAN.**

18 (a) STATEMENT OF POLICY.—It is the policy of the
19 United States that—

20 (1) the Islamic Republic of Iran should allow
21 the United Nations Special Rapporteur on the Situa-
22 tion of Human Rights in the Islamic Republic of
23 Iran unimpeded access to facilitate the full imple-
24 mentation of the mandate of the United Nations
25 Special Rapporteur, including—

1 (A) investigating alleged violations of
2 human rights that are occurring or have oc-
3 curred both within prisons and elsewhere;

4 (B) transmitting urgent appeals and let-
5 ters to the Islamic Republic of Iran regarding
6 alleged violations of human rights; and

7 (C) engaging with relevant stakeholders in
8 the Islamic Republic of Iran and the sur-
9 rounding region;

10 (2) the Islamic Republic of Iran should imme-
11 diately end violations of the human rights of political
12 prisoners or persons imprisoned for exercising the
13 right to freedom of speech, including—

14 (A) torture;

15 (B) denial of access to health care; and

16 (C) denial of a fair trial;

17 (3) all prisoners of conscience and political pris-
18 oners in the Islamic Republic of Iran should be un-
19 conditionally and immediately released;

20 (4) all diplomatic tools of the United States
21 should be invoked to ensure that all prisoners of
22 conscience and political prisoners in the Islamic Re-
23 public of Iran are released, including raising indi-
24 vidual cases of particular concern; and

1 (5) all officials of the government of the Islamic
2 Republic of Iran who are responsible for human
3 rights abuses in the form of politically motivated im-
4 prisonment should be held to account, including
5 through the imposition of sanctions pursuant to the
6 Global Magnitsky Human Rights Accountability Act
7 (22 U.S.C. 10101 et seq.) and other applicable stat-
8 utory authorities of the United States.

9 (b) ASSISTANCE FOR PRISONERS.—The Secretary of
10 State is authorized to continue to provide assistance to
11 civil society organizations that support prisoners of con-
12 science and political prisoners in the Islamic Republic of
13 Iran, including organizations that—

14 (1) work to secure the release of such prisoners;

15 (2) document violations of human rights with
16 respect to such prisoners;

17 (3) support international advocacy to raise
18 awareness of issues relating to such prisoners;

19 (4) support the health, including mental health,
20 of such prisoners; and

21 (5) provide post-incarceration assistance to en-
22 able such prisoners to resume normal lives, including
23 access to education, employment, or other forms of
24 reparation.

25 (c) DEFINITIONS.—In this section:

1 (1) The term “political prisoner” means a per-
2 son who has been detained or imprisoned on politi-
3 cally motivated grounds.

4 (2) The term “prisoner of conscience” means a
5 person who—

6 (A) is imprisoned or otherwise physically
7 restricted solely in response to the peaceful ex-
8 ercise of the human rights of such person; and

9 (B) has not used violence or advocated vio-
10 lence or hatred.

11 **SEC. 5593. IRAN NUCLEAR WEAPONS CAPABILITY AND TER-**
12 **RORISM MONITORING ACT OF 2022.**

13 (a) **SHORT TITLE.**—This section may be cited as the
14 “Iran Nuclear Weapons Capability and Terrorism Moni-
15 toring Act of 2022”.

16 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
17 gress that—

18 (1) an Islamic Republic of Iran that possesses
19 a nuclear weapons capability would be a serious
20 threat to the national security of the United States,
21 Israel, and other allies and partners;

22 (2) the Islamic Republic of Iran has been less
23 than cooperative with international inspectors from
24 the International Atomic Energy Agency and has ob-
25 structed their ability to inspect facilities as well as

1 data and recordings collected by surveillance equip-
2 ment across Iran;

3 (3) the Islamic Republic of Iran continues to
4 advance missile and drone programs, which are a
5 threat to the national security of the United States,
6 Israel, and other allies and partners;

7 (4) the Islamic Republic of Iran continues to
8 support proxies in the Middle East in a manner
9 that—

10 (A) undermines the sovereignty of regional
11 governments;

12 (B) threatens the safety of United States
13 citizens;

14 (C) threatens United States allies and
15 partners; and

16 (D) directly undermines the national secu-
17 rity interests of the United States;

18 (5) the Islamic Republic of Iran has engaged in
19 assassination plots against former United States of-
20 ficials and has been implicated in plots to kidnap
21 United States citizens within the United States;

22 (6) the Islamic Republic of Iran is engaged in
23 unsafe and unprofessional maritime activity that
24 threatens the movement of naval vessels of the
25 United States and the free flow of commerce

1 through strategic maritime chokepoints in the Mid-
2 dle East and North Africa;

3 (7) the Islamic Republic of Iran has delivered
4 hundreds of armed drones to the Russian Federa-
5 tion, which will enable Vladimir Putin to continue
6 the assault against Ukraine in direct opposition of
7 the national security interests of the United States;
8 and

9 (8) the United States must—

10 (A) ensure that the Islamic Republic of
11 Iran does not acquire a nuclear weapons capa-
12 bility;

13 (B) protect against aggression from the Is-
14 lamic Republic of Iran manifested through its
15 missiles and drone programs; and

16 (C) counter regional and global terrorism
17 of the Islamic Republic of Iran in a manner
18 that minimizes the threat posed by state and
19 non-state actors to the interests of the United
20 States.

21 (c) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Foreign Relations,
2 the Committee on Appropriations, the Com-
3 mittee on Armed Services, the Committee on
4 Energy and Natural Resources, and the Select
5 Committee on Intelligence of the Senate; and

6 (B) the Committee on Foreign Affairs, the
7 Committee on Appropriations, the Committee
8 on Armed Services, the Committee on Energy
9 and Commerce, and the Permanent Select Com-
10 mittee on Intelligence of the House of Rep-
11 resentatives.

12 (2) COMPREHENSIVE SAFEGUARDS AGREE-
13 MENT.—The term “Comprehensive Safeguards
14 Agreement” means the Agreement between the Is-
15 lamic Republic of Iran and the International Atomic
16 Energy Agency for the Application of Safeguards in
17 Connection with the Treaty on the Non-Proliferation
18 of Nuclear Weapons, done at Vienna June 19, 1973.

19 (3) INTELLIGENCE COMMUNITY.—The term
20 “intelligence community” has the meaning given the
21 term in section 3 of the National Security Act of
22 1947 (50 U.S.C. 3003).

23 (4) TASK FORCE.—The term “task force”
24 means the task force established under subsection
25 (d).

1 (5) UNMANNED AIRCRAFT SYSTEM.—The term
2 “unmanned aircraft system” has the meaning given
3 the term in section 44801 of title 49, United States
4 Code.

5 (d) ESTABLISHMENT OF INTERAGENCY TASK FORCE
6 ON NUCLEAR ACTIVITY AND GLOBAL REGIONAL TER-
7 RORISM OF THE ISLAMIC REPUBLIC OF IRAN.—

8 (1) ESTABLISHMENT.—The Secretary of State
9 shall establish a task force to coordinate and syn-
10 thesize efforts by the United States Government re-
11 garding—

12 (A) nuclear activity of the Islamic Republic
13 of Iran or its proxies; and

14 (B) regional and global terrorism activity
15 by the Islamic Republic of Iran or its proxies.

16 (2) COMPOSITION.—

17 (A) CHAIRPERSON.—The Secretary of
18 State shall be the Chairperson of the task force.

19 (B) MEMBERSHIP.—

20 (i) IN GENERAL.—The task force shall
21 be composed of individuals, each of whom
22 shall be an employee of and appointed to
23 the task force by the head of one of the
24 following agencies:

25 (I) The Department of State.

1 (II) The Department of Defense.

2 (III) The Department of Energy.

3 (ii) ADDITIONAL MEMBERS.—The
4 Chairperson may appoint to the task force
5 additional individuals from other Federal
6 agencies, as the Chairperson considers nec-
7 essary.

8 (iii) INTELLIGENCE COMMUNITY SUP-
9 PORT.—The Director of National Intel-
10 ligence shall ensure that the task force re-
11 ceives all appropriate support from the in-
12 telligence community.

13 (3) SUNSET.—The task force shall terminate on
14 December 31, 2028.

15 (e) ASSESSMENTS.—

16 (1) INTELLIGENCE ASSESSMENT ON NUCLEAR
17 ACTIVITY.—

18 (A) IN GENERAL.—Not later than 120
19 days after the date of the enactment of this
20 Act, and every 180 days thereafter until De-
21 cember 31, 2028, the Director of National In-
22 telligence shall submit to the appropriate con-
23 gressional committees an assessment regarding
24 any uranium enrichment, nuclear weapons de-
25 velopment, delivery vehicle development, and as-

1 sociated engineering and research activities of
2 the Islamic Republic of Iran.

3 (B) CONTENTS.—The assessment required
4 by subparagraph (A) shall include—

5 (i) a description and location of cur-
6 rent fuel cycle activities for the production
7 of fissile material being undertaken by the
8 Islamic Republic of Iran, including—

9 (I) research and development ac-
10 tivities to procure or construct addi-
11 tional advanced IR-2, IR-6 and other
12 model centrifuges and enrichment cas-
13 cades, including for stable isotopes;

14 (II) research and development of
15 reprocessing capabilities, including—

16 (aa) reprocessing of spent
17 fuel; and

18 (bb) extraction of medical
19 isotopes from irradiated uranium
20 targets;

21 (III) activities with respect to de-
22 signing or constructing reactors, in-
23 cluding—

24 (aa) the construction of
25 heavy water reactors;

1 (bb) the manufacture or
2 procurement of reactor compo-
3 nents, including the intended ap-
4 plication of such components;
5 and

6 (cc) efforts to rebuild the
7 original reactor at Arak;

8 (IV) uranium mining, concentra-
9 tion, conversion, and fuel fabrication,
10 including—

11 (aa) estimated uranium ore
12 production capacity and annual
13 recovery;

14 (bb) recovery processes and
15 ore concentrate production capac-
16 ity and annual recovery;

17 (cc) research and develop-
18 ment with respect to, and the an-
19 nual rate of, conversion of ura-
20 nium; and

21 (dd) research and develop-
22 ment with respect to the fabrica-
23 tion of reactor fuels, including
24 the use of depleted, natural, and
25 enriched uranium; and

- 1 (V) activities with respect to—
- 2 (aa) producing or acquiring
- 3 plutonium or uranium (or their
- 4 alloys);
- 5 (bb) conducting research
- 6 and development on plutonium or
- 7 uranium (or their alloys);
- 8 (cc) uranium metal; or
- 9 (dd) casting, forming, or
- 10 machining plutonium or uranium;
- 11 (ii) with respect to any activity de-
- 12 scribed in clause (i), a description, as ap-
- 13 plicable, of—
- 14 (I) the number and type of cen-
- 15 trifuges used to enrich uranium and
- 16 the operating status of such cen-
- 17 trifuges;
- 18 (II) the number and location of
- 19 any enrichment or associated research
- 20 and development facility used to en-
- 21 gage in such activity;
- 22 (III) the amount of heavy water,
- 23 in metric tons, produced by such ac-
- 24 tivity and the acquisition or manufac-
- 25 ture of major reactor components, in-

1 including, for the second and subse-
2 quent assessments, the amount pro-
3 duced since the last assessment;

4 (IV) the number and type of fuel
5 assemblies produced by the Islamic
6 Republic of Iran, including failed or
7 rejected assemblies; and

8 (V) the total amount of—

9 (aa) uranium-235 enriched
10 to not greater than 5 percent pu-
11 rity;

12 (bb) uranium-235 enriched
13 to greater than 5 percent purity
14 and not greater than 20 percent
15 purity;

16 (cc) uranium-235 enriched
17 to greater than 20 percent purity
18 and not greater than 60 percent
19 purity;

20 (dd) uranium-235 enriched
21 to greater than 60 percent purity
22 and not greater than 90 percent
23 purity; and

24 (ee) uranium-235 enriched
25 greater than 90 percent purity;

1 (iii) a description of any
2 weaponization plans and weapons develop-
3 ment capabilities of the Islamic Republic of
4 Iran, including—

5 (I) plans and capabilities with re-
6 spect to—

7 (aa) weapon design, includ-
8 ing fission, warhead miniaturiza-
9 tion, and boosted and early ther-
10 monuclear weapon design;

11 (bb) high yield fission devel-
12 opment;

13 (cc) design, development, ac-
14 quisition, or use of computer
15 models to simulate nuclear explo-
16 sive devices;

17 (dd) design, development,
18 fabricating, acquisition, or use of
19 explosively driven neutron
20 sources or specialized materials
21 for explosively driven neutron
22 sources; and

23 (ee) design, development,
24 fabrication, acquisition, or use of
25 precision machining and tooling

1 that could enable the production
2 of nuclear explosive device com-
3 ponents;

4 (II) the ability of the Islamic Re-
5 public of Iran to deploy a working or
6 reliable delivery vehicle capable of car-
7 rying a nuclear warhead;

8 (III) the estimated breakout time
9 for the Islamic Republic of Iran to de-
10 velop and deploy a nuclear weapon,
11 including a crude nuclear weapon; and

12 (IV) the status and location of
13 any research and development work
14 site related to the preparation of an
15 underground nuclear test;

16 (iv) an identification of any clandes-
17 tine nuclear facilities;

18 (v) an assessment of whether the Is-
19 lamic Republic of Iran maintains locations
20 to store equipment, research archives, or
21 other material previously used for a weap-
22 ons program or that would be of use to a
23 weapons program that the Islamic Repub-
24 lic of Iran has not declared to the Inter-
25 national Atomic Energy Agency;

1 (vi) any diversion by the Islamic Re-
2 public of Iran of uranium, carbon-fiber, or
3 other materials for use in an undeclared or
4 clandestine facility;

5 (vii) an assessment of activities re-
6 lated to developing or acquiring the capa-
7 bilities for the production of nuclear weap-
8 ons, conducted at facilities controlled by
9 the Ministry of Defense and Armed Forces
10 Logistics of Iran, the Islamic Revolu-
11 tionary Guard Corps, and the Organization
12 of Defensive Innovation and Research, in-
13 cluding an analysis of gaps in knowledge;

14 (viii) a description of activities be-
15 tween the Islamic Republic of Iran and
16 other countries or persons with respect to
17 sharing information on, or providing other
18 forms of support for, the acquisition of a
19 nuclear weapons capability or activities re-
20 lated to weaponization;

21 (ix) with respect to any new ballistic,
22 cruise, or hypersonic missiles being de-
23 signed and tested by the Islamic Republic
24 of Iran or any of its proxies, a description
25 of—

- 1 (I) the type of missile;
- 2 (II) the range of such missiles;
- 3 (III) the capability of such mis-
- 4 siles to deliver a nuclear warhead;
- 5 (IV) the number of such missiles;
- 6 and
- 7 (V) any testing of such missiles;
- 8 (x) an assessment of whether the Is-
- 9 lamic Republic of Iran or any of its proxies
- 10 possesses an unmanned aircraft system or
- 11 other military equipment capable of deliv-
- 12 ering a nuclear weapon; and
- 13 (xi) an assessment of the extent to
- 14 which the Islamic Republic of Iran is pro-
- 15 viding drones, missiles, or related tech-
- 16 nology from other countries to its proxies
- 17 or partners.

18 (2) ASSESSMENT ON SUPPORT FOR REGIONAL
19 AND GLOBAL TERRORISM OF THE ISLAMIC REPUBLIC
20 OF IRAN.—

21 (A) IN GENERAL.—Not later than 120
22 days after the date of the enactment of this
23 Act, and annually thereafter until December 31,
24 2028, the Director of National Intelligence shall
25 submit to the appropriate congressional com-

1 mittees an assessment regarding the regional
2 and global terrorism of the Islamic Republic of
3 Iran.

4 (B) CONTENTS.—The assessment required
5 by subparagraph (A) shall include—

6 (i) a description of the lethal support
7 of the Islamic Republic of Iran, including
8 training, equipment, and associated intel-
9 ligence support, to regional and global non-
10 state terrorist groups and proxies;

11 (ii) a description of the lethal support
12 of the Islamic Republic of Iran, including
13 training and equipment, to state actors;

14 (iii) an assessment of financial sup-
15 port of the Islamic Republic of Iran to
16 non-state terrorist groups and proxies and
17 associated Iranian revenue streams fund-
18 ing such support;

19 (iv) an assessment of the threat posed
20 by the Islamic Republic of Iran and Ira-
21 nian-supported groups to members of the
22 Armed Forces, diplomats, and military and
23 diplomatic facilities of the United States;

24 (v) a description of attacks by, or
25 sponsored by, the Islamic Republic of Iran

1 against members of the Armed Forces,
2 diplomats, and military and diplomatic fa-
3 cilities of the United States and the associ-
4 ated response by the United States Gov-
5 ernment in the previous year;

6 (vi) a description of attacks by, or
7 sponsored by, the Islamic Republic of Iran
8 against United States partners or allies
9 and the associated response by the United
10 States Government in the previous year;

11 (vii) an assessment of interference by
12 the Islamic Republic of Iran into the elec-
13 tions and political processes of sovereign
14 countries in the Middle East and North
15 Africa in an effort to create conditions for
16 or shape agendas more favorable to the
17 policies of the Government of the Islamic
18 Republic of Iran;

19 (viii) a description of any plots by the
20 Islamic Republic of Iran against former
21 and current United States officials;

22 (ix) a description of any plots by the
23 Islamic Republic of Iran against United
24 States citizens both abroad and within the
25 United States; and

1 (x) a description of maritime activity
2 of the Islamic Republic of Iran and associ-
3 ated impacts on the free flow of commerce
4 and the national security interests of the
5 United States.

6 (3) FORM; PUBLIC AVAILABILITY; DUPLICA-
7 TION.—

8 (A) FORM.—Each assessment required by
9 this subsection shall be submitted in unclassi-
10 fied form but may include a classified annex for
11 information that, if released, would be detri-
12 mental to the national security of the United
13 States. In addition, any classified portion may
14 contain an additional annex provided to the
15 congressional intelligence committees that de-
16 tails information and analysis that would other-
17 wise disclose sensitive sources and methods.

18 (B) PUBLIC AVAILABILITY.—The unclassi-
19 fied portion of an assessment required by this
20 subsection shall be made available to the public
21 on an internet website of the Office of the Di-
22 rector of National Intelligence.

23 (C) DUPLICATION.—For any assessment
24 required by this subsection, the Director of Na-
25 tional Intelligence may rely upon existing prod-

1 ucts that reflect the current analytic judgment
2 of the intelligence community, including reports
3 or products produced in response to congress-
4 sional mandate or requests from executive
5 branch officials.

6 (f) DIPLOMATIC STRATEGY TO ADDRESS IDENTIFIED
7 NUCLEAR, BALLISTIC MISSILE, AND TERRORISM
8 THREATS TO THE UNITED STATES.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the submission of the initial assessment under sub-
11 section (e)(1), and annually thereafter until Decem-
12 ber 31, 2028, the Secretary of State, in consultation
13 with the task force, shall submit to the appropriate
14 congressional committees a diplomatic strategy that
15 outlines a comprehensive plan for engaging with
16 partners and allies of the United States regarding
17 uranium enrichment, nuclear weaponization, missile
18 development, and drone-related activities and re-
19 gional and global terrorism of the Islamic Republic
20 of Iran.

21 (2) CONTENTS.—The diplomatic strategy re-
22 quired by paragraph (1) shall include—

23 (A) an assessment of whether the Islamic
24 Republic of Iran—

1 (i) is in compliance with the Com-
2 prehensive Safeguards Agreement and
3 modified Code 3.1 of the Subsidiary Ar-
4 rangements to the Comprehensive Safe-
5 guards Agreement as well as the nuclear
6 related commitments endorsed in United
7 Nations Security Council Resolution 2231
8 (2015); and

9 (ii) has denied access to sites that the
10 International Atomic Energy Agency has
11 sought to inspect during previous 1-year
12 period;

13 (B) a description of any dual-use item (as
14 defined under section 730.3 of title 15, Code of
15 Federal Regulations or listed on the List of Nu-
16 clear-Related Dual-Use Equipment, Materials,
17 Software, and Related Technology issued by the
18 Nuclear Suppliers Group or any successor list)
19 the Islamic Republic of Iran is using to further
20 the nuclear weapon, missile, or drone program;

21 (C) a description of efforts of the United
22 States to counter efforts of the Islamic Republic
23 of Iran to project political and military influ-
24 ence into the Middle East;

1 (D) a description of efforts to address the
2 increased threat that new or evolving uranium
3 enrichment, nuclear weaponization, missile, or
4 drone development activities by the Islamic Re-
5 public of Iran pose to United States citizens,
6 the diplomatic presence of the United States in
7 the Middle East, and the national security in-
8 terests of the United States;

9 (E) a description of efforts to address the
10 threat that terrorism by, or sponsored by, the
11 Islamic Republic of Iran poses to United States
12 citizens, the diplomatic presence of the United
13 States in the Middle East, and the national se-
14 curity interests of the United States;

15 (F) a description of efforts to address the
16 impact of the influence of the Islamic Republic
17 of Iran on sovereign governments on the safety
18 and security of United States citizens, the dip-
19 lomatic presence of the United States in the
20 Middle East, and the national security interests
21 of the United States;

22 (G) a description of a coordinated whole-
23 of-government approach to use political, eco-
24 nomic, and security related tools to address
25 such activities; and

1 (H) a comprehensive plan for engaging
2 with allies and regional partners in all relevant
3 multilateral fora to address such activities.

4 (3) UPDATED STRATEGY RELATED TO NOTIFI-
5 CATION.—Not later than 45 days after the Chair-
6 person determines that there has been a significant
7 development in the nuclear weapons capability or
8 nuclear weapons delivery systems capability of the
9 Islamic Republic of Iran, the Secretary of State shall
10 submit to the appropriate congressional committees
11 an update to the most recent diplomatic strategy
12 submitted under paragraph (1).

13 **Subtitle H—Reports**

14 **SEC. 5594. MODIFICATION TO PEACEKEEPING OPERATIONS** 15 **REPORT.**

16 Section 6502 of the National Defense Authorization
17 Act for Fiscal Year 2022 (22 U.S.C. 2348 note) is amend-
18 ed—

19 (1) in subsection (a)—

20 (A) by amending paragraph (4) to read as
21 follows:

22 “(4) As applicable, a description of specific
23 training on monitoring and adhering to international
24 human rights and humanitarian law provided to the

1 foreign country or entity receiving the assistance.”;

2 and

3 (B) by striking paragraphs (7) and (8);

4 (2) in subsection (b)—

5 (A) in the subsection heading, by striking

6 “ON PROGRAMS UNDER PEACEKEEPING OPER-

7 ATIONS ACCOUNT”; and

8 (B) in paragraph (1), in the matter pre-

9 ceding subparagraph (A)—

10 (i) by inserting “authorized under sec-

11 tion 551 of the Foreign Assistance Act of

12 1961 (22 U.S.C. 2348) and” after “secu-

13 rity assistance”; and

14 (ii) by striking “foreign countries”

15 and all that follows through the colon and

16 inserting “foreign countries for any of the

17 following purposes:”;

18 (3) by redesignating subsection (c) as sub-

19 section (d); and

20 (4) by inserting after subsection (b), as amend-

21 ed, the following:

22 “(c) COORDINATION OF SUBMISSION.—The Sec-

23 retary of State is authorized to integrate the elements of

24 the report required by subsection (b) into other reports

1 required to be submitted annually to the appropriate con-
2 gressional committees.”.

3 **SEC. 5595. REPORT ON INDO-PACIFIC REGION.**

4 (a) IN GENERAL.—

5 (1) IN GENERAL.—Not later than one year
6 after the date of the enactment of this Act, the As-
7 sistant Secretary of State for the Bureau of East
8 Asian and Pacific Affairs, in coordination with the
9 Assistant Secretary of State for the Bureau of South
10 and Central Asian Affairs and Assistant Adminis-
11 trator for the Bureau for Asia of the United States
12 Agency for International Development (USAID),
13 shall submit to the congressional foreign affairs
14 committees a report that contains a 2-year strategy
15 assessing the resources and activities required to
16 achieve the policy objectives described in subsection
17 (c).

18 (2) SUBMISSION AND UPDATE.—The report and
19 strategy required by this subsection shall—

20 (A) be submitted at the same time as the
21 submission of the budget of the President (sub-
22 mitted to Congress pursuant to section 1105 of
23 title 31, United States Code) for fiscal year
24 2024; and

1 (B) be updated and submitted at the same
2 time as the submission of the budget of the
3 President (submitted to Congress pursuant to
4 section 1105 of title 31, United States Code)
5 for fiscal years 2026, 2028, and 2030.

6 (b) CRITERIA.—The report and strategy required in
7 subsection (a) shall be developed in accordance with the
8 following criteria:

9 (1) It shall reflect the objective, autonomous,
10 and independent assessment of the activities, re-
11 sources, and costs required to achieve objectives de-
12 tailed in subsection (c) by the principals, the subor-
13 dinate and parallel offices providing input into the
14 assessment.

15 (2) It shall cover a period of five fiscal years,
16 beginning with the fiscal year following the fiscal
17 year in which the report is submitted.

18 (3) It shall incorporate input from United
19 States Ambassadors in the Indo-Pacific region pro-
20 vided explicitly for the required report.

21 (4) It may include information gathered
22 through consultation with program offices and sub-
23 ject matter experts in relevant functional bureaus, as
24 deemed necessary by the principals.

1 (5) It shall not be subject to fiscal guidance or
2 global strategic tradeoffs associated with the annual
3 President's budget request.

4 (c) POLICY OBJECTIVES.—The report and strategy
5 required in subsection (a) shall assess the activities and
6 resources required to achieve the following policy objec-
7 tives:

8 (1) Implementing the Interim National Security
9 Strategic Guidance, or the most recent National Se-
10 curity Strategy, with respect to the Indo-Pacific re-
11 gion.

12 (2) Implementing the 2022 Indo-Pacific Strat-
13 egy, or successor documents, that set forth the
14 United States Government strategy toward the Indo-
15 Pacific region.

16 (3) Implementing the State-USAID Joint Stra-
17 tegic Plan with respect to the Indo-Pacific region.

18 (4) Enhancing meaningful diplomatic and eco-
19 nomic relations with allies and partners in the Indo-
20 Pacific and demonstrate an enduring United States
21 commitment to the region.

22 (5) Securing and advancing United States na-
23 tional interests in the Indo-Pacific, including
24 through countering the malign influence of the Gov-
25 ernment of the People's Republic of China.

1 (d) MATTERS TO BE INCLUDED.—The report and
2 strategy required under subsection (a) shall include the
3 following:

4 (1) A description of the Bureaus' bilateral and
5 multilateral goals for the period covered in the re-
6 port that the principals deem necessary to accom-
7 plish the objectives outlined in subsection (c),
8 disaggregated by country and forum.

9 (2) A timeline with annual benchmarks for
10 achieving the objectives described in subsection (c).

11 (3) An assessment of the sufficiency of United
12 States diplomatic personnel and facilities currently
13 available in the Indo-Pacific region to achieve the
14 objectives outlined in subsection (c), through con-
15 sultation with United States embassies in the region.

16 The assessment shall include:

17 (A) A list, in priority order, of locations in
18 the Indo-Pacific region that require additional
19 diplomatic personnel or facilities.

20 (B) A description of locations where the
21 United States may be able to collocate diplo-
22 matic personnel at allied or partner embassies
23 and consulates.

24 (C) A discussion of embassies or con-
25 sulates where diplomatic staff could be reduced

1 within the Indo-Pacific region, where appro-
2 priate.

3 (D) A detailed description of the fiscal and
4 personnel resources required to fill gaps identi-
5 fied.

6 (4) A detailed plan to expand United States
7 diplomatic engagement and foreign assistance pres-
8 ence in the Pacific Island nations within the next
9 five years, including a description of “quick impact”
10 programs that can be developed and implemented
11 within the first fiscal year of the period covered in
12 the report.

13 (5) A discussion of the resources needed to en-
14 hance United States strategic messaging and spot-
15 light coercive behavior by the People’s Republic of
16 China.

17 (6) A detailed description of the resources and
18 policy tools needed to expand the United States abil-
19 ity to offer high-quality infrastructure projects in
20 strategically significant parts of the Indo-Pacific re-
21 gion, with a particular focus on expanding invest-
22 ments in Southeast Asia and the Pacific Islands.

23 (7) A gap assessment of security assistance by
24 country, and of the resources needed to fill those
25 gaps.

1 (8) A description of the resources and policy
2 tools needed to facilitate continued private sector in-
3 vestment in partner countries in the Indo-Pacific.

4 (9) A discussion of any additional bilateral or
5 regional assistance resources needed to achieve the
6 objectives outlined in subsection (c), as deemed nec-
7 essary by the principals.

8 (e) FORM.—The report required under subsection (a)
9 shall be submitted in an unclassified form, but may in-
10 clude a classified annex.

11 (f) AVAILABILITY.—Not later than February 1 each
12 year, the Assistant Secretary for East Asian and Pacific
13 Affairs shall make the report and strategy available to the
14 Secretary of State, the Administrator of the USAID, the
15 Deputy Secretary of State, the Deputy Secretary of State
16 for Management and Resources, the Deputy Adminis-
17 trator for Policy and Programming, the Deputy Adminis-
18 trator for Management and Resources, the Under Sec-
19 retary of State for Political Affairs, the Director of the
20 Office of Foreign Assistance at the Department of State,
21 the Director of the Bureau of Foreign Assistance at the
22 USAID, and the Director of Policy Planning.

23 (g) DEFINITIONS.—In this section:

24 (1) INDO-PACIFIC REGION.—The term “Indo-
25 Pacific region” means the countries under the juris-

1 diction of the Bureau for East Asian and Pacific Af-
2 fairs, as well as the countries of Bangladesh, Bhu-
3 tan, India, Maldives, Nepal, Pakistan, and Sri
4 Lanka.

5 (2) FOREIGN AFFAIRS COMMITTEES.—The term
6 “foreign affairs committees” means—

7 (A) the Committee on Foreign Relations
8 and the Subcommittee on State, Foreign Oper-
9 ations, and Related Programs of the Committee
10 on Appropriations of the Senate; and

11 (B) the Committee on Foreign Affairs and
12 the Subcommittee on State, Foreign Oper-
13 ations, Related Programs of the Committee on
14 Appropriations of the House of Representatives.

15 (3) PRINCIPALS.—The term “principals” means
16 the Assistant Secretary of State for the Bureau of
17 East Asian and Pacific Affairs, the Assistant Sec-
18 retary of State for the Bureau of South and Central
19 Asian Affairs, and the Assistant Administrator for
20 the Bureau for Asia of the United States Agency for
21 International Development.

22 **SEC. 5596. REPORT ON HUMANITARIAN SITUATION AND**
23 **FOOD SECURITY IN LEBANON.**

24 (a) REPORT REQUIRED.—Not later than 90 days
25 after the date of the enactment of this Act, the Secretary

1 of State, in consultation with the Secretary of Defense and
2 in coordination with the Administrator of the United
3 States Agency for International Development, shall submit
4 to the appropriate congressional committees a report that
5 contains an evaluation of the humanitarian situation in
6 Lebanon, as well as the impact of the deficit of wheat im-
7 ports due to Russia's further invasion of Ukraine, initiated
8 on February 24, 2022.

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

11 (1) The projected increase in malnutrition in
12 Lebanon.

13 (2) The estimated increase in the number of
14 food insecure individuals in Lebanon.

15 (3) The estimated number of individuals who
16 will be faced with acute malnutrition due to food
17 price inflation in Lebanon.

18 (4) Actions United States Government allies
19 and partners are taking to address the matters de-
20 scribed in paragraphs (1), (2), and (3).

21 (5) The potential impact of food insecurity in
22 Lebanon on Department of Defense goals and objec-
23 tives in Lebanon.

1 (c) FORM OF REPORT.—The report required by sub-
2 section (a) shall be submitted in an unclassified form, but
3 may contain a classified annex.

4 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
5 DEFINED.—In this section, the term “appropriate con-
6 gressional committees” means—

7 (1) the Committee on Armed Services, the
8 Committee on Foreign Relations, and the Committee
9 on Appropriations of the Senate; and

10 (2) the Committee on Armed Services, the
11 Committee on Foreign Affairs, and the Committee
12 on Appropriations of the House of Representatives.

13 **SEC. 5597. STATEMENT OF POLICY AND REPORT ON ENGAG-**
14 **ING WITH NIGER.**

15 (a) STATEMENT OF POLICY.—It is the policy of the
16 United States to—

17 (1) continue to support Niger’s efforts to ad-
18 vance democracy, good governance, human rights,
19 and regional security within its borders through bi-
20 lateral assistance and multilateral initiatives;

21 (2) enhance engagement and cooperation with
22 the Nigerien Government at all levels as a key com-
23 ponent of stabilizing the Sahel, where frequent coups
24 and other anti-democratic movements, food insecu-
25 rity, violent extremism, and armed conflict threaten

1 to further weaken governments throughout the re-
2 gion; and

3 (3) work closely with partners and allies
4 throughout the international community to elevate
5 Niger, which experienced its first democratic transi-
6 tion of power in 2021, as an example of
7 transitioning from longstanding military governance
8 and a cycle of coups to a democratic, civilian-led
9 form of government.

10 (b) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of State, in consultation with the heads of relevant depart-
13 ments and agencies, shall submit to the appropriate con-
14 gressional committees a report on interagency efforts to
15 enhance United States engagement with Niger as a key
16 component of the United States Strategy toward the
17 Sahel. Such report shall also include the following infor-
18 mation with respect to the 2 fiscal years preceding the
19 date of the submission of the report:

20 (1) A description of United States efforts to
21 promote democracy, political pluralism, fiscal trans-
22 parency and other good governance initiatives,
23 human rights and the rule of law, and a robust and
24 engaged civil society.

1 (2) A full, detailed breakdown of United States
2 assistance provided to help the Nigerien Government
3 develop a comprehensive national security strategy,
4 including to counter terrorism, regional and
5 transnational organized crime, intercommunal vio-
6 lence, and other forms of armed conflict, criminal
7 activity, and other threats to United States and
8 Nigerien national security.

9 (3) An analysis of relevant resources at the
10 United States Embassy in Niamey, including wheth-
11 er staff in place by the end of the current fiscal year
12 will be sufficient to meet various country and re-
13 gional strategic objectives.

14 (4) An overview of foreign partner support for
15 Niger's intelligence and security sector.

16 (5) A detailed description of United States and
17 international efforts to address food insecurity in
18 Niger, including that which is caused by deforest-
19 ation, desertification, and other climate change-re-
20 lated issues.

21 (6) A breakdown of United States funds obli-
22 gated for humanitarian assistance in Niger, and an
23 analysis of how the security situation in Niger has
24 affected humanitarian operations and diplomatic en-
25 gagement throughout the country.

1 (7) An assessment of foreign malign influence
2 in Niger, with a specific focus on the People’s Re-
3 public of China, the Russian Federation, and their
4 proxies.

5 (c) FORM.—The report required by subsection (b)
6 shall be submitted in unclassified form, and may include
7 a classified annex.

8 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
9 DEFINED.—In this section, the term “appropriate con-
10 gressional committees” means—

11 (1) the Committee on Foreign Affairs and the
12 Committee on Financial Services of the House of
13 Representatives; and

14 (2) the Committee on Foreign Relations and
15 the Committee on Banking, Housing, and Urban Af-
16 fairs of the Senate.

17 **SEC. 5598. REPORT ON BILATERAL SECURITY AND LAW EN-**
18 **FORCEMENT COOPERATION WITH MEXICO.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of the enactment of this Act, the President shall sub-
21 mit to the appropriate congressional committees a report
22 that includes the following:

23 (1) A description of past and current bilateral
24 security and law enforcement cooperation with Mex-
25 ico, including through United States Northern Com-

1 mand, the Department of Homeland Security, the
2 Department of Justice (including the Drug Enforce-
3 ment Administration), and the Department of State
4 (including the Bureau of International Narcotics and
5 Law Enforcement Affairs), including over the pre-
6 ceding 10 years.

7 (2) A summary of efforts of the Government of
8 Mexico to reduce impunity and strengthen judicial
9 processes for violent crimes and cartels across Mex-
10 ico and along the United States-Mexico border.

11 (3) A description and mapping of increasing
12 cartel control over Mexican territory and its impacts
13 on United States national security.

14 (4) An assessment of any changes in Mexico's
15 electoral and democratic institutions, including their
16 ability to ensure accountability for human rights vio-
17 lations, and its impacts on national security.

18 (b) FORM.—The report required by subsection (a)
19 shall be submitted in unclassified form, but may include
20 a classified annex. The unclassified portion of such report
21 shall be published on a publicly available website of the
22 Federal government.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

- 1 (1) the congressional defense committees;
- 2 (2) the Committee on Foreign Relations, the
- 3 Select Committee on Intelligence, the Committee on
- 4 Homeland Security and Governmental Affairs, and
- 5 the Committee on the Judiciary of the Senate; and
- 6 (3) the Committee on Foreign Affairs, the Per-
- 7 manent Select Committee on Intelligence, the Com-
- 8 mittee on Homeland Security, and the Committee on
- 9 the Judiciary of the House of Representatives.

10 **SEC. 5599. REPORT ON CHINESE SUPPORT TO RUSSIA WITH**

11 **RESPECT TO ITS UNPROVOKED INVASION OF**

12 **AND FULL-SCALE WAR AGAINST UKRAINE.**

13 (a) IN GENERAL.—Not later than 30 days after the

14 date of the enactment of this Act, and every 90 days there-

15 after until the sunset specified in subsection (d), the Sec-

16 retary of State, in consultation with the Secretary of Com-

17 merce and the Director of National Intelligence as appro-

18 priate, shall submit to the appropriate congressional com-

19 mittees a report on whether and how the People’s Republic

20 of China (PRC), including the Government of the PRC,

21 the Chinese Communist Party, any PRC state-owned en-

22 terprise, and any other PRC entity, has provided support

23 to the Russian Federation with respect to its unprovoked

24 invasion of and full-scale war against Ukraine.

1 (b) MATTERS TO BE INCLUDED.—The report re-
2 quired by subsection (a) shall include a discussion of the
3 support provided by the PRC to the Russian Federation
4 with respect to—

5 (1) helping the Government of Russia or Rus-
6 sian entities evade or circumvent United States
7 sanctions or multilateral sanctions and export con-
8 trols;

9 (2) deliberately inhibiting on-site United States
10 Government export control end-use checks, including
11 interviews and investigations, in the PRC;

12 (3) providing Russia with any technology, in-
13 cluding semiconductors classified as EAR99, that
14 supports Russian intelligence or military capabilities;

15 (4) establishing economic or financial arrange-
16 ments that will have the effect of alleviating the im-
17 pact of United States sanctions or multilateral sanc-
18 tions;

19 (5) furthering Russia's disinformation and
20 propaganda efforts;

21 (6) coordinating to hinder the response of mul-
22 tilateral organizations, including the United Nations,
23 to provide assistance to the people or Government of
24 Ukraine, to condemn Russia's war, to hold Russia

1 accountable for the invasion and its prosecution of
2 the war, or to hold those complicit accountable; and

3 (7) providing any material, technical, or
4 logistical support, including to Russian military or
5 intelligence agencies and state-owned or state-linked
6 enterprises.

7 (c) FORM.—

8 (1) IN GENERAL.—The report required by sub-
9 section (a) shall be submitted in unclassified form
10 and published on a publicly available website of the
11 Department of State.

12 (2) EXCEPTION.—If the Secretary, in consulta-
13 tion with the Director of National Intelligence, cer-
14 tifies to the appropriate congressional committees
15 that the Secretary is unable to include an element
16 required under any of paragraphs (1) through (7) of
17 subsection (b) in an unclassified manner, the Sec-
18 retary shall provide in unclassified form an affirma-
19 tive or negative determination with respect to wheth-
20 er the People’s Republic of China is supporting the
21 Russian Federation in the manner described in each
22 applicable such paragraph and concurrently provide
23 the discussion of that element to the appropriate
24 congressional committees at the lowest possible clas-

1 sification level, consistent with the protection of
2 sources and methods.

3 (d) SUNSET.—The requirement to submit the report
4 under subsection (a) shall terminate on the earlier of—

5 (1) the date on which the Secretary of State de-
6 termines the conflict in Ukraine has ended; or

7 (2) the date that is 2 years after the date of the
8 enactment of this Act.

9 (e) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
10 FINED.—In this section, the term “appropriate congres-
11 sional committees” means—

12 (1) the congressional defense committees;

13 (2) the Committee on Foreign Relations, the
14 Committee on Banking, Housing, and Urban Af-
15 fairs, and the Select Committee on Intelligence of
16 the Senate; and

17 (3) the Committee on Foreign Affairs, the
18 Committee on Ways and Means, and the Permanent
19 Select Committee on Intelligence of the House of
20 Representatives.

1 **SEC. 5599A. FEASIBILITY STUDY ON UNITED STATES SUP-**
2 **PORT FOR AND PARTICIPATION IN THE**
3 **INTERNATIONAL COUNTERTERRORISM**
4 **ACADEMY IN CÔTE D'IVOIRE.**

5 (a) STATEMENT OF POLICY.—It is the policy of the
6 United States to partner with West African governments
7 where possible to mitigate and counter growing regional
8 insecurity resulting from the spread of armed conflict and
9 terrorism, including by providing assistance to train,
10 equip, and mentor West African security services to
11 counter threats to regional and national security through
12 a whole-of-government approach.

13 (b) FEASIBILITY STUDY.—Not later than 90 days
14 after the date of the enactment of this Act, the Secretary
15 of State, in consultation with the Secretary of Defense,
16 shall conduct a feasibility study regarding the provision
17 of United States assistance for infrastructure, training,
18 equipment, and other forms of support to institutionalize
19 the International Counterterrorism Academy (Académie
20 Internationale de Lutte Contre le Terrorisme or AILCT)
21 in Jacquelineville, Côte d'Ivoire that—

22 (1) provides a legal analysis of existing authori-
23 ties to provide United States foreign assistance dedi-
24 cated to the development and establishment of
25 AILCT programs, initiatives, and infrastructure for
26 the purposes of training, equipping, and mentoring

1 eligible West African security services bilaterally or
2 in coordination with partners and allies;

3 (2) identifies opportunities for the United
4 States to leverage and support the AILCT facility to
5 pursue national security interests in West Africa,
6 the Sahel, sub-Saharan Africa, and the strategic At-
7 lantic Ocean coastal and maritime environments, in-
8 cluding through training and research activities, in-
9 frastructure development, combatting transnational
10 terrorist and organized crime threats, and coun-
11 tering foreign malign influence throughout the re-
12 gion; and

13 (3) assesses any planned and pledged contribu-
14 tions from other countries to ensure appropriate
15 sustainment of the facilities and burden sharing.

16 (c) FORMS.—The feasibility study required by sub-
17 section (b) shall be submitted in unclassified form, but
18 may contain a classified annex.

19 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
20 DEFINED.—In this section, the term “appropriate con-
21 gressional committees” means—

22 (1) the Committee on Foreign Relations, the
23 Committee on Armed Services, and the Committee
24 on Appropriations of the Senate; and

1 (2) the Committee on Foreign Affairs, the
2 Committee on Armed Services, and the Committee
3 on Appropriations of the House of Representatives.

4 **SEC. 5599B. CONSULTATIONS ON REUNITING KOREAN**
5 **AMERICANS WITH FAMILY MEMBERS IN**
6 **NORTH KOREA.**

7 (a) CONSULTATIONS.—

8 (1) CONSULTATIONS WITH SOUTH KOREA.—

9 The Secretary of State, or a designee of the Sec-
10 retary, should consult with officials of South Korea,
11 as appropriate, on potential opportunities to reunite
12 Korean American families with family members in
13 North Korea from which such Korean American
14 families were divided after the signing of the Korean
15 War Armistice Agreement, including potential oppor-
16 tunities for video reunions for Korean Americans
17 with such family members.

18 (2) CONSULTATIONS WITH KOREAN AMERI-
19 CANS.—The Special Envoy on North Korean Human
20 Rights Issues of the Department of State should
21 regularly consult with representatives of Korean
22 Americans who have family members in North
23 Korea with respect to efforts to reunite families di-
24 vided after the signing of the Korean War Armistice
25 Agreement, including potential opportunities for

1 video reunions for Korean Americans with such fam-
2 ily members.

3 (b) REPORT.—Not later than 120 days after the date
4 of the enactment of this Act, and annually thereafter for
5 three years, the Secretary of State, acting through the
6 Special Envoy on North Korean Human Rights Issues or
7 other appropriate designee, shall submit to the Committee
8 on Foreign Affairs of the House of Representatives and
9 the Committee on Foreign Relations of the Senate a re-
10 port on the consultations conducted pursuant to this sec-
11 tion during the preceding year.

12 **Subtitle I—Sense of Congress**
13 **Provisions**

14 **SEC. 5599C. SENSE OF CONGRESS REGARDING THE STATUS**
15 **OF CHINA.**

16 It is the sense of Congress that—

17 (1) the People’s Republic of China is a fully in-
18 dustrialized nation and no longer a developing na-
19 tion; and

20 (2) any international agreement that provides
21 or accords China a favorable status or treatment as
22 a “developing nation” should be updated to reflect
23 the status of China.

24 **SEC. 5599D. SENSE OF CONGRESS REGARDING ISRAEL.**

25 It is the sense of Congress that—

1 (1) since 1948, Israel has been one of the
2 strongest friends and allies of the United States;

3 (2) Israel is a stable, democratic country in a
4 region often marred by turmoil;

5 (3) it is essential to the strategic interest of the
6 United States to continue to offer security assistance
7 and related support to Israel; and

8 (4) such assistance and support is especially
9 vital as Israel confronts a number of potential chal-
10 lenges at the present time, including continuing
11 threats from Iran.

12 **SEC. 5599E. SENSE OF CONGRESS RELATING TO THE NATO**
13 **PARLIAMENTARY ASSEMBLY.**

14 It is the sense of Congress that the United States
15 should—

16 (1) proactively engage with the North Atlantic
17 Treaty Organization (NATO) Parliamentary Assem-
18 bly (PA) and its member delegations;

19 (2) communicate with and educate the public
20 on the benefits and importance of NATO and NATO
21 PA; and

22 (3) support increased inter-democracy and
23 inter-parliamentary cooperation on countering misin-
24 formation and disinformation.

1 **SEC. 5599F. CONDEMNING DETENTION AND INDICTMENT**
2 **OF RUSSIAN OPPOSITION LEADER VLADIMIR**
3 **VLADIMIROVICH KARA-MURZA.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) Vladimir Vladimirovich Kara-Murza (re-
6 ferred to in this section as “Mr. Kara-Murza”) has
7 tirelessly worked for decades to advance the cause of
8 freedom, democracy, and human rights for the peo-
9 ple of the Russian Federation.

10 (2) In retaliation for his advocacy, two attempts
11 have been made on Mr. Kara-Murza’s life, as—

12 (A) on May 26, 2015, Mr. Kara-Murza fell
13 ill with symptoms indicative of poisoning and
14 was hospitalized; and

15 (B) on February 2, 2017, he fell ill with
16 similar symptoms and was placed in a medically
17 induced coma.

18 (3) Independent investigations conducted by
19 Bellingcat, the Insider, and Der Spiegel found that
20 the same unit of the Federal Security Service of the
21 Russian Federation responsible for poisoning Mr.
22 Kara-Murza was responsible for poisoning Russian
23 opposition leader Alexei Navalny and activists Timur
24 Kuashev, Ruslan Magomedragimov, and Nikita
25 Isayev.

1 (4) On February 24, 2022, Vladimir Putin
2 launched another unprovoked, unjustified, and illegal
3 invasion into Ukraine in contravention of the obliga-
4 tions freely undertaken by the Russian Federation to
5 respect the territorial integrity of Ukraine under the
6 Budapest Memorandum of 1994, the Minsk proto-
7 cols of 2014 and 2015, and international law.

8 (5) On March 5, 2022, Vladimir Putin signed
9 a law criminalizing the distribution of truthful state-
10 ments about the invasion of Ukraine by the Russian
11 Federation and mandating up to 15 years in prison
12 for such offenses.

13 (6) Since February 24, 2022, Mr. Kara-Murza
14 has used his voice and platform to join more than
15 15,000 citizens of the Russian Federation in peace-
16 fully protesting the war against Ukraine and mil-
17 lions more who silently oppose the war.

18 (7) On April 11, 2022, five police officers ar-
19 rested Mr. Kara-Murza in front of his home and de-
20 nied his right to an attorney, and the next day Mr.
21 Kara-Murza was sentenced to 15 days in prison for
22 disobeying a police order.

23 (8) On April 22, 2022, the Investigative Com-
24 mittee of the Russian Federation charged Mr. Kara-
25 Murza with violations under the law signed on

1 March 5, 2022, for his fact-based statements con-
2 demning the invasion of Ukraine by the Russian
3 Federation.

4 (9) Mr. Kara-Murza was then placed into pre-
5 trial detention and ordered to be held until at least
6 June 12, 2022.

7 (10) If convicted of those charges, Mr. Kara-
8 Murza faces detention in a penitentiary system that
9 human rights nongovernmental organizations have
10 criticized for widespread torture, ill-treatment, and
11 suspicious deaths of prisoners.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that Congress—

14 (1) condemns the unjust detention and indict-
15 ing of Russian opposition leader Vladimir
16 Vladimirovich Kara-Murza, who has courageously
17 stood up to oppression in the Russian Federation;

18 (2) expresses solidarity with Vladimir
19 Vladimirovich Kara-Murza, his family, and all indi-
20 viduals in the Russian Federation imprisoned for ex-
21 ercising their fundamental freedoms of speech, as-
22 sembly, and belief;

23 (3) urges the United States Government and
24 other allied governments to work to secure the im-
25 mediate release of Vladimir Vladimirovich Kara-

1 Murza, Alexei Navalny, and other citizens of the
2 Russian Federation imprisoned for opposing the re-
3 gime of Vladimir Putin and the war against
4 Ukraine; and

5 (4) calls on the President to increase support
6 provided by the United States Government for those
7 advocating for democracy and independent media in
8 the Russian Federation, which Vladimir
9 Vladimirovich Kara-Murza has worked to advance.

10 **SEC. 5599G. SENSE OF CONGRESS REGARDING DEVELOP-**
11 **MENT OF NUCLEAR WEAPONS BY IRAN.**

12 Congress—

13 (1) reiterates its commitment to ensuring Iran
14 will never acquire a nuclear weapon;

15 (2) supports the important work of the Inter-
16 national Atomic Energy Agency (IAEA) in safe-
17 guarding nuclear material around the globe;

18 (3) condemns Iran for its lack of transparency
19 and meaningful cooperation with the IAEA on the
20 unresolved matter of uranium particles discovered at
21 undeclared sites in Iran and additional escalatory
22 actions related to its nuclear program; and

23 (4) applauds the IAEA Board of Governors'
24 resolution urging Iran's full cooperation with the

1 IAEA on outstanding safeguards issues on an ur-
2 gent basis.

3 **TITLE LVI—TRANSPORTATION**
4 **AND INFRASTRUCTURE**

Sec. 5601. Designation of small State and rural advocate.

Sec. 5602. Flexibility.

Sec. 5603. Preliminary damage assessment.

Sec. 5604. Letter of deviation authority.

Sec. 5605. Recognizing FEMA support.

5 **SEC. 5601. DESIGNATION OF SMALL STATE AND RURAL AD-**
6 **VOCATE.**

7 (a) IN GENERAL.—Section 326(c) of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance Act
9 (42 U.S.C. 5165d) is amended—

10 (1) by striking “and” at the end of paragraph

11 (2);

12 (2) by redesignating paragraph (3) as para-
13 graph (4); and

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) assist States in the collection and presen-
17 tation of material in the disaster or emergency dec-
18 laration request relevant to demonstrate severe local-
19 ized impacts within the State for a specific incident,
20 including—

21 “(A) the per capita personal income by
22 local area, as calculated by the Bureau of Eco-
23 nomic Analysis;

1 “(B) the disaster impacted population pro-
2 file, as reported by the Bureau of the Census,
3 including—

4 “(i) the percentage of the population
5 for whom poverty status is determined;

6 “(ii) the percentage of the population
7 already receiving Government assistance
8 such as Supplemental Security Income and
9 Supplemental Nutrition Assistance Pro-
10 gram benefits;

11 “(iii) the pre-disaster unemployment
12 rate;

13 “(iv) the percentage of the population
14 that is 65 years old and older;

15 “(v) the percentage of the population
16 18 years old and younger;

17 “(vi) the percentage of the population
18 with a disability;

19 “(vii) the percentage of the population
20 who speak a language other than English
21 and speak English less than ‘very well’;
22 and

23 “(viii) any unique considerations re-
24 garding American Indian and Alaskan Na-
25 tive Tribal populations raised in the

1 State’s request for a major disaster dec-
2 laration that may not be reflected in the
3 data points referenced in this subpara-
4 graph;

5 “(C) the impact to community infrastruc-
6 ture, including—

7 “(i) disruptions to community life-sav-
8 ing and life-sustaining services;

9 “(ii) disruptions or increased demand
10 for essential community services; and

11 “(iii) disruptions to transportation, in-
12 frastructure, and utilities; and

13 “(D) any other information relevant to
14 demonstrate severe local impacts; and”.

15 (b) GAO REVIEW OF A FINAL RULE.—

16 (1) IN GENERAL.—The Comptroller General of
17 the United States shall conduct a review of the Fed-
18 eral Emergency Management Agency’s implementa-
19 tion of its final rule, published on March 21, 2019,
20 amending section 206.48(b) of title 44, Code of Fed-
21 eral Regulations (regarding factors considered when
22 evaluating a Governor’s request for a major disaster
23 declaration), which revised the factors that the
24 Agency considers when evaluating a Governor’s re-
25 quest for a major disaster declaration authorizing

1 individual assistance under the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act (42
3 U.S.C. 5121 et seq).

4 (2) SCOPE.—The review required under para-
5 graph (1) shall include the following:

6 (A) An assessment of the criteria used by
7 the Agency to assess individual assistance re-
8 quests following a major disaster declaration
9 authorizing individual assistance.

10 (B) An assessment of the consistency with
11 which the Agency uses the updated Individual
12 Assistance Declaration Factors when assessing
13 the impact of individual communities after a
14 major disaster declaration.

15 (C) An assessment of the impact, if any, of
16 using the updated Individual Assistance Dec-
17 laration Factors has had on equity in disaster
18 recovery outcomes.

19 (D) Recommendations to improve the use
20 of the Individual Assistance Declaration Fac-
21 tors to increase equity in disaster recovery out-
22 comes.

23 (3) REPORT.—Not later than 1 year after the
24 date of enactment of this Act, the Comptroller Gen-
25 eral shall submit to the Committee on Transpor-

1 tation and Infrastructure of the House of Represent-
2 atives and the Committee on Homeland Security and
3 Governmental Affairs of the Senate a report on the
4 review required under this section.

5 **SEC. 5602. FLEXIBILITY.**

6 (a) IN GENERAL.—Section 1216(a) of the Disaster
7 Recovery Reform Act of 2018 (42 U.S.C. 5174a(a)) is
8 amended—

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

11 “(A) except as provided in subparagraph
12 (B), shall—

13 “(i) waive a debt owed to the United
14 States related to covered assistance pro-
15 vided to an individual or household if the
16 covered assistance was distributed based
17 on an error by the Agency and such debt
18 shall be construed as a hardship; and

19 “(ii) waive a debt owed to the United
20 States related to covered assistance pro-
21 vided to an individual or household if such
22 assistance is subject to a claim or legal ac-
23 tion, including in accordance with section
24 of the Robert T. Stafford Disaster Relief

1 and Emergency Assistance Act (42 U.S.C.
2 5160); and”;

3 (2) in paragraph (3)(B)—

4 (A) by striking “Removal of” and inserting
5 “Report on”; and

6 (B) in clause (ii) by striking “the authority
7 of the Administrator to waive debt under para-
8 graph (2) shall no longer be effective” and in-
9 serting “the Administrator shall report to the
10 Committee on Transportation and Infrastruc-
11 ture of the House of Representatives and the
12 Committee on Homeland Security and Govern-
13 mental Affairs of the Senate actions that the
14 Administrator will take to reduce the error
15 rate”.

16 (b) REPORT TO CONGRESS.—The Administrator of
17 the Federal Emergency Management Agency shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate a report containing a description of the internal proc-
22 esses used to make decisions regarding the distribution of
23 covered assistance under section 1216 of the Disaster Re-
24 covery and Reform Act of 2018 (42 U.S.C. a) and any
25 changes made to such processes.

1 **SEC. 5603. PRELIMINARY DAMAGE ASSESSMENT.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Preliminary damage assessments play a
4 critical role in assessing and validating the impact
5 and magnitude of a disaster.

6 (2) Through the preliminary damage assess-
7 ment process, representatives from the Federal
8 Emergency Management Agency validate informa-
9 tion gathered by State and local officials that serves
10 as the basis for disaster assistance requests.

11 (3) Various factors can impact the duration of
12 a preliminary damage assessment and the cor-
13 responding submission of a major disaster request,
14 however, the average time between when a disaster
15 occurs, and the submission of a corresponding dis-
16 aster request has been found to be approximately
17 twenty days longer for flooding disasters.

18 (4) With communities across the country facing
19 increased instances of catastrophic flooding and
20 other extreme weather events, accurate and efficient
21 preliminary damage assessments have become criti-
22 cally important to the relief process for impacted
23 States and municipalities.

24 (b) REPORT TO CONGRESS.—

25 (1) IN GENERAL.—Not later than 90 days after
26 the date of enactment of this Act, the Administrator

1 of the Federal Emergency Management Agency shall
2 submit to Congress a report describing the prelimi-
3 nary damage assessment process, as supported by
4 the Federal Emergency Management Agency in the
5 5 years before the date of enactment of this Act.

6 (2) CONTENTS.—The report described in para-
7 graph (1) shall contain the following:

8 (A) The process of the Federal Emergency
9 Management Agency for deploying personnel to
10 support preliminary damage assessments.

11 (B) The number of Agency staff partici-
12 pating on disaster assessment teams.

13 (C) The training and experience of such
14 staff described in subparagraph (B).

15 (D) A calculation of the average amount of
16 time disaster assessment teams described in
17 subparagraph (A) are deployed to a disaster
18 area.

19 (E) The efforts of the Agency to maintain
20 a consistent liaison between the Agency and
21 State, local, tribal, and territorial officials with-
22 in a disaster area.

23 (c) PRELIMINARY DAMAGE ASSESSMENT.—

24 (1) IN GENERAL.—Not later than 6 months
25 after the date of enactment of this Act, the Adminis-

1 trator of the Federal Emergency Management Agen-
2 cy shall convene an advisory panel consisting of
3 emergency management personnel employed by
4 State, local, territorial, or tribal authorities, and the
5 representative organizations of such personnel to as-
6 sist the Agency in improving critical components of
7 the preliminary damage assessment process.

8 (2) MEMBERSHIP.—

9 (A) IN GENERAL.—This advisory panel
10 shall consist of at least 2 representatives from
11 national emergency management organizations
12 and at least 1 representative from each of the
13 10 regions of the Federal Emergency Manage-
14 ment Agency, selected from emergency manage-
15 ment personnel employed by State, local, terri-
16 torial, or tribal authorities within each region.

17 (B) INCLUSION ON PANEL.—To the fur-
18 thest extent practicable, representation on the
19 advisory panel shall include emergency manage-
20 ment personnel from both rural and urban ju-
21 risdictions.

22 (3) CONSIDERATIONS.—The advisory panel con-
23 vened under paragraph (1) shall—

24 (A) consider—

1 (i) establishing a training regime to
2 ensure preliminary damage assessments
3 are conducted and reviewed under con-
4 sistent guidelines;

5 (ii) utilizing a common technological
6 platform to integrate data collected by
7 State and local governments with data col-
8 lected by the Agency; and

9 (iii) assessing instruction materials
10 provided by the Agency for omissions of
11 pertinent information or language that
12 conflicts with other statutory requirements;
13 and

14 (B) identify opportunities for streamlining
15 the consideration of preliminary damage assess-
16 ments by the Agency, including eliminating du-
17 plicative paperwork requirements and ensuring
18 consistent communication and decision making
19 among Agency staff.

20 (4) INTERIM REPORT.—Not later than 18
21 months after the date of enactment of this Act, the
22 Administrator shall submit to Congress a report re-
23 garding the findings of the advisory panel, steps that
24 will be undertaken by the Agency to implement the
25 findings of the advisory panel, and additional legisla-

1 tion that may be necessary to implement the find-
2 ings of the advisory panel.

3 (5) RULEMAKING AND FINAL REPORT.—Not
4 later than 2 years after the date of enactment of
5 this Act, the Administrator shall issue such regula-
6 tions as are necessary to implement the rec-
7 ommendations of the advisory panel and submit to
8 Congress a report discussing—

9 (A) the implementation of recommenda-
10 tions from the advisory panel;

11 (B) the identification of any additional
12 challenges to the preliminary damage assess-
13 ment process, including whether specific disas-
14 ters result in longer preliminary damage assess-
15 ments; and

16 (C) any additional legislative recommenda-
17 tions necessary to improve the preliminary dam-
18 age assessment process.

19 **SEC. 5604. LETTER OF DEVIATION AUTHORITY.**

20 A flight instructor, registered owner, lessor, or lessee
21 of an aircraft shall not be required to obtain a letter of
22 deviation authority from the Administrator of the Federal
23 Aviation Administration to allow, conduct or receive flight
24 training, checking, and testing in an experimental aircraft
25 if—

1 (1) the flight instructor is not providing both
2 the training and the aircraft;

3 (2) no person advertises or broadly offers the
4 aircraft as available for flight training, checking, or
5 testing; and

6 (3) no person receives compensation for use of
7 the aircraft for a specific flight during which flight
8 training, checking, or testing was received, other
9 than expenses for owning, operating, and maintain-
10 ing the aircraft.

11 **SEC. 5605. RECOGNIZING FEMA SUPPORT.**

12 Congress finds the following:

13 (1) The Federal Emergency Management Agen-
14 cy provides vital support to communities and dis-
15 aster survivors in the aftermath of major disasters,
16 including housing assistance for individuals and fam-
17 ilies displaced from their homes.

18 (2) The Federal Emergency Management Agen-
19 cy should be encouraged to study the idea inte-
20 grating collapsible shelters for appropriate non-con-
21 gregate sheltering needs into the disaster prepared-
22 ness stockpile.

23 **TITLE LVII—FINANCIAL**
24 **SERVICES MATTERS**

TITLE LVII—FINANCIAL SERVICES MATTERS

- Sec. 5701. United States policy on World Bank Group and Asian Development Bank assistance to the People's Republic of China.
- Sec. 5702. Support for international initiatives to provide debt restructuring or relief to developing countries with unsustainable levels of debt.
- Sec. 5703. Ukraine debt payment relief.
- Sec. 5704. Isolate Russian Government Officials Act of 2022.
- Sec. 5705. Fair hiring in banking.
- Sec. 5706. Banking Transparency for Sanctioned Persons Act of 2022.
- Sec. 5707. Flexibility in addressing rural homelessness.
- Sec. 5708. Master account and services database.

1 **SEC. 5701. UNITED STATES POLICY ON WORLD BANK**
2 **GROUP AND ASIAN DEVELOPMENT BANK AS-**
3 **SISTANCE TO THE PEOPLE'S REPUBLIC OF**
4 **CHINA.**

5 (a) IN GENERAL.—Title XVI of the International Fi-
6 nancial Institutions Act (22 U.S.C. 262p et seq.) is
7 amended by adding at the end the following:

8 **“SEC. 1632. UNITED STATES POLICY ON WORLD BANK**
9 **GROUP AND ASIAN DEVELOPMENT BANK AS-**
10 **SISTANCE TO THE PEOPLE'S REPUBLIC OF**
11 **CHINA.**

12 “(a) IN GENERAL.—The Secretary of the Treasury
13 shall instruct the United States Executive Director at each
14 international financial institution of the World Bank
15 Group and at the Asian Development Bank to use the
16 voice and vote of the United States at the respective insti-
17 tution to vote against the provision of any loan, extension
18 of financial assistance, or technical assistance to the Peo-
19 ple's Republic of China unless the Secretary of the Treas-

1 ury has certified to the appropriate congressional commit-
2 tees that—

3 “(1) the Government of the People’s Republic
4 of China and any lender owned or controlled by the
5 Government of the People’s Republic of China have
6 demonstrated a commitment—

7 “(A) to the rules and principles of the
8 Paris Club, or of other similar coordinated mul-
9 tilateral initiatives on debt relief and debt re-
10 structuring in which the United States partici-
11 pates, including with respect to debt trans-
12 parency and appropriate burden-sharing among
13 all creditors;

14 “(B) to the practice of presumptive public
15 disclosure of the terms and conditions on which
16 they extend credit to other governments (with-
17 out regard to the form of any such extension of
18 credit);

19 “(C) not to enforce any agreement terms
20 that may impair their own or the borrowers’ ca-
21 pacity fully to implement any commitment de-
22 scribed in subparagraph (A) or (B); and

23 “(D) not to enter into any agreement con-
24 taining terms that may impair their own or the
25 borrowers’ capacity fully to implement any com-

1 mitment described in subparagraph (A) or (B);

2 or

3 “(2) the loan or assistance is important to the
4 national interest of the United States, as described
5 in a detailed explanation by the Secretary to accom-
6 pany the certification.

7 “(b) DEFINITIONS.—In this section:

8 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term ‘appropriate congressional com-
10 mittees’ means the Committee on Financial Services
11 of the House of Representatives and the Committee
12 on Foreign Relations of the Senate.

13 “(2) WORLD BANK GROUP.—The term ‘World
14 Bank Group’ means the International Bank for Re-
15 construction and Development, the International De-
16 velopment Association, the International Finance
17 Corporation, and the Multilateral Investment Guar-
18 antee Agency.”.

19 (b) SUNSET.—The amendment made by subsection
20 (a) is repealed effective on the date that is 7 years after
21 the effective date of this section.

1 **SEC. 5702. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
2 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
3 **TO DEVELOPING COUNTRIES WITH**
4 **UNSUSTAINABLE LEVELS OF DEBT.**

5 (a) IN GENERAL.—Title XVI of the International Fi-
6 nancial Institutions Act (22 U.S.C. 262p et seq.), as
7 amended by section 5701, is further amended by adding
8 at the end the following:

9 **“SEC. 1633. SUPPORT FOR INTERNATIONAL INITIATIVES TO**
10 **PROVIDE DEBT RESTRUCTURING OR RELIEF**
11 **TO DEVELOPING COUNTRIES WITH**
12 **UNSUSTAINABLE LEVELS OF DEBT.**

13 “(a) DEBT RELIEF.—The Secretary of the Treasury,
14 in consultation with the Secretary of State, shall—

15 “(1) engage with international financial institu-
16 tions, the G20, and official and commercial creditors
17 to advance support for prompt and effective imple-
18 mentation and improvement of the Common Frame-
19 work for Debt Treatments beyond the DSSI (in this
20 section referred to as the ‘Common Framework’), or
21 any successor framework or similar coordinated
22 international debt treatment process in which the
23 United States participates through the establishment
24 and publication of clear and accountable—

1 “(A) debt treatment benchmarks designed
2 to achieve debt sustainability for each partici-
3 pating debtor;

4 “(B) standards for appropriate burden-
5 sharing among all creditors with material
6 claims on each participating debtor, without re-
7 gard for their official, private, or hybrid status;

8 “(C) robust debt disclosure by creditors,
9 including the People’s Republic of China, and
10 debtor countries, including inter-creditor data-
11 sharing and, to the maximum extent prac-
12 ticable, public disclosure of material terms and
13 conditions of claims on participating debtors;

14 “(D) expansion of Common Framework
15 country eligibility to lower middle-income coun-
16 tries who otherwise meet the existing criteria;

17 “(E) improvements to the Common
18 Framework process with the aim of ensuring
19 access to debt relief in a timely manner for
20 those countries eligible and who request treat-
21 ment; and

22 “(F) consistent enforcement and improve-
23 ment of the policies of multilateral institutions
24 relating to asset-based and revenue-based bor-
25 rowing by participating debtors, and coordi-

1 nated standards on restructuring collateralized
2 debt;

3 “(2) engage with international financial institu-
4 tions and official and commercial creditors to ad-
5 vance support, as the Secretary finds appropriate,
6 for debt restructuring or debt relief for each partici-
7 pating debtor, including, on a case-by- case basis, a
8 debt standstill, if requested by the debtor country
9 through the Common Framework process from the
10 time of conclusion of a staff-level agreement with the
11 International Monetary Fund, and until the conclu-
12 sion of a memorandum of understanding with its
13 creditor committee pursuant to the Common Frame-
14 work, or any successor framework or similar coordi-
15 nated international debt treatment process in which
16 the United States participates; and

17 “(3) instruct the United States Executive Di-
18 rector at the International Monetary Fund and the
19 United States Executive Director at the World Bank
20 to use the voice and vote of the United States to ad-
21 vance the efforts described in paragraphs (1) and
22 (2).

23 “(b) REPORTING REQUIREMENT.—Not later than
24 120 days after the date of the enactment of this section,
25 and annually thereafter, the Secretary of the Treasury, in

1 coordination with the Secretary of State, shall submit to
2 the Committees on Banking, Housing, and Urban Affairs
3 and Foreign Relations of the Senate and the Committees
4 on Financial Services and Foreign Affairs of the House
5 of Representatives a report that describes—

6 “(1) any actions that have been taken, in co-
7 ordination with international financial institutions,
8 by official creditors, including the government of,
9 and state-owned enterprises in, the People’s Repub-
10 lic of China, and relevant commercial creditor
11 groups to advance debt restructuring or relief for
12 countries with unsustainable debt that have sought
13 restructuring or relief under the Common Frame-
14 work, any successor framework or mechanism, or
15 under any other coordinated international arrange-
16 ment for sovereign debt restructuring in which the
17 United States participates;

18 “(2) any implementation challenges that hinder
19 the ability of the Common Framework to provide
20 timely debt restructuring for any country with
21 unsustainable debt that seeks debt restructuring or
22 debt payment relief, including any refusal of a cred-
23 itor to participate in appropriate burden-sharing, in-
24 cluding failure to share (or publish, as appropriate)

1 all material information needed to assess debt sus-
2 tainability; and

3 “(3) recommendations on how to address any
4 challenges identified in paragraph (2).”.

5 (b) SUNSET.—The amendment made by subsection
6 (a) is repealed effective on the date that is 5 years after
7 the effective date of this section.

8 **SEC. 5703. UKRAINE DEBT PAYMENT RELIEF.**

9 (a) SUSPENSION OF MULTILATERAL DEBT PAY-
10 MENTS OF UKRAINE.—

11 (1) UNITED STATES POSITION IN THE INTER-
12 NATIONAL FINANCIAL INSTITUTIONS.—The Sec-
13 retary of the Treasury shall instruct the United
14 States Executive Director at each international fi-
15 nancial institution (as defined in section 1701(c)(2)
16 of the International Financial Institutions Act) to
17 use the voice, vote, and influence of the United
18 States to advocate that the respective institution im-
19 mediately provide appropriate debt service relief to
20 Ukraine.

21 (2) OFFICIAL BILATERAL AND COMMERCIAL
22 DEBT SERVICE PAYMENT RELIEF.—The Secretary of
23 the Treasury, working in coordination with the Sec-
24 retary of State, shall commence immediate efforts
25 with other governments and commercial creditor

1 groups, through the Paris Club of Official Creditors
2 and other bilateral and multilateral frameworks,
3 both formal and informal, to pursue comprehensive
4 debt payment relief for Ukraine.

5 (3) MULTILATERAL FINANCIAL SUPPORT FOR
6 UKRAINE.—The Secretary of the Treasury shall di-
7 rect the United States Executive Director at each
8 international financial institution (as defined in sec-
9 tion 1701(c)(2) of the International Financial Insti-
10 tutions Act) to use the voice and vote of the United
11 States to support, to the extent practicable, the pro-
12 vision of concessional financial assistance for
13 Ukraine.

14 (4) MULTILATERAL FINANCIAL SUPPORT FOR
15 REFUGEES.—The Secretary of the Treasury shall di-
16 rect the United States Executive Director at each
17 international financial institution (as defined in sec-
18 tion 1701(c)(2) of the International Financial Insti-
19 tutions Act) to use the voice and vote of the United
20 States to seek to provide economic support for refu-
21 gees from Ukraine, including refugees of African
22 and Asian descent, and for countries receiving refu-
23 gees from Ukraine that are eligible for assistance
24 from the multilateral development banks.

1 (b) REPORT TO THE CONGRESS.—Not later than De-
2 cember 31 of each year, the President shall—

3 (1) submit to the Committees on Financial
4 Services, on Appropriations, and on Foreign Affairs
5 of the House of Representatives and the Committees
6 on Foreign Relations and on Appropriations of the
7 Senate, a report on the activities undertaken under
8 this section; and

9 (2) make public a copy of the report.

10 (c) WAIVER AND TERMINATION.—

11 (1) WAIVER.—The President may waive the ap-
12 plication of this section if the President determines
13 that a waiver is in the national interest of the
14 United States and reports to the Congress an expla-
15 nation of the reasons therefor.

16 (2) TERMINATION.—This section shall have no
17 force or effect on the earlier of—

18 (A) the date that is 7 years after the date
19 of the enactment of this Act; or

20 (B) the date that is 30 days after the date
21 on which the President reports to Congress that
22 the Government of the Russian Federation has
23 ceased its destabilizing activities with respect to
24 the sovereignty and territorial integrity of
25 Ukraine.

1 **SEC. 5704. ISOLATE RUSSIAN GOVERNMENT OFFICIALS ACT**
2 **OF 2022.**

3 (a) STATEMENT OF POLICY.—It is the policy of the
4 United States to seek to exclude government officials of
5 the Russian Federation, to the maximum extent prac-
6 ticable, from participation in meetings, proceedings, and
7 other activities of the following organizations:

8 (1) Group of 20.

9 (2) Bank for International Settlements.

10 (3) Basel Committee for Banking Standards.

11 (4) Financial Stability Board.

12 (5) International Association of Insurance Su-
13 pervisors.

14 (6) International Organization of Securities
15 Commissions.

16 (b) IMPLEMENTATION.—The Secretary of the Treas-
17 ury, the Board of Governors of the Federal Reserve Sys-
18 tem, and the Securities and Exchange Commission, as the
19 case may be, shall take all necessary steps to advance the
20 policy set forth in subsection (a).

21 (c) TERMINATION.—This section shall have no force
22 or effect on the earlier of—

23 (1) the date that is 5 years after the date of the
24 enactment of this Act; or

25 (2) the date that is 30 days after the date on
26 which the President reports to Congress that the

1 Government of the Russian Federation has ceased
2 its destabilizing activities with respect to the sov-
3 ereignty and territorial integrity of Ukraine.

4 (d) WAIVER.—The President may waive the applica-
5 tion of this section if the President reports to the Congress
6 that the waiver is in the national interest of the United
7 States and includes an explanation of the reasons therefor.

8 **SEC. 5705. FAIR HIRING IN BANKING.**

9 (a) FEDERAL DEPOSIT INSURANCE ACT.—Section
10 19 of the Federal Deposit Insurance Act (12 U.S.C. 1829)
11 is amended—

12 (1) by inserting after subsection (b) the fol-
13 lowing:

14 “(c) EXCEPTIONS.—

15 “(1) CERTAIN OLDER OFFENSES.—

16 “(A) IN GENERAL.—With respect to an in-
17 dividual, subsection (a) shall not apply to an of-
18 fense if—

19 “(i) it has been 7 years or more since
20 the offense occurred; or

21 “(ii) the individual was incarcerated
22 with respect to the offense and it has been
23 5 years or more since the individual was
24 released from incarceration.

1 “(B) OFFENSES COMMITTED BY INDIVID-
2 UALS 21 OR YOUNGER.—For individuals who
3 committed an offense when they were 21 years
4 of age or younger, subsection (a) shall not
5 apply to the offense if it has been more than 30
6 months since the sentencing occurred.

7 “(C) LIMITATION.—This paragraph shall
8 not apply to an offense described under sub-
9 section (a)(2).

10 “(2) EXPUNGEMENT AND SEALING.—With re-
11 spect to an individual, subsection (a) shall not apply
12 to an offense if—

13 “(A) there is an order of expungement,
14 sealing, or dismissal that has been issued in re-
15 gard to the conviction in connection with such
16 offense; and

17 “(B) it is intended by the language in the
18 order itself, or in the legislative provisions
19 under which the order was issued, that the con-
20 viction shall be destroyed or sealed from the in-
21 dividual’s State, Tribal, or Federal record, even
22 if exceptions allow the record to be considered
23 for certain character and fitness evaluation pur-
24 poses.

25 “(3) DE MINIMIS EXEMPTION.—

1 “(A) IN GENERAL.—Subsection (a) shall
2 not apply to such de minimis offenses as the
3 Corporation determines, by rule.

4 “(B) CONFINEMENT CRITERIA.—In issuing
5 rules under subparagraph (A), the Corporation
6 shall include a requirement that the offense was
7 punishable by a term of three years or less con-
8 fined in a correctional facility, where such con-
9 finement—

10 “(i) is calculated based on the time an
11 individual spent incarcerated as a punish-
12 ment or a sanction, not as pretrial deten-
13 tion; and

14 “(ii) does not include probation or pa-
15 role where an individual was restricted to
16 a particular jurisdiction or was required to
17 report occasionally to an individual or a
18 specific location.

19 “(C) BAD CHECK CRITERIA.—In setting
20 the criteria for de minimis offenses under sub-
21 paragraph (A), if the Corporation establishes
22 criteria with respect to insufficient funds
23 checks, the Corporation shall require that the
24 aggregate total face value of all insufficient
25 funds checks across all convictions or program

1 entries related to insufficient funds checks is
2 \$2,000 or less.

3 “(D) DESIGNATED LESSER OFFENSES.—
4 Subsection (a) shall not apply to certain lesser
5 offenses (including the use of a fake ID, shop-
6 lifting, trespass, fare evasion, driving with an
7 expired license or tag, and such other low-risk
8 offenses as the Corporation may designate) if 1
9 year or more has passed since the applicable
10 conviction or program entry.”; and

11 (2) by adding at the end the following:

12 “(f) CONSENT APPLICATIONS.—

13 “(1) IN GENERAL.—The Corporation shall ac-
14 cept consent applications from an individual and
15 from an insured depository institution or depository
16 institution holding company on behalf of an indi-
17 vidual that are filed separately or contemporaneously
18 with a regional office of the Corporation.

19 “(2) SPONSORED APPLICATIONS FILED WITH
20 REGIONAL OFFICES.—Consent applications filed at a
21 regional office of the Corporation by an insured de-
22 pository institution or depository institution holding
23 company on behalf of an individual—

24 “(A) shall be reviewed by such office;

1 “(B) may be approved or denied by such
2 office, if such authority has been delegated to
3 such office by the Corporation; and

4 “(C) may only be denied by such office if
5 the general counsel of the Corporation (or a
6 designee) certifies that the denial is consistent
7 with this section.

8 “(3) INDIVIDUAL APPLICATIONS FILED WITH
9 REGIONAL OFFICES.—Consent applications filed at a
10 regional office by an individual—

11 “(A) shall be reviewed by such office; and

12 “(B) may be approved or denied by such
13 office, if such authority has been delegated to
14 such office by the Corporation, except with re-
15 spect to—

16 “(i) cases involving an offense de-
17 scribed under subsection (a)(2); and

18 “(ii) such other high-level security
19 cases as may be designated by the Cor-
20 poration.

21 “(4) NATIONAL OFFICE REVIEW.—The national
22 office of the Corporation shall—

23 “(A) review any consent application with
24 respect to which a regional office is not author-
25 ized to approve or deny the application; and

1 “(B) review any consent application that is
2 denied by a regional office, if the individual re-
3 quests a review by the national office.

4 “(5) FORMS AND INSTRUCTIONS.—

5 “(A) AVAILABILITY.—The Corporation
6 shall make all forms and instructions related to
7 consent applications available to the public, in-
8 cluding on the website of the Corporation.

9 “(B) CONTENTS.—The forms and instruc-
10 tions described under subparagraph (A) shall
11 provide a sample cover letter and a comprehen-
12 sive list of items that may accompany the appli-
13 cation, including clear guidance on evidence
14 that may support a finding of rehabilitation.

15 “(6) CONSIDERATION OF CRIMINAL HISTORY.—

16 “(A) REGIONAL OFFICE CONSIDER-
17 ATION.—In reviewing a consent application, a
18 regional office shall—

19 “(i) primarily rely on the criminal his-
20 tory record of the Federal Bureau of In-
21 vestigation; and

22 “(ii) provide such record to the appli-
23 cant to review for accuracy.

24 “(B) CERTIFIED COPIES.—The Corpora-
25 tion may not require an applicant to provide

1 certified copies of criminal history records un-
2 less the Corporation determines that there is a
3 clear and compelling justification to require ad-
4 ditional information to verify the accuracy of
5 the criminal history record of the Federal Bu-
6 reau of Investigation.

7 “(7) CONSIDERATION OF REHABILITATION.—
8 Consistent with title VII of the Civil Rights Act of
9 1964 (42 U.S.C. 2000e et seq.), the Corporation
10 shall—

11 “(A) conduct an individualized assessment
12 when evaluating consent applications that takes
13 into account evidence of rehabilitation, the ap-
14 plicant’s age at the time of the conviction or
15 program entry, the time that has elapsed since
16 conviction or program entry, and the relation-
17 ship of individual’s offense to the responsibil-
18 ities of the applicable position;

19 “(B) consider the individual’s employment
20 history, letters of recommendation, certificates
21 documenting participation in substance abuse
22 programs, successful participating in job prepa-
23 ration and educational programs, and other rel-
24 evant mitigating evidence; and

1 “(C) consider any additional information
2 the Corporation determines necessary for safety
3 and soundness.

4 “(8) SCOPE OF EMPLOYMENT.—With respect to
5 an approved consent application filed by an insured
6 depository institution or depository institution hold-
7 ing company on behalf of an individual, if the Cor-
8 poration determines it appropriate, such approved
9 consent application shall allow the individual to work
10 for the same employer (without restrictions on the
11 location) and across positions, except that the prior
12 consent of the Corporation (which may require a
13 new application) shall be required for any proposed
14 significant changes in the individual’s security-re-
15 lated duties or responsibilities, such as promotion to
16 an officer or other positions that the employer deter-
17 mines will require higher security screening creden-
18 tials.

19 “(9) COORDINATION WITH THE NCUA.—In car-
20 rying out this section, the Corporation shall consult
21 and coordinate with the National Credit Union Ad-
22 ministration as needed to promote consistent imple-
23 mentation where appropriate.

24 “(g) DEFINITIONS.—In this section:

1 “(1) CONSENT APPLICATION.—The term ‘con-
2 sent application’ means an application filed with
3 Corporation by an individual (or by an insured de-
4 pository institution or depository institution holding
5 company on behalf of an individual) seeking the
6 written consent of the Corporation under subsection
7 (a)(1).

8 “(2) CRIMINAL OFFENSE INVOLVING DISHON-
9 ESTY.—The term ‘criminal offense involving dishon-
10 esty’—

11 “(A) means an offense under which an in-
12 dividual, directly or indirectly—

13 “(i) cheats or defrauds; or

14 “(ii) wrongfully takes property belong-
15 ing to another in violation of a criminal
16 statute;

17 “(B) includes an offense that Federal,
18 State, or local law defines as dishonest, or for
19 which dishonesty is an element of the offense;
20 and

21 “(C) does not include—

22 “(i) a misdemeanor criminal offense
23 committed more than one year before the
24 date on which an individual files a consent

1 application, excluding any period of incar-
2 ceration; or

3 “(ii) an offense involving the posses-
4 sion of controlled substances.

5 “(3) PRETRIAL DIVERSION OR SIMILAR PRO-
6 GRAM.—The term ‘pretrial diversion or similar pro-
7 gram’ means a program characterized by a suspen-
8 sion or eventual dismissal or reversal of charges or
9 criminal prosecution upon agreement by the accused
10 to restitution, drug or alcohol rehabilitation, anger
11 management, or community service.”.

12 (b) FEDERAL CREDIT UNION ACT.—Section 205(d)
13 of the Federal Credit Union Act (12 U.S.C. 1785(d)) is
14 amended by adding at the end the following:

15 “(4) EXCEPTIONS.—

16 “(A) CERTAIN OLDER OFFENSES.—

17 “(i) IN GENERAL.—With respect to an
18 individual, paragraph (1) shall not apply to
19 an offense if—

20 “(I) it has been 7 years or more
21 since the offense occurred; or

22 “(II) the individual was incarcer-
23 ated with respect to the offense and it
24 has been 5 years or more since the in-

1 individual was released from incarceration.
2

3 “(ii) OFFENSES COMMITTED BY INDIVIDUALS 21 OR YOUNGER.—For individuals
4 who committed an offense when they were
5 21 years of age or younger, paragraph (1)
6 shall not apply to the offense if it has been
7 more than 30 months since the sentencing
8 occurred.
9

10 “(iii) LIMITATION.—This subparagraph shall not apply to an offense de-
11 scribed under paragraph (1)(B).
12

13 “(B) EXPUNGEMENT AND SEALING.—With
14 respect to an individual, paragraph (1) shall not
15 apply to an offense if—

16 “(i) there is an order of expungement,
17 sealing, or dismissal that has been issued
18 in regard to the conviction in connection
19 with such offense; and

20 “(ii) it is intended by the language in
21 the order itself, or in the legislative provi-
22 sions under which the order was issued,
23 that the conviction shall be destroyed or
24 sealed from the individual’s State, Tribal,
25 or Federal record, even if exceptions allow

1 the record to be considered for certain
2 character and fitness evaluation purposes.

3 “(C) DE MINIMIS EXEMPTION.—

4 “(i) IN GENERAL.—Paragraph (1)
5 shall not apply to such de minimis offenses
6 as the Board determines, by rule.

7 “(ii) CONFINEMENT CRITERIA.—In
8 issuing rules under clause (i), the Board
9 shall include a requirement that the of-
10 fense was punishable by a term of three
11 years or less confined in a correctional fa-
12 cility, where such confinement—

13 “(I) is calculated based on the
14 time an individual spent incarcerated
15 as a punishment or a sanction, not as
16 pretrial detention; and

17 “(II) does not include probation
18 or parole where an individual was re-
19 stricted to a particular jurisdiction or
20 was required to report occasionally to
21 an individual or a specific location.

22 “(iii) BAD CHECK CRITERIA.—In set-
23 ting the criteria for de minimis offenses
24 under clause (i), if the Board establishes
25 criteria with respect to insufficient funds

1 checks, the Board shall require that the
2 aggregate total face value of all insufficient
3 funds checks across all convictions or pro-
4 gram entries related to insufficient funds
5 checks is \$2,000 or less.

6 “(iv) DESIGNATED LESSER OF-
7 FENSES.—Paragraph (1) shall not apply to
8 certain lesser offenses (including the use of
9 a fake ID, shoplifting, trespass, fare eva-
10 sion, driving with an expired license or tag,
11 and such other low-risk offenses as the
12 Board may designate) if 1 year or more
13 has passed since the applicable conviction
14 or program entry.

15 “(5) CONSENT APPLICATIONS.—

16 “(A) IN GENERAL.—The Board shall ac-
17 cept consent applications from an individual
18 and from an insured credit union on behalf of
19 an individual that are filed separately or con-
20 temporaneously with a regional office of the
21 Board.

22 “(B) SPONSORED APPLICATIONS FILED
23 WITH REGIONAL OFFICES.—Consent applica-
24 tions filed at a regional office of the Board by

1 an insured credit union on behalf of an indi-
2 vidual—

3 “(i) shall be reviewed by such office;

4 “(ii) may be approved or denied by
5 such office, if such authority has been dele-
6 gated to such office by the Board; and

7 “(iii) may only be denied by such of-
8 fice if the general counsel of the Board (or
9 a designee) certifies that the denial is con-
10 sistent with this section.

11 “(C) INDIVIDUAL APPLICATIONS FILED
12 WITH REGIONAL OFFICES.—Consent applica-
13 tions filed at a regional office by an indi-
14 vidual—

15 “(i) shall be reviewed by such office;

16 and

17 “(ii) may be approved or denied by
18 such office, if such authority has been dele-
19 gated to such office by the Board, except
20 with respect to—

21 “(I) cases involving an offense
22 described under paragraph (1)(B);
23 and

1 “(II) such other high-level secu-
2 rity cases as may be designated by the
3 Board.

4 “(D) NATIONAL OFFICE REVIEW.—The
5 national office of the Board shall—

6 “(i) review any consent application
7 with respect to which a regional office is
8 not authorized to approve or deny the ap-
9 plication; and

10 “(ii) review any consent application
11 that is denied by a regional office, if the
12 individual requests a review by the national
13 office.

14 “(E) FORMS AND INSTRUCTIONS.—

15 “(i) AVAILABILITY.—The Board shall
16 make all forms and instructions related to
17 consent applications available to the public,
18 including on the website of the Board.

19 “(ii) CONTENTS.—The forms and in-
20 structions described under clause (i) shall
21 provide a sample cover letter and a com-
22 prehensive list of items that may accom-
23 pany the application, including clear guid-
24 ance on evidence that may support a find-
25 ing of rehabilitation.

1 “(F) CONSIDERATION OF CRIMINAL HIS-
2 TORY.—

3 “(i) REGIONAL OFFICE CONSIDER-
4 ATION.—In reviewing a consent applica-
5 tion, a regional office shall—

6 “(I) primarily rely on the crimi-
7 nal history record of the Federal Bu-
8 reau of Investigation; and

9 “(II) provide such record to the
10 applicant to review for accuracy.

11 “(ii) CERTIFIED COPIES.—The Board
12 may not require an applicant to provide
13 certified copies of criminal history records
14 unless the Board determines that there is
15 a clear and compelling justification to re-
16 quire additional information to verify the
17 accuracy of the criminal history record of
18 the Federal Bureau of Investigation.

19 “(G) CONSIDERATION OF REHABILITA-
20 TION.—Consistent with title VII of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000e et seq.),
22 the Board shall—

23 “(i) conduct an individualized assess-
24 ment when evaluating consent applications
25 that takes into account evidence of reha-

1 bilitation, the applicant’s age at the time
2 of the conviction or program entry, the
3 time that has elapsed since conviction or
4 program entry, and the relationship of in-
5 dividual’s offense to the responsibilities of
6 the applicable position;

7 “(ii) consider the individual’s employ-
8 ment history, letters of recommendation,
9 certificates documenting participation in
10 substance abuse programs, successful par-
11 ticipating in job preparation and edu-
12 cational programs, and other relevant miti-
13 gating evidence; and

14 “(iii) consider any additional informa-
15 tion the Board determines necessary for
16 safety and soundness.

17 “(H) SCOPE OF EMPLOYMENT.—With re-
18 spect to an approved consent application filed
19 by an insured credit union on behalf of an indi-
20 vidual, if the Board determines it appropriate,
21 such approved consent application shall allow
22 the individual to work for the same employer
23 (without restrictions on the location) and across
24 positions, except that the prior consent of the
25 Board (which may require a new application)

1 shall be required for any proposed significant
2 changes in the individual’s security-related du-
3 ties or responsibilities, such as promotion to an
4 officer or other positions that the employer de-
5 termines will require higher security screening
6 credentials.

7 “(I) COORDINATION WITH FDIC.—In car-
8 rying out this subsection, the Board shall con-
9 sult and coordinate with the Federal Deposit
10 Insurance Corporation as needed to promote
11 consistent implementation where appropriate.

12 “(6) DEFINITIONS.—In this subsection:

13 “(A) CONSENT APPLICATION.—The term
14 ‘consent application’ means an application filed
15 with Board by an individual (or by an insured
16 credit union on behalf of an individual) seeking
17 the written consent of the Board under para-
18 graph (1)(A).

19 “(B) CRIMINAL OFFENSE INVOLVING DIS-
20 HONESTY.—The term ‘criminal offense involv-
21 ing dishonesty’—

22 “(i) means an offense under which an
23 individual, directly or indirectly—

24 “(I) cheats or defrauds; or

1 “(II) wrongfully takes property
2 belonging to another in violation of a
3 criminal statute;

4 “(ii) includes an offense that Federal,
5 State, or local law defines as dishonest, or
6 for which dishonesty is an element of the
7 offense; and

8 “(iii) does not include—

9 “(I) a misdemeanor criminal of-
10 fense committed more than one year
11 before the date on which an individual
12 files a consent application, excluding
13 any period of incarceration; or

14 “(II) an offense involving the
15 possession of controlled substances.

16 “(C) PRETRIAL DIVERSION OR SIMILAR
17 PROGRAM.—The term ‘pretrial diversion or
18 similar program’ means a program character-
19 ized by a suspension or eventual dismissal or
20 reversal of charges or criminal prosecution upon
21 agreement by the accused to restitution, drug
22 or alcohol rehabilitation, anger management, or
23 community service.”.

24 (c) REVIEW AND REPORT TO CONGRESS.—Not later
25 than the end of the 2-year period beginning on the date

1 of enactment of this Act, the Federal Deposit Insurance
2 Corporation and the National Credit Union Administra-
3 tion shall—

4 (1) review the rules issued to carry out this Act
5 and the amendments made by this Act on—

6 (A) the application of section 19 of the
7 Federal Deposit Insurance Act (12 U.S.C.
8 1829) and section 205(d) of the Federal Credit
9 Union Act (12 U.S.C. 1785(d));

10 (B) the number of applications for consent
11 applications under such sections; and

12 (C) the rates of approval and denial for
13 consent applications under such sections;

14 (2) make the results of the review required
15 under paragraph (1) available to the public; and

16 (3) issue a report to Congress containing any
17 legislative or regulatory recommendations for ex-
18 panding employment opportunities for those with a
19 previous minor criminal offense.

20 **SEC. 5706. BANKING TRANSPARENCY FOR SANCTIONED**
21 **PERSONS ACT OF 2022.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of the enactment of this Act, and annually thereafter,
24 the Secretary of the Treasury shall issue a report to the
25 Committees on Financial Services and Foreign Affairs of

1 the House of Representatives and the Committees on
2 Banking, Housing, and Urban Affairs and Foreign Rela-
3 tions of the Senate that includes a list of specific licenses
4 issued by the Secretary in the preceding 365 days that
5 authorizes a U.S. financial institution (as defined under
6 section 561.309 of title 31, Code of Federal Regulations)
7 to provide financial services to any of the following:

8 (1) The government of a state sponsor of ter-
9 rorism.

10 (2) A person sanctioned pursuant to any of the
11 following:

12 (A) Section 404 of the Russia and Moldova
13 Jackson-Vanik Repeal and Sergei Magnitsky
14 Rule of Law Accountability Act of 2012 (Public
15 Law 112–208).

16 (B) Subtitle F of title XII of the National
17 Defense Authorization Act for Fiscal Year 2017
18 (Public Law 114–328, the Global Magnitsky
19 Human Rights Accountability Act).

20 (C) Executive Order No. 13818.

21 (b) SUBMISSION OF COPIES OF LICENSES ON RE-
22 QUEST.—The Secretary of the Treasury shall expedi-
23 tiously provide a copy of any license identified in a report
24 required by subsection (a) to the Committee on Financial
25 Services of the House of Representatives and the Com-

1 mittee on Banking, Housing, and Urban Affairs of the
2 Senate if an appropriate Member of Congress requests a
3 copy of that license not later than 60 days after submis-
4 sion of the report.

5 (c) BUSINESS CONFIDENTIAL INFORMATION.—

6 (1) IN GENERAL.—The Secretary of the Treas-
7 ury shall, in the report under subsection (a) and any
8 submissions under subsection (b), identify any pro-
9 prietary information submitted by any private sector
10 representative and mark such information as “busi-
11 ness confidential information”.

12 (2) TREATMENT AS TRADE SECRETS.—Busi-
13 ness confidential information described under para-
14 graph (1) shall be considered to be a matter falling
15 within the meaning of trade secrets and commercial
16 or financial information exemption under section
17 552(b)(4) of title 5, United States Code, and shall
18 be exempt from disclosure under such section 552 of
19 such title without the express approval of the private
20 party.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—For the
22 purpose of carrying out the activities authorized under
23 this section, there is authorized to be appropriated to the
24 Secretary of the Treasury \$1,000,000.

1 (e) SUNSET.—The section shall cease to have any
2 force or effect after the end of the 5-year period beginning
3 on the date of enactment of this Act.

4 (f) FORM OF REPORT AND SUBMISSIONS.—A report
5 or submission required under this section shall be sub-
6 mitted in unclassified form but may contain a classified
7 annex.

8 (g) APPROPRIATE MEMBER OF CONGRESS DE-
9 FINED.—In this section, the term “appropriate Member
10 of Congress” has the meaning given that term under sec-
11 tion 7132(d) of the National Defense Authorization Act
12 for Fiscal Year 2020.

13 **SEC. 5707. FLEXIBILITY IN ADDRESSING RURAL HOMELESS-**
14 **NESS.**

15 Subsection (a) of section 423 of subtitle C of title
16 IV of the McKinney-Vento Homeless Assistance Act (42
17 U.S.C. 11383(a)) is amended by adding at the end the
18 following:

19 “(13) Projects in rural areas that consist of one
20 or more of the following activities:

21 “(A) Payment of short-term emergency
22 lodging, including in motels or shelters, directly
23 or through vouchers.

24 “(B) Repairs to units—

1 “(i) in which homeless individuals and
2 families will be housed; or

3 “(ii) which are currently not fit for
4 human habitation.

5 “(C) Staff training, professional develop-
6 ment, skill development, and staff retention ac-
7 tivities.”.

8 **SEC. 5708. MASTER ACCOUNT AND SERVICES DATABASE.**

9 The Federal Reserve Act is amended by inserting
10 after section 11B (12 U.S.C. 248b et seq.) the following:

11 **“SEC. 11C. MASTER ACCOUNT AND SERVICES DATABASE.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ACCESS REQUEST.—The term ‘access re-
14 quest’ means a request to a Federal reserve bank for
15 access to a reserve bank master account and serv-
16 ices, including any written documentation or formal
17 indication that an entity intends to seek access to a
18 reserve bank master account and services.

19 “(2) OFFICIAL ACCOUNTHOLDER.—The term
20 ‘official accountholder’ means—

21 “(A) a foreign state, as defined in section
22 25B;

23 “(B) a central bank, as defined in section
24 25B, other than a commercial bank;

1 “(C) a public international organization
2 entitled to enjoy privileges, exemptions, and im-
3 munities as an international organization under
4 the International Organizations Immunities Act
5 (22 U.S.C. 288 et seq.); and

6 “(D) any governmental entity for which
7 the Secretary of the Treasury has directed a
8 Federal reserve bank to receive deposits as fis-
9 cal agent of the United States under section 15.

10 “(3) RESERVE BANK MASTER ACCOUNT AND
11 SERVICES.—The term ‘reserve bank master account
12 and services’ means an account in which a Federal
13 reserve bank—

14 “(A) receives deposits for an entity other
15 than an official accountholder; or

16 “(B) provides any service under section
17 11A(b) to an entity other than an official
18 accountholder.

19 “(b) PUBLISHING MASTER ACCOUNT AND ACCESS
20 INFORMATION.—

21 “(1) ONLINE DATABASE.—The Board shall cre-
22 ate and maintain a public, online, and searchable
23 database that contains—

24 “(A) a list of every entity that currently
25 has access to a reserve bank master account

1 and services, including the date on which the
2 access was granted to the extent the date is
3 knowable;

4 “(B) a list of every entity that submits an
5 access request for a reserve bank master ac-
6 count and services after enactment of this sec-
7 tion (or that has submitted an access request
8 that is pending on the date of enactment of this
9 section), including whether, and the dates on
10 which, a request—

11 “(i) was submitted; and

12 “(ii) was approved, rejected, pending,
13 or withdrawn; and

14 “(C) for each list described in subpara-
15 graph (A) or (B), the type of entity that holds
16 or submitted an access request for a reserve
17 bank master account and services, including
18 whether such entity is—

19 “(i) an insured depository institution,
20 as defined in section 3 of the Federal De-
21 posit Insurance Act (12 U.S.C. 1813);

22 “(ii) an insured credit union, as de-
23 fined in section 101 of the Federal Credit
24 Union Act (12 U.S.C. 1752); or

1 “(iii) a depository institution that is
2 not an insured depository institution or an
3 insured credit union.

4 “(2) UPDATES.—Not less frequently than once
5 every quarter, the Board shall update the database
6 to add any new information required under para-
7 graph (1).

8 “(3) DEADLINE.—Not later than 180 days
9 after the date of enactment of this section, the
10 Board shall publish the database with the informa-
11 tion required under paragraph (1).”.

12 **TITLE LVIII—FINANCIAL DATA** 13 **TRANSPARENCY**

Sec. 5801. Short title.

Subtitle A—Data Standards for Covered Agencies; Department of the Treasury Rulemaking

Sec. 5811. Data standards.

Sec. 5812. Open data publication by the Department of the Treasury.

Sec. 5813. No new disclosure requirements.

Subtitle B—Securities and Exchange Commission

Sec. 5821. Data standards requirements for the Securities and Exchange Com-
mission.

Sec. 5822. Open data publication by the Securities and Exchange Commission.

Sec. 5823. Data transparency relating to municipal securities.

Sec. 5824. Data transparency at national securities associations.

Sec. 5825. Shorter-term burden reduction and disclosure simplification at the
Securities and Exchange Commission; sunset.

Sec. 5826. No new disclosure requirements.

Subtitle C—Federal Deposit Insurance Corporation

Sec. 5831. Data standards requirements for the Federal Deposit Insurance
Corporation.

Sec. 5832. Open data publication by the Federal Deposit Insurance Corpora-
tion.

Sec. 5833. Rulemaking.

Sec. 5834. No new disclosure requirements.

Subtitle D—Office of the Comptroller of the Currency

- Sec. 5841. Data standards and open data publication requirements for the Office of the Comptroller of the Currency.
- Sec. 5842. Rulemaking.
- Sec. 5843. No new disclosure requirements.

Subtitle E—Bureau of Consumer Financial Protection

- Sec. 5851. Data standards and open data publication requirements for the Bureau of Consumer Financial Protection.
- Sec. 5852. Rulemaking.
- Sec. 5853. No new disclosure requirements.

Subtitle F—Federal Reserve System

- Sec. 5861. Data standards requirements for the Board of Governors of the Federal Reserve System.
- Sec. 5862. Open data publication by the Board of Governors of the Federal Reserve System.
- Sec. 5863. Rulemaking.
- Sec. 5864. No new disclosure requirements.

Subtitle G—National Credit Union Administration

- Sec. 5871. Data standards.
- Sec. 5872. Open data publication by the National Credit Union Administration.
- Sec. 5873. Rulemaking.
- Sec. 5874. No new disclosure requirements.

Subtitle H—Federal Housing Finance Agency

- Sec. 5881. Data standards requirements for the Federal Housing Finance Agency.
- Sec. 5882. Open data publication by the Federal Housing Finance Agency.
- Sec. 5883. Rulemaking.
- Sec. 5884. No new disclosure requirements.

Subtitle I—Miscellaneous

- Sec. 5891. Rules of construction.
- Sec. 5892. Classified and protected information.
- Sec. 5893. Report.

1 SEC. 5801. SHORT TITLE.

2 This title may be cited as the “Financial Data Trans-
3 parency Act of 2022”.

1 **Subtitle A—Data Standards for**
2 **Covered Agencies; Department**
3 **of the Treasury Rulemaking**

4 **SEC. 5811. DATA STANDARDS.**

5 (a) IN GENERAL.—Subtitle A of the Financial Sta-
6 bility Act of 2010 (12 U.S.C. 5321 et seq.) is amended
7 by adding at the end the following:

8 **“SEC. 124. DATA STANDARDS.**

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘covered agencies’ means—

11 “(A) the Department of the Treasury;

12 “(B) the Board of Governors;

13 “(C) the Office of the Comptroller of the
14 Currency;

15 “(D) the Bureau;

16 “(E) the Commission;

17 “(F) the Corporation;

18 “(G) the Federal Housing Finance Agency;

19 “(H) the National Credit Union Adminis-
20 tration Board; and

21 “(I) any other primary financial regulatory
22 agency designated by the Secretary;

23 “(2) the terms ‘data asset’, ‘machine-readable’,
24 ‘metadata’, and ‘open license’ have the meanings

1 given the terms in section 3502 of title 44, United
2 States Code; and

3 “(3) the term ‘data standard’ means a standard
4 that specifies rules by which data is described and
5 recorded.

6 “(b) RULES.—

7 “(1) PROPOSED RULES.—Not later than 18
8 months after the date of enactment of this section,
9 the heads of the covered agencies shall jointly issue
10 proposed rules for public comment that establish
11 data standards for—

12 “(A) the collections of information re-
13 ported to each covered agency by financial enti-
14 ties under the jurisdiction of the covered agen-
15 cy; and

16 “(B) the data collected from covered agen-
17 cies on behalf of the Council.

18 “(2) FINAL RULES.—Not later than 2 years
19 after the date of enactment of this section, the heads
20 of the covered agencies shall jointly promulgate final
21 rules that establish the data standards described in
22 paragraph (1).

23 “(c) DATA STANDARDS.—

1 “(1) COMMON IDENTIFIERS; QUALITY.—The
2 data standards established in the final rules promul-
3 gated under subsection (b)(2) shall—

4 “(A) include common identifiers for collec-
5 tions of information reported to covered agen-
6 cies or collected on behalf of the Council, which
7 shall include a common nonproprietary legal en-
8 tity identifier that is available under an open li-
9 cense for all entities required to report to cov-
10 ered agencies; and

11 “(B) to the extent practicable—

12 “(i) render data fully searchable and
13 machine-readable;

14 “(ii) enable high quality data through
15 schemas, with accompanying metadata
16 documented in machine-readable taxonomy
17 or ontology models, which clearly define
18 the semantic meaning of the data, as de-
19 fined by the underlying regulatory informa-
20 tion collection requirements;

21 “(iii) ensure that a data element or
22 data asset that exists to satisfy an under-
23 lying regulatory information collection re-
24 quirement be consistently identified as

1 such in associated machine-readable
2 metadata;

3 “(iv) be nonproprietary or made avail-
4 able under an open license;

5 “(v) incorporate standards developed
6 and maintained by voluntary consensus
7 standards bodies; and

8 “(vi) use, be consistent with, and im-
9 plement applicable accounting and report-
10 ing principles.

11 “(2) CONSULTATION; INTEROPERABILITY.—In
12 establishing data standards in the final rules pro-
13 mulgated under subsection (b)(2), the heads of the
14 covered agencies shall—

15 “(A) consult with other Federal depart-
16 ments and agencies and multi-agency initiatives
17 responsible for Federal data standards; and

18 “(B) seek to promote interoperability of fi-
19 nancial regulatory data across members of the
20 Council.

21 “(d) EFFECTIVE DATE.—The data standards estab-
22 lished in the final rules promulgated under subsection
23 (b)(2) shall take effect not later than 2 years after the
24 date on which those final rules are promulgated under that
25 subsection.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 under section 1(b) of the Dodd-Frank Wall Street Reform
3 and Consumer Protection Act is amended by inserting
4 after the item relating to section 123 the following:

“Sec. 124. Data standards.”.

5 **SEC. 5812. OPEN DATA PUBLICATION BY THE DEPARTMENT**
6 **OF THE TREASURY.**

7 (a) IN GENERAL.—Subtitle A of the Financial Sta-
8 bility Act of 2010 (12 U.S.C. 5321 et seq.), as amended
9 by section 5811(a), is further amended by adding at the
10 end the following:

11 **“SEC. 125. OPEN DATA PUBLICATION.**

12 “All public data assets published by the Secretary
13 under this subtitle shall be—

14 “(1) made available as an open Government
15 data asset (as defined in section 3502 of title 44,
16 United States Code);

17 “(2) freely available for download;

18 “(3) rendered in a human-readable format; and

19 “(4) accessible via application programming
20 interface where appropriate.”.

21 (b) CLERICAL AMENDMENT.—The table of contents
22 under section 1(b) of the Dodd-Frank Wall Street Reform
23 and Consumer Protection Act, as amended by section

1 5811(b), is further amended by inserting after the item
2 relating to section 124 the following:

“Sec. 125. Open data publication.”.

3 (c) RULEMAKING.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury shall issue rules to carry out the amendments
6 made by this section, which shall take effect not
7 later than 2 years after the date on which final rules
8 are promulgated under section 124(b)(2) of the Fi-
9 nancial Stability Act of 2010, as added by section
10 5811(a) of this title.

11 (2) DELEGATION.—Notwithstanding any other
12 provision of law, the Secretary of the Treasury may
13 delegate the functions required under the amend-
14 ments made by this subtitle to an appropriate office
15 within the Department of the Treasury.

16 **SEC. 5813. NO NEW DISCLOSURE REQUIREMENTS.**

17 Nothing in this subtitle, or the amendments made by
18 this subtitle, shall be construed to require the Secretary
19 of the Treasury to collect or make publicly available addi-
20 tional information under the Financial Stability Act of
21 2010 (12 U.S.C. 5311 et seq.), beyond information that
22 was collected or made publicly available under that Act,
23 as of the day before the date of enactment of this Act.

1 **Subtitle B—Securities and**
2 **Exchange Commission**

3 **SEC. 5821. DATA STANDARDS REQUIREMENTS FOR THE SE-**
4 **CURITIES AND EXCHANGE COMMISSION.**

5 (a) DATA STANDARDS FOR INVESTMENT ADVISERS’
6 REPORTS UNDER THE INVESTMENT ADVISERS ACT OF
7 1940.—Section 204 of the Investment Advisers Act of
8 1940 (15 U.S.C. 80b–4) is amended—

9 (1) by redesignating the second subsection (d)
10 (relating to “Records of Persons With Custody of
11 Use”) as subsection (e); and

12 (2) by adding at the end the following:

13 “(f) DATA STANDARDS FOR REPORTS FILED UNDER
14 THIS SECTION.—

15 “(1) REQUIREMENT.—The Commission shall,
16 by rule, adopt data standards for all reports filed by
17 investment advisers with the Commission under this
18 section.

19 “(2) CONSISTENCY.—The data standards re-
20 quired under paragraph (1) shall incorporate, and
21 ensure compatibility with (to the extent feasible), all
22 applicable data standards established in the rules
23 promulgated under section 124 of the Financial Sta-
24 bility Act of 2010, including, to the extent prac-
25 ticable, by having the characteristics described in

1 clauses (i) through (vi) of subsection (c)(1)(B) of
2 such section 124.”.

3 (b) DATA STANDARDS FOR REGISTRATION STATE-
4 MENTS AND REPORTS UNDER THE INVESTMENT COM-
5 PANY ACT OF 1940.—The Investment Company Act of
6 1940 (15 U.S.C. 80a–1 et seq.) is amended—

7 (1) in section 8 (15 U.S.C. 80a–8), by adding
8 at the end the following:

9 “(g) DATA STANDARDS FOR REGISTRATION STATE-
10 MENTS.—

11 “(1) REQUIREMENT.—The Commission shall,
12 by rule, adopt data standards for all registration
13 statements required to be filed with the Commission
14 under this section, except that the Commission may
15 exempt exhibits, signatures, and certifications from
16 those data standards.

17 “(2) CONSISTENCY.—The data standards re-
18 quired under paragraph (1) shall incorporate, and
19 ensure compatibility with (to the extent feasible), all
20 applicable data standards established in the rules
21 promulgated under section 124 of the Financial Sta-
22 bility Act of 2010, including, to the extent prac-
23 ticable, by having the characteristics described in
24 clauses (i) through (vi) of subsection (c)(1)(B) of
25 such section 124.”; and

1 (2) in section 30 (15 U.S.C. 80a–29), by add-
2 ing at the end the following:

3 “(k) DATA STANDARDS FOR REPORTS.—

4 “(1) REQUIREMENT.—The Commission shall,
5 by rule, adopt data standards for all reports re-
6 quired to be filed with the Commission under this
7 section, except that the Commission may exempt ex-
8 hibits, signatures, and certifications from those data
9 standards.

10 “(2) CONSISTENCY.—The data standards re-
11 quired under paragraph (1) shall incorporate, and
12 ensure compatibility with (to the extent feasible), all
13 applicable data standards established in the rules
14 promulgated under section 124 of the Financial Sta-
15 bility Act of 2010, including, to the extent prac-
16 ticable, by having the characteristics described in
17 clauses (i) through (vi) of subsection (c)(1)(B) of
18 such section 124.”.

19 (c) DATA STANDARDS FOR INFORMATION REQUIRED
20 TO BE SUBMITTED OR PUBLISHED BY NATIONALLY REC-
21 OGNIZED STATISTICAL RATING ORGANIZATIONS.—Section
22 15E of the Securities Exchange Act of 1934 (15 U.S.C.
23 78o–7) is amended by adding at the end the following:

1 “(w) DATA STANDARDS FOR INFORMATION RE-
2 QUIRED TO BE SUBMITTED OR PUBLISHED UNDER THIS
3 SECTION.—

4 “(1) REQUIREMENT.—The Commission shall,
5 by rule, adopt data standards for all collections of
6 information required to be submitted or published by
7 a nationally recognized statistical rating organiza-
8 tion under this section.

9 “(2) CONSISTENCY.—The data standards re-
10 quired under paragraph (1) shall incorporate, and
11 ensure compatibility with (to the extent feasible), all
12 applicable data standards established in the rules
13 promulgated under section 124 of the Financial Sta-
14 bility Act of 2010, including, to the extent prac-
15 ticable, by having the characteristics described in
16 clauses (i) through (vi) of subsection (c)(1)(B) of
17 such section 124.”.

18 (d) DATA STANDARDS FOR ASSET-BACKED SECURI-
19 TIES DISCLOSURES.—Section 7(c) of the Securities Act of
20 1933 (15 U.S.C. 77g(c)) is amended by adding at the end
21 the following:

22 “(3) DATA STANDARDS FOR ASSET-BACKED SE-
23 CURITIES DISCLOSURES.—

1 “(A) REQUIREMENT.—The Commission
2 shall, by rule, adopt data standards for all dis-
3 closures required under this subsection.

4 “(B) CONSISTENCY.—The data standards
5 required under subparagraph (A) shall incor-
6 porate, and ensure compatibility with (to the
7 extent feasible), all applicable data standards
8 established in the rules promulgated under sec-
9 tion 124 of the Financial Stability Act of 2010,
10 including, to the extent practicable, by having
11 the characteristics described in clauses (i)
12 through (vi) of subsection (c)(1)(B) of such sec-
13 tion 124.”.

14 (e) DATA STANDARDS FOR CORPORATE DISCLO-
15 SURES UNDER THE SECURITIES ACT OF 1933.—Title I
16 of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is
17 amended by adding at the end the following:

18 **“SEC. 29. DATA STANDARDS.**

19 “(a) REQUIREMENT.—The Commission shall, by rule,
20 adopt data standards for all registration statements, and
21 for all prospectuses included in registration statements,
22 required to be filed with the Commission under this title,
23 except that the Commission may exempt exhibits, signa-
24 tures, and certifications from those data standards.

1 “(b) CONSISTENCY.—The data standards required
2 under subsection (a) shall incorporate, and ensure compat-
3 ibility with (to the extent feasible), all applicable data
4 standards established in the rules promulgated under sec-
5 tion 124 of the Financial Stability Act of 2010, including,
6 to the extent practicable, by having the characteristics de-
7 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
8 of such section 124.”.

9 (f) DATA STANDARDS FOR PERIODIC AND CURRENT
10 CORPORATE DISCLOSURES UNDER THE SECURITIES EX-
11 CHANGE ACT OF 1934.—Section 13 of the Securities Ex-
12 change Act of 1934 (15 U.S.C. 78m) is amended by add-
13 ing at the end the following:

14 “(s) DATA STANDARDS.—

15 “(1) REQUIREMENT.—The Commission shall,
16 by rule, adopt data standards for all collections of
17 information with respect to periodic and current re-
18 ports required to be filed or furnished under this
19 section or under section 15(d), except that the Com-
20 mission may exempt exhibits, signatures, and certifi-
21 cations from those data standards.

22 “(2) CONSISTENCY.—The data standards re-
23 quired under paragraph (1) shall incorporate, and
24 ensure compatibility with (to the extent feasible), all
25 applicable data standards established in the rules

1 promulgated under section 124 of the Financial Sta-
2 bility Act of 2010, including, to the extent prac-
3 ticable, by having the characteristics described in
4 clauses (i) through (vi) of subsection (c)(1)(B) of
5 such section 124.”.

6 (g) DATA STANDARDS FOR CORPORATE PROXY AND
7 CONSENT SOLICITATION MATERIALS UNDER THE SECU-
8 RITIES EXCHANGE ACT OF 1934.—Section 14 of the Se-
9 curities Exchange Act of 1934 (15 U.S.C. 78n) is amend-
10 ed by adding at the end the following:

11 “(k) DATA STANDARDS FOR PROXY AND CONSENT
12 SOLICITATION MATERIALS.—

13 “(1) REQUIREMENT.—The Commission shall,
14 by rule, adopt data standards for all information
15 contained in any proxy or consent solicitation mate-
16 rial prepared by an issuer for an annual meeting of
17 the shareholders of the issuer, except that the Com-
18 mission may exempt exhibits, signatures, and certifi-
19 cations from those data standards.

20 “(2) CONSISTENCY.—The data standards re-
21 quired under paragraph (1) shall incorporate, and
22 ensure compatibility with (to the extent feasible), all
23 applicable data standards established in the rules
24 promulgated under section 124 of the Financial Sta-
25 bility Act of 2010, including, to the extent prac-

1 ticable, by having the characteristics described in
2 clauses (i) through (vi) of subsection (c)(1)(B) of
3 such section 124.”

4 (h) DATA STANDARDS FOR SECURITY-BASED SWAP
5 REPORTING.—The Securities Exchange Act of 1934 (15
6 U.S.C. 78a et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 41. DATA STANDARDS FOR SECURITY-BASED SWAP**
9 **REPORTING.**

10 “(a) REQUIREMENT.—The Commission shall, by rule,
11 adopt data standards for all reports related to security-
12 based swaps that are required under this Act.

13 “(b) CONSISTENCY.—The data standards required
14 under subsection (a) shall incorporate, and ensure compat-
15 ibility with (to the extent feasible), all applicable data
16 standards established in the rules promulgated under sec-
17 tion 124 of the Financial Stability Act of 2010, including,
18 to the extent practicable, by having the characteristics de-
19 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
20 of such section 124.”

21 (i) RULEMAKING.—

22 (1) IN GENERAL.—The rules that the Securities
23 and Exchange Commission are required to issue
24 under the amendments made by this section shall
25 take effect not later than 2 years after the date on

1 which final rules are promulgated under section
2 124(b)(2) of the Financial Stability Act of 2010, as
3 added by section 5811(a) of this title.

4 (2) SCALING OF REGULATORY REQUIREMENTS;
5 MINIMIZING DISRUPTION.—In issuing the rules re-
6 quired under the amendments made by this section,
7 as described in paragraph (1), the Securities and
8 Exchange Commission—

9 (A) may scale data reporting requirements
10 in order to reduce any unjustified burden on
11 emerging growth companies, lending institu-
12 tions, accelerated filers, smaller reporting com-
13 panies, and other smaller issuers, as determined
14 by any study required under section 5825(b),
15 while still providing searchable information to
16 investors; and

17 (B) shall seek to minimize disruptive
18 changes to the persons affected by those rules.

19 **SEC. 5822. OPEN DATA PUBLICATION BY THE SECURITIES**
20 **AND EXCHANGE COMMISSION.**

21 Section 4 of the Securities Exchange Act of 1934 (15
22 U.S.C. 78d) is amended by adding at the end the fol-
23 lowing:

24 “(k) OPEN DATA PUBLICATION.—All public data as-
25 sets published by the Commission under the securities

1 laws and the Dodd-Frank Wall Street Reform and Con-
2 sumer Protection Act (Public Law 111–203; 124 Stat.
3 1376) shall be—

4 “(1) made available as an open Government
5 data asset (as defined in section 3502 of title 44,
6 United States Code);

7 “(2) freely available for download;

8 “(3) rendered in a human-readable format; and

9 “(4) accessible via application programming
10 interface where appropriate.”.

11 **SEC. 5823. DATA TRANSPARENCY RELATING TO MUNICIPAL**
12 **SECURITIES.**

13 (a) IN GENERAL.—Section 15B(b) of the Securities
14 Exchange Act of 1934 (15 U.S.C. 78o–4(b)) is amended
15 by adding at the end the following:

16 “(8)(A) The Commission shall adopt data standards
17 for information submitted to the Board.

18 “(B) Any data standards adopted under subpara-
19 graph (A) shall incorporate, and ensure compatibility with
20 (to the extent feasible), all applicable data standards es-
21 tablished in the rules promulgated under section 124 of
22 the Financial Stability Act of 2010, including, to the ex-
23 tent practicable, by having the characteristics described in
24 clauses (i) through (vi) of subsection (c)(1)(B) of such sec-
25 tion 124.

1 “(C) The Commission shall consult market partici-
2 pants in establishing data standards under subparagraph
3 (A).

4 “(D) Nothing in this paragraph may be construed to
5 affect the operation of paragraph (1) or (2) of subsection
6 (d).”.

7 (b) RULEMAKING.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date on which final rules are promulgated under
10 section 124(b)(2) of the Financial Stability Act of
11 2010, as added by section 5811(a) of this title, the
12 Securities and Exchange Commission shall issue
13 rules to adopt the data standards required under
14 paragraph (8) of section 15B(b) of the Securities
15 Exchange Act of 1934 (15 U.S.C. 78o–4(b)), as
16 added by subsection (a) of this section.

17 (2) SCALING OF REGULATORY REQUIREMENTS;
18 MINIMIZING DISRUPTION.—In issuing the rules de-
19 scribed in paragraph (1) that adopt the data stand-
20 ards described in that paragraph, the Securities and
21 Exchange Commission—

22 (A) may scale those data standards in
23 order to reduce any unjustified burden on
24 smaller regulated entities; and

1 (B) shall seek to minimize disruptive
2 changes to the persons affected by those rules.

3 **SEC. 5824. DATA TRANSPARENCY AT NATIONAL SECURITIES**
4 **ASSOCIATIONS.**

5 (a) IN GENERAL.—Section 15A of the Securities Ex-
6 change Act of 1934 (15 U.S.C. 78o–3) is amended by add-
7 ing at the end the following:

8 “(n) DATA STANDARDS.—

9 “(1) REQUIREMENT.—A national securities as-
10 sociation registered pursuant to subsection (a) shall
11 adopt data standards for all information that is reg-
12 ularly filed with or submitted to the association.

13 “(2) CONSISTENCY.—The data standards re-
14 quired under paragraph (1) shall incorporate, and
15 ensure compatibility with (to the extent feasible), all
16 applicable data standards established in the rules
17 promulgated under section 124 of the Financial Sta-
18 bility Act of 2010, including, to the extent prac-
19 ticable, by having the characteristics described in
20 clauses (i) through (vi) of subsection (c)(1)(B) of
21 such section 124.”.

22 (b) RULEMAKING.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date on which final rules are promulgated under
25 section 124(b)(2) of the Financial Stability Act of

1 2010, as added by section 5811(a) of this title, each
2 national securities association registered pursuant to
3 section 15A(a) of the Securities Exchange Act of
4 1934 (15 U.S.C. 78o-3(a)) shall issue rules to adopt
5 the standards required under subsection (n) of sec-
6 tion 15A of the Securities Exchange Act of 1934 (15
7 U.S.C. 78o-3), as added by subsection (a) of this
8 section.

9 (2) SCALING OF REGULATORY REQUIREMENTS;
10 MINIMIZING DISRUPTION.—In issuing the rules re-
11 quired under paragraph (1), a national securities as-
12 sociation described in that paragraph—

13 (A) may scale data reporting requirements
14 in order to reduce any unjustified burden on
15 smaller regulated entities; and

16 (B) shall seek to minimize disruptive
17 changes to the persons affected by those stand-
18 ards.

19 **SEC. 5825. SHORTER-TERM BURDEN REDUCTION AND DIS-**
20 **CLOSURE SIMPLIFICATION AT THE SECURI-**
21 **TIES AND EXCHANGE COMMISSION; SUNSET.**

22 (a) BETTER ENFORCEMENT OF THE QUALITY OF
23 CORPORATE FINANCIAL DATA SUBMITTED TO THE SECU-
24 RITIES AND EXCHANGE COMMISSION.—

25 (1) DATA QUALITY IMPROVEMENT PROGRAM.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Securities and Exchange Commission shall
4 establish a program to improve the quality of
5 corporate financial data filed or furnished by
6 issuers under the Securities Act of 1933 (15
7 U.S.C. 77a et seq.), the Securities Exchange
8 Act of 1934 (15 U.S.C. 78a et seq.), and the
9 Investment Company Act of 1940 (15 U.S.C.
10 80a–1 et seq.).

11 (B) CONTENTS.—The program established
12 under subparagraph (A) shall include the fol-
13 lowing:

14 (i) The designation of an official in
15 the Office of the Chairman of the Securi-
16 ties and Exchange Commission responsible
17 for the improvement of the quality of data
18 filed with or furnished to the Commission
19 by issuers.

20 (ii) The issuance by the Division of
21 Corporation Finance of the Securities and
22 Exchange Commission of comment letters
23 requiring correction of errors in data fil-
24 ings and submissions, where necessary.

1 (2) GOALS.—In establishing the program re-
2 quired under this subsection, the Securities and Ex-
3 change Commission shall seek to—

4 (A) improve the quality of data filed with
5 or furnished to the Commission to a commer-
6 cially acceptable level; and

7 (B) make data filed with or furnished to
8 the Commission useful to investors.

9 (b) REPORT ON THE USE OF MACHINE-READABLE
10 DATA FOR CORPORATE DISCLOSURES.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, and once
13 every 180 days thereafter, the Securities and Ex-
14 change Commission shall submit to the Committee
15 on Banking, Housing, and Urban Affairs of the Sen-
16 ate and the Committee on Financial Services of the
17 House of Representatives a report regarding the
18 public and internal use of machine-readable data for
19 corporate disclosures.

20 (2) CONTENT.—Each report required under
21 paragraph (1) shall include—

22 (A) an identification of which corporate
23 disclosures required under section 7 of the Se-
24 curities Act of 1933 (15 U.S.C. 77g), section
25 13 of the Securities Exchange Act of 1934 (15

1 U.S.C. 78m), and section 14 of the Securities
2 Exchange Act of 1934 (15 U.S.C. 78n) are ex-
3 pressed as machine-readable data and which are
4 not;

5 (B) an analysis of the costs and benefits of
6 the use of machine-readable data in corporate
7 disclosure to investors, markets, the Securities
8 and Exchange Commission, and issuers;

9 (C) a summary of enforcement actions that
10 result from the use or analysis of machine-read-
11 able data collected under the provisions of law
12 described in subparagraph (A); and

13 (D) an analysis of how the Securities and
14 Exchange Commission uses the machine-read-
15 able data collected by the Commission.

16 (c) SUNSET.—Beginning on the date that is 7 years
17 after the date of enactment of this Act, this section shall
18 have no force or effect.

19 **SEC. 5826. NO NEW DISCLOSURE REQUIREMENTS.**

20 Nothing in this subtitle, or the amendments made by
21 this subtitle, shall be construed to require the Securities
22 and Exchange Commission, the Municipal Securities Rule-
23 making Board, or any national securities association to
24 collect or make publicly available additional information
25 under the provisions of law amended by this subtitle (or

1 under any provision of law referenced in an amendment
2 made by this subtitle), beyond information that was col-
3 lected or made publicly available under any such provision,
4 as of the day before the date of enactment of this Act.

5 **Subtitle C—Federal Deposit**
6 **Insurance Corporation**

7 **SEC. 5831. DATA STANDARDS REQUIREMENTS FOR THE**
8 **FEDERAL DEPOSIT INSURANCE CORPORA-**
9 **TION.**

10 The Federal Deposit Insurance Act (12 U.S.C. 1811
11 et seq.) is amended by adding at the end the following:

12 **“SEC. 52. DATA STANDARDS.**

13 “(a) DEFINITION.—In this section, the term ‘finan-
14 cial company’ has the meaning given the term in section
15 201(a) of the Dodd-Frank Wall Street Reform and Con-
16 sumer Protection Act (12 U.S.C. 5381(a)).

17 “(b) REQUIREMENT.—The Corporation shall, by rule,
18 adopt data standards for all collections of information with
19 respect to information received by the Corporation from
20 any depository institution or financial company under this
21 Act or under title II of the Dodd-Frank Wall Street Re-
22 form and Consumer Protection Act (12 U.S.C. 5381 et
23 seq.).

24 “(c) CONSISTENCY.—The data standards required
25 under subsection (b) shall incorporate, and ensure compat-

1 ibility with (to the extent feasible), all applicable data
2 standards established in the rules promulgated under sec-
3 tion 124 of the Financial Stability Act of 2010, including,
4 to the extent practicable, by having the characteristics de-
5 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
6 of such section 124.”.

7 **SEC. 5832. OPEN DATA PUBLICATION BY THE FEDERAL DE-**
8 **POSIT INSURANCE CORPORATION.**

9 The Federal Deposit Insurance Act (12 U.S.C. 1811
10 et seq.), as amended by section 5831, is further amended
11 by adding at the end the following:

12 **“SEC. 53. OPEN DATA PUBLICATION.**

13 “All public data assets published by the Corporation
14 under this Act or under the Dodd-Frank Wall Street Re-
15 form and Consumer Protection Act (Public Law 111–203;
16 124 Stat. 1376) shall be—

17 “(1) made available as an open Government
18 data asset (as defined in section 3502 of title 44,
19 United States Code);

20 “(2) freely available for download;

21 “(3) rendered in a human-readable format; and

22 “(4) accessible via application programming
23 interface where appropriate.”.

1 **SEC. 5833. RULEMAKING.**

2 (a) IN GENERAL.—The Federal Deposit Insurance
3 Corporation shall issue rules to carry out the amendments
4 made by this subtitle, which shall take effect not later than
5 2 years after the date on which final rules are promulgated
6 under section 124(b)(2) of the Financial Stability Act of
7 2010, as added by section 5811(a) of this title.

8 (b) SCALING OF REGULATORY REQUIREMENTS;
9 MINIMIZING DISRUPTION.—In issuing the rules required
10 under subsection (a), the Federal Deposit Insurance Cor-
11 poration—

12 (1) may scale data reporting requirements in
13 order to reduce any unjustified burden on smaller
14 regulated entities; and

15 (2) shall seek to minimize disruptive changes to
16 the persons affected by those regulations.

17 **SEC. 5834. NO NEW DISCLOSURE REQUIREMENTS.**

18 Nothing in this title, or the amendments made by this
19 title, shall be construed to require the Federal Deposit In-
20 surance Corporation to collect or make publicly available
21 additional information under the Acts amended by this
22 title (or under any provision of law referenced in an
23 amendment made by this title), beyond information that
24 was collected or made publicly available under any such
25 provision, as of the day before the date of enactment of
26 this Act.

1 **Subtitle D—Office of the**
2 **Comptroller of the Currency**

3 **SEC. 5841. DATA STANDARDS AND OPEN DATA PUBLICA-**
4 **TION REQUIREMENTS FOR THE OFFICE OF**
5 **THE COMPTROLLER OF THE CURRENCY.**

6 The Revised Statutes of the United States is amend-
7 ed by inserting after section 332 (12 U.S.C. 14) the fol-
8 lowing:

9 **“SEC. 333. DATA STANDARDS; OPEN DATA PUBLICATION.**

10 “(a) DATA STANDARDS.—

11 “(1) REQUIREMENT.—The Comptroller of the
12 Currency shall, by rule, adopt data standards for all
13 collections of information that are regularly filed
14 with or submitted to the Comptroller of the Cur-
15 rency by any entity with respect to which the Office
16 of the Comptroller of the Currency is the appro-
17 priate Federal banking agency (as defined in section
18 3 of the Federal Deposit Insurance Act (12 U.S.C.
19 1813)).

20 “(2) CONSISTENCY.—The data standards re-
21 quired under paragraph (1) shall incorporate, and
22 ensure compatibility with (to the extent feasible), all
23 applicable data standards established in the rules
24 promulgated under section 124 of the Financial Sta-
25 bility Act of 2010, including, to the extent prac-

1 ticable, by having the characteristics described in
2 clauses (i) through (vi) of subsection (c)(1)(B) of
3 such section 124.

4 “(b) OPEN DATA PUBLICATION.—All public data as-
5 sets published by the Comptroller of the Currency under
6 title LXII or the Dodd-Frank Wall Street Reform and
7 Consumer Protection Act (Public Law 111–203; 124 Stat.
8 1376) shall be—

9 “(1) made available as an open Government
10 data asset (as defined in section 3502 of title 44,
11 United States Code);

12 “(2) freely available for download;

13 “(3) rendered in a human-readable format; and

14 “(4) accessible via application programming
15 interface where appropriate.”.

16 **SEC. 5842. RULEMAKING.**

17 (a) IN GENERAL.—The Comptroller of the Currency
18 shall issue rules to carry out the amendments made by
19 section 5841, which shall take effect not later than 2 years
20 after the date on which final rules are promulgated under
21 section 124(b)(2) of the Financial Stability Act of 2010,
22 as added by section 5811(a) of this title.

23 (b) SCALING OF REGULATORY REQUIREMENTS;
24 MINIMIZING DISRUPTION.—In issuing the rules required
25 under subsection (a), the Comptroller of the Currency—

1 (1) may scale data reporting requirements in
2 order to reduce any unjustified burden on smaller
3 regulated entities; and

4 (2) shall seek to minimize disruptive changes to
5 the persons affected by those regulations.

6 **SEC. 5843. NO NEW DISCLOSURE REQUIREMENTS.**

7 Nothing in this subtitle, or the amendments made by
8 this subtitle, shall be construed to require the Comptroller
9 of the Currency to collect or make publicly available addi-
10 tional information under the Revised Statutes of the
11 United States (or under any other provision of law ref-
12 erenced in an amendment made by this subtitle), beyond
13 information that was collected or made publicly available
14 under any such provision of law, as of the day before the
15 date of enactment of this Act.

16 **Subtitle E—Bureau of Consumer**
17 **Financial Protection**

18 **SEC. 5851. DATA STANDARDS AND OPEN DATA PUBLICA-**
19 **TION REQUIREMENTS FOR THE BUREAU OF**
20 **CONSUMER FINANCIAL PROTECTION.**

21 (a) IN GENERAL.—Subtitle A of the Consumer Fi-
22 nancial Protection Act of 2010 (12 U.S.C. 5491 et seq.)
23 is amended by—

24 (1) redesignating section 1018 (12 U.S.C. 5491
25 note) as section 1020; and

1 (2) by inserting after section 1017 (12 U.S.C.
2 5497) the following:

3 **“SEC. 1018. DATA STANDARDS.**

4 “(a) REQUIREMENT.—The Bureau shall, by rule,
5 adopt data standards for all collections of information that
6 are regularly filed with or submitted to the Bureau.

7 “(b) CONSISTENCY.—The data standards required
8 under subsection (a) shall incorporate, and ensure compat-
9 ibility with (to the extent feasible), all applicable data
10 standards established in the rules promulgated under sec-
11 tion 124 of the Financial Stability Act of 2010, including,
12 to the extent practicable, by having the characteristics de-
13 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
14 of such section 124.

15 **“SEC. 1019. OPEN DATA PUBLICATION.**

16 “All public data assets published by the Bureau shall
17 be—

18 “(1) made available as an open Government
19 data asset (as defined in section 3502 of title 44,
20 United States Code);

21 “(2) freely available for download;

22 “(3) rendered in a human-readable format; and

23 “(4) accessible via application programming
24 interface where appropriate.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 under section 1(b) of the Dodd-Frank Wall Street Reform
3 and Consumer Protection Act is amended by striking the
4 item relating to section 1018 and inserting the following:

“Sec. 1018. Data standards.

“Sec. 1019. Open data publication.

“Sec. 1020. Effective date.”.

5 **SEC. 5852. RULEMAKING.**

6 (a) IN GENERAL.—The Director of the Bureau of
7 Consumer Financial Protection shall issue rules to carry
8 out the amendments made by section 5851, which shall
9 take effect not later than 2 years after the date on which
10 final rules are promulgated under section 124(b)(2) of the
11 Financial Stability Act of 2010, as added by section
12 5811(a) of this title.

13 (b) SCALING OF REGULATORY REQUIREMENTS;
14 MINIMIZING DISRUPTION.—In issuing the rules required
15 under subsection (a), the Director of the Bureau of Con-
16 sumer Financial Protection—

17 (1) may scale data reporting requirements in
18 order to reduce any unjustified burden on smaller
19 regulated entities; and

20 (2) shall seek to minimize disruptive changes to
21 the persons affected by those regulations.

22 **SEC. 5853. NO NEW DISCLOSURE REQUIREMENTS.**

23 Nothing in this subtitle, or the amendments made by
24 this subtitle, shall be construed to require the Bureau of

1 Consumer Financial Protection to collect or make publicly
2 available additional information under the Consumer Fi-
3 nancial Protection Act of 2010 (12 U.S.C. 5481 et seq.),
4 beyond information that was collected or made publicly
5 available under that Act, as of the day before the date
6 of enactment of this Act.

7 **Subtitle F—Federal Reserve**
8 **System**

9 **SEC. 5861. DATA STANDARDS REQUIREMENTS FOR THE**
10 **BOARD OF GOVERNORS OF THE FEDERAL RE-**
11 **SERVE SYSTEM.**

12 (a) DATA STANDARDS FOR INFORMATION FILED OR
13 SUBMITTED BY NONBANK FINANCIAL COMPANIES.—Sec-
14 tion 161(a) of the Financial Stability Act of 2010 (12
15 U.S.C. 5361(a)) is amended by adding at the end the fol-
16 lowing:

17 “(4) DATA STANDARDS FOR REPORTS UNDER
18 THIS SUBSECTION.—

19 “(A) IN GENERAL.—The Board of Gov-
20 ernors shall adopt data standards for all infor-
21 mation that, through a collection of informa-
22 tion, is regularly filed with or submitted to the
23 Board of Governors under this subsection by
24 any nonbank financial company supervised by

1 the Board of Governors or any subsidiary there-
2 of.

3 “(B) CONSISTENCY.—The data standards
4 required under subparagraph (A) shall incor-
5 porate, and ensure compatibility with (to the
6 extent feasible), all applicable data standards
7 established in the rules promulgated under sec-
8 tion 124, including, to the extent practicable, by
9 having the characteristics described in clauses
10 (i) through (vi) of subsection (c)(1)(B) of sec-
11 tion 124.”.

12 (b) DATA STANDARDS FOR INFORMATION FILED OR
13 SUBMITTED BY SAVINGS AND LOAN HOLDING COMPA-
14 NIES.—Section 10 of the Home Owners’ Loan Act (12
15 U.S.C. 1467a) is amended by adding at the end the fol-
16 lowing:

17 “(u) DATA STANDARDS.—

18 “(1) REQUIREMENT.—The Board shall adopt
19 data standards for all information that, through a
20 collection of information, is regularly filed with or
21 submitted to the Board by any savings and loan
22 holding company, or subsidiary of a savings and loan
23 holding company, other than a depository institu-
24 tion, under this section.

1 “(2) CONSISTENCY.—The data standards re-
2 quired under paragraph (1) shall incorporate, and
3 ensure compatibility with (to the extent feasible), all
4 applicable data standards established in the rules
5 promulgated under section 124 of the Financial Sta-
6 bility Act of 2010, including, to the extent prac-
7 ticable, by having the characteristics described in
8 clauses (i) through (vi) of subsection (c)(1)(B) of
9 such section 124.”.

10 (c) DATA STANDARDS FOR INFORMATION FILED OR
11 SUBMITTED BY BANK HOLDING COMPANIES.—Section 5
12 of the Bank Holding Company Act of 1956 (12 U.S.C.
13 1844) is amended by adding at the end the following:

14 “(h) DATA STANDARDS.—

15 “(1) REQUIREMENT.—The Board shall adopt
16 data standards for all information that, through a
17 collection of information, is regularly filed with or
18 submitted to the Board by any bank holding com-
19 pany in a report under subsection (c).

20 “(2) CONSISTENCY.—The data standards re-
21 quired under paragraph (1) shall incorporate, and
22 ensure compatibility with (to the extent feasible), all
23 applicable data standards established in the rules
24 promulgated under section 124 of the Financial Sta-
25 bility Act of 2010, including, to the extent prac-

1 ticable, by having the characteristics described in
2 clauses (i) through (vi) of subsection (c)(1)(B) of
3 such section 124.”.

4 (d) DATA STANDARDS FOR INFORMATION SUB-
5 MITTED BY FINANCIAL MARKET UTILITIES OR INSTITU-
6 TIONS UNDER THE PAYMENT, CLEARING, AND SETTLE-
7 MENT SUPERVISION ACT OF 2010.—Section 809 of the
8 Payment, Clearing, and Settlement Supervision Act of
9 2010 (12 U.S.C. 5468) is amended by adding at the end
10 the following:

11 “(h) DATA STANDARDS.—

12 “(1) REQUIREMENT.—The Board of Governors
13 shall adopt data standards for all information that,
14 through a collection of information, is regularly filed
15 with or submitted to the Board or the Council by
16 any financial market utility or financial institution
17 under subsection (a) or (b).

18 “(2) CONSISTENCY.—The data standards re-
19 quired under paragraph (1) shall incorporate, and
20 ensure compatibility with (to the extent feasible), all
21 applicable data standards established in the rules
22 promulgated under section 124 of the Financial Sta-
23 bility Act of 2010, including, to the extent prac-
24 ticable, by having the characteristics described in

1 clauses (i) through (vi) of subsection (c)(1)(B) of
2 such section 124.”.

3 **SEC. 5862. OPEN DATA PUBLICATION BY THE BOARD OF**
4 **GOVERNORS OF THE FEDERAL RESERVE SYS-**
5 **TEM.**

6 The Federal Reserve Act (12 U.S.C. 226 et seq.) is
7 amended by adding at the end the following:

8 **“SEC. 32. OPEN DATA PUBLICATION BY THE BOARD OF**
9 **GOVERNORS.**

10 “All public data assets published by the Board of
11 Governors under this Act, the Bank Holding Company Act
12 of 1956 (12 U.S.C. 1841 et seq.), the Financial Stability
13 Act of 2010 (12 U.S.C. 5311 et seq.), the Home Owners’
14 Loan Act (12 U.S.C. 1461 et seq.), the Payment, Clear-
15 ing, and Settlement Supervision Act of 2010 (12 U.S.C.
16 5461 et seq.), or the Enhancing Financial Institution
17 Safety and Soundness Act of 2010 (title III of Public Law
18 111–203) (or any provision of law amended by that Act)
19 shall be—

20 “(1) made available as an open Government
21 data asset (as defined in section 3502 of title 44,
22 United States Code);

23 “(2) freely available for download;

24 “(3) rendered in a human-readable format; and

1 “(4) accessible via application programming
2 interface where appropriate.”.

3 **SEC. 5863. RULEMAKING.**

4 (a) IN GENERAL.—The Board of Governors of the
5 Federal Reserve System shall issue rules to carry out the
6 amendments made by this subtitle, which shall take effect
7 not later than 2 years after the date on which final rules
8 are promulgated under section 124(b)(2) of the Financial
9 Stability Act of 2010, as added by section 5811(a) of this
10 title.

11 (b) SCALING OF REGULATORY REQUIREMENTS;
12 MINIMIZING DISRUPTION.—In issuing the rules required
13 under subsection (a), the Board of Governors of the Fed-
14 eral Reserve System—

15 (1) may scale data reporting requirements in
16 order to reduce any unjustified burden on smaller
17 regulated entities; and

18 (2) shall seek to minimize disruptive changes to
19 the persons affected by those regulations.

20 **SEC. 5864. NO NEW DISCLOSURE REQUIREMENTS.**

21 Nothing in this subtitle, or the amendments made by
22 this subtitle, shall be construed to require the Board of
23 Governors of the Federal Reserve System to collect or
24 make publicly available additional information under any
25 Act amended by this subtitle, any Act referenced in an

1 amendment made by this subtitle, or any Act amended
2 by an Act referenced in an amendment made by this sub-
3 title, beyond information that was collected or made pub-
4 licly available under any such provision of law, as of the
5 day before the date of enactment of this Act.

6 **Subtitle G—National Credit Union**
7 **Administration**

8 **SEC. 5871. DATA STANDARDS.**

9 Title I of the Federal Credit Union Act (12 U.S.C.
10 1752 et seq.) is amended by adding at the end the fol-
11 lowing:

12 **“SEC. 132. DATA STANDARDS.**

13 “(a) REQUIREMENT.—The Board shall, by rule,
14 adopt data standards for all collections of information and
15 reports regularly filed with or submitted to the Adminis-
16 tration under this Act.

17 “(b) CONSISTENCY.—The data standards required
18 under subsection (a) shall incorporate, and ensure compat-
19 ibility with (to the extent feasible), all applicable data
20 standards established in the rules promulgated under sec-
21 tion 124 of the Financial Stability Act of 2010, including,
22 to the extent practicable, by having the characteristics de-
23 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
24 of such section 124.”.

1 **SEC. 5872. OPEN DATA PUBLICATION BY THE NATIONAL**
2 **CREDIT UNION ADMINISTRATION.**

3 Title I of the Federal Credit Union Act (12 U.S.C.
4 1752 et seq.), as amended by section 5701, is further
5 amended by adding at the end the following:

6 **“SEC. 133. OPEN DATA PUBLICATION.**

7 “All public data assets published by the Administra-
8 tion under this title shall be—

9 “(1) made available as an open Government
10 data asset (as defined in section 3502 of title 44,
11 United States Code);

12 “(2) freely available for download;

13 “(3) rendered in a human-readable format; and

14 “(4) accessible via application programming
15 interface where appropriate.”.

16 **SEC. 5873. RULEMAKING.**

17 (a) **IN GENERAL.**—The National Credit Union Ad-
18 ministration Board shall issue rules to carry out the
19 amendments made by this subtitle, which shall take effect
20 not later than 2 years after the date on which final rules
21 are promulgated under section 124(b)(2) of the Financial
22 Stability Act of 2010, as added by section 5811(a) of this
23 title.

24 (b) **SCALING OF REGULATORY REQUIREMENTS;**
25 **MINIMIZING DISRUPTION.**—In issuing the rules required

1 under subsection (a), the National Credit Union Adminis-
2 tration Board—

3 (1) may scale data reporting requirements in
4 order to reduce any unjustified burden on smaller
5 regulated entities; and

6 (2) shall seek to minimize disruptive changes to
7 the persons affected by those regulations.

8 **SEC. 5874. NO NEW DISCLOSURE REQUIREMENTS.**

9 Nothing in this subtitle, or the amendments made by
10 this subtitle, shall be construed to require the National
11 Credit Union Administration Board to collect or make
12 publicly available additional information under the Fed-
13 eral Credit Union Act (12 U.S.C. 1751 et seq.), beyond
14 information that was collected or made publicly available
15 under that Act, as of the day before the date of enactment
16 of this Act.

17 **Subtitle H—Federal Housing**
18 **Finance Agency**

19 **SEC. 5881. DATA STANDARDS REQUIREMENTS FOR THE**
20 **FEDERAL HOUSING FINANCE AGENCY.**

21 Part 1 of subtitle A of the Federal Housing Enter-
22 prises Financial Safety and Soundness Act of 1992 (12
23 U.S.C. 4511 et seq.) is amended by adding at the end
24 the following:

1 **“SEC. 1319H. DATA STANDARDS.**

2 “(a) REQUIREMENT.—The Agency shall, by rule,
3 adopt data standards for all collections of information that
4 are regularly filed with or submitted to the Agency.

5 “(b) CONSISTENCY.—The data standards required
6 under subsection (a) shall incorporate, and ensure compat-
7 ibility with (to the extent feasible), all applicable data
8 standards established in the rules promulgated under sec-
9 tion 124 of the Financial Stability Act of 2010, including,
10 to the extent practicable, by having the characteristics de-
11 scribed in clauses (i) through (vi) of subsection (c)(1)(B)
12 of such section 124.”.

13 **SEC. 5882. OPEN DATA PUBLICATION BY THE FEDERAL**
14 **HOUSING FINANCE AGENCY.**

15 Part 1 of subtitle A of the Federal Housing Enter-
16 prises Financial Safety and Soundness Act of 1992 (12
17 U.S.C. 4511 et seq.), as amended by section 5801, is fur-
18 ther amended by adding at the end the following:

19 **“SEC. 1319I. OPEN DATA PUBLICATION.**

20 “All public data assets published by the Agency shall
21 be—

22 “(1) made available as an open Government
23 data asset (as defined in section 3502 of title 44,
24 United States Code);

25 “(2) freely available for download;

26 “(3) rendered in a human-readable format; and

1 “(4) accessible via application programming
2 interface where appropriate.”.

3 **SEC. 5883. RULEMAKING.**

4 (a) IN GENERAL.—The Director of the Federal
5 Housing Finance Agency shall issue rules to carry out the
6 amendments made by this subtitle, which shall take effect
7 not later than 2 years after the date on which final rules
8 are promulgated under section 124(b)(2) of the Financial
9 Stability Act of 2010, as added by section 5811(a) of this
10 title.

11 (b) MINIMIZING DISRUPTION.—In issuing the regula-
12 tions required under subsection (a), the Director of the
13 Federal Housing Finance Agency shall seek to minimize
14 disruptive changes to the persons affected by those rules.

15 **SEC. 5884. NO NEW DISCLOSURE REQUIREMENTS.**

16 Nothing in this subtitle, or the amendments made by
17 this subtitle, shall be construed to require the Federal
18 Housing Finance Agency to collect or make publicly avail-
19 able additional information under the Federal Housing
20 Enterprises Financial Safety and Soundness Act of 1992
21 (12 U.S.C. 4501 et seq.), beyond information that was col-
22 lected or made publicly available under that Act, as of the
23 day before the date of enactment of this Act.

1 **Subtitle I—Miscellaneous**

2 **SEC. 5891. RULES OF CONSTRUCTION.**

3 (a) NO EFFECT ON INTELLECTUAL PROPERTY.—

4 Nothing in this title, or the amendments made by this
5 title, may be construed to alter the legal protections, as
6 in effect on the day before the date of enactment of this
7 Act, of copyrighted material or other intellectual property
8 rights of any non-Federal person.

9 (b) NO EFFECT ON MONETARY POLICY.—Nothing in
10 this title, or the amendments made by this title, may be
11 construed to apply to activities conducted, or data stand-
12 ards used, in connection with monetary policy proposed
13 or implemented by the Board of Governors of the Federal
14 Reserve System or the Federal Open Market Committee.

15 (c) PRESERVATION OF AGENCY AUTHORITY TO TAI-
16 LOR REQUIREMENTS.—Nothing in this title, or the
17 amendments made by this title, may be construed to pro-
18 hibit the head of a covered agency, as defined in section
19 124(a) of the Financial Stability Act of 2010, as added
20 by section 5811(a) of this title, from tailoring those stand-
21 ards when those standards are adopted under this title
22 and the amendments made by this title.

1 **SEC. 5892. CLASSIFIED AND PROTECTED INFORMATION.**

2 (a) IN GENERAL.—Nothing in this title, or the
3 amendments made by this title, shall require the disclosure
4 to the public of—

5 (1) information that would be exempt from dis-
6 closure under section 552 of title 5, United States
7 Code (commonly known as the “Freedom of Infor-
8 mation Act”); or

9 (2) information protected under—

10 (A) section 552a of title 5, United States
11 Code (commonly known as the “Privacy Act of
12 1974”);

13 (B) section 6103 of the Internal Revenue
14 Code of 1986; or

15 (C) any law administered, or regulation
16 promulgated, by the Financial Crimes Enforce-
17 ment Network of the Department of the Treas-
18 ury.

19 (b) EXISTING AGENCY REGULATIONS.—Nothing in
20 this title, or the amendments made by this title, shall be
21 construed to require the Secretary of the Treasury, the
22 Securities and Exchange Commission, the Federal Deposit
23 Insurance Corporation, the Comptroller of the Currency,
24 the Director of the Bureau of Consumer Financial Protec-
25 tion, the Board of Governors of the Federal Reserve Sys-
26 tem, the National Credit Union Administration Board, the

1 Director of the Federal Housing Finance Agency, or the
2 head of any other primary financial regulatory agency (as
3 defined in section 2 of the Dodd-Frank Wall Street Re-
4 form and Consumer Protection Act (12 U.S.C. 5301))
5 designated by the Secretary of the Treasury to amend reg-
6 ulations and procedures, as in effect on the day before the
7 date of enactment of this Act, regarding the sharing and
8 disclosure of nonpublic information, including confidential
9 supervisory information.

10 (c) DATA PRIVACY AND PERSONALLY IDENTIFIABLE
11 INFORMATION.—Nothing in this title, or the amendments
12 made by this title, shall be construed to require the Sec-
13 retary of the Treasury, the Securities and Exchange Com-
14 mission, the Federal Deposit Insurance Corporation, the
15 Comptroller of the Currency, the Director of the Bureau
16 of Consumer Financial Protection, the Board of Governors
17 of the Federal Reserve System, the National Credit Union
18 Administration Board, the Director of the Federal Hous-
19 ing Finance Agency, or the head of any other primary fi-
20 nancial regulatory agency (as defined in section 2 of the
21 Dodd-Frank Wall Street Reform and Consumer Protec-
22 tion Act (12 U.S.C. 5301)) designated by the Secretary
23 of the Treasury to disclose to the public any information
24 that can be used to distinguish or trace the identity of
25 an individual, either alone or when combined with other

1 personal or identifying information that is linked or
2 linkable to a specific individual.

3 **SEC. 5893. REPORT.**

4 Not later than 3 years after the date of enactment
5 of this Act, the Comptroller General of the United States
6 shall submit to Congress a report on the feasibility, costs,
7 and potential benefits of building upon the taxonomy es-
8 tablished by this title, and the amendments made by this
9 title, to arrive at a Federal Governmentwide regulatory
10 compliance standardization mechanism similar to Stand-
11 ard Business Reporting.

12 **TITLE LIX—OTHER MATTERS**

Subtitle A—Judiciary Matters

- Sec. 5901. Extension of admission to Guam or the Commonwealth of the Northern Mariana Islands for certain nonimmigrant H-2B workers.
- Sec. 5902. Eligibility of Portuguese traders and investors for E-1 and E-2 nonimmigrant visas.
- Sec. 5903. Incentives for States to create sexual assault survivors' bill of rights.
- Sec. 5904. Extending the statute of limitations for certain money laundering offenses.

Subtitle B—Science, Space, and Technology Matters

- Sec. 5911. Financial assistance for construction of test beds and specialized facilities.
- Sec. 5912. Reports on arctic research, budget, and spending.
- Sec. 5913. National research and development strategy for distributed ledger technology.
- Sec. 5914. Technical corrections.

Subtitle C—FedRamp Authorization Act

- Sec. 5921. FedRAMP Authorization Act.

Subtitle D—Judicial Security and Privacy

- Sec. 5931. Short title.
- Sec. 5932. Findings and purpose.
- Sec. 5933. Definitions.
- Sec. 5934. Protecting covered information in public records.

- Sec. 5935. Training and education.
- Sec. 5936. Vulnerability management capability.
- Sec. 5937. Rules of construction.
- Sec. 5938. Severability.
- Sec. 5939. Effective date.

Subtitle E—Other Matters

- Sec. 5941. Secretary of Agriculture report on improving supply chain shortfalls and infrastructure needs at wholesale produce markets.
- Sec. 5942. Extension of deadline for transfer of parcels of land in New Mexico.
- Sec. 5943. Ending global wildlife poaching and trafficking.
- Sec. 5944. Cost-sharing requirements applicable to certain Bureau of Reclamation dams and dikes.
- Sec. 5945. Transfer of National Oceanic and Atmospheric Administration property in Norfolk, Virginia.
- Sec. 5946. Other matters.
- Sec. 5947. Enhancing transparency on international agreements and non-binding instruments.

1 **Subtitle A—Judiciary Matters**

2 **SEC. 5901. EXTENSION OF ADMISSION TO GUAM OR THE**
3 **COMMONWEALTH OF THE NORTHERN MAR-**
4 **IANA ISLANDS FOR CERTAIN NONIMMIGRANT**
5 **H-2B WORKERS.**

6 Section 6(b)(1)(B) of the Joint Resolution entitled
7 “A Joint Resolution to approve the ‘Covenant to Establish
8 a Commonwealth of the Northern Mariana Islands in Po-
9 litical Union with the United States of America’, and for
10 other purposes”, approved March 24, 1976 (48 U.S.C.
11 1806(b)(1)(B)), is amended, in the matter preceding
12 clause (i), by striking “December 31, 2023” and inserting
13 “December 31, 2024”.

1 **SEC. 5902. ELIGIBILITY OF PORTUGUESE TRADERS AND IN-**
2 **VESTORS FOR E-1 AND E-2 NONIMMIGRANT**
3 **VISAS.**

4 (a) NONIMMIGRANT TRADERS AND INVESTORS.—For
5 purposes of clauses (i) and (ii) of section 101(a)(15)(E)
6 of the Immigration and Nationality Act (8 U.S.C.
7 1101(a)(15)(E)), Portugal shall be considered to be a for-
8 eign state described in such section if the Government of
9 Portugal provides similar nonimmigrant status to nation-
10 als of the United States.

11 (b) MODIFICATION OF ELIGIBILITY CRITERIA FOR E
12 VISAS.—Section 101(a)(15)(E) of the Immigration and
13 Nationality Act (8 U.S.C. 1101(a)(15)(E)) is amended—

14 (1) in the matter preceding clause (i)—

15 (A) by inserting “(or, in the case of an
16 alien who acquired the relevant nationality
17 through a financial investment and who has not
18 previously been granted status under this sub-
19 paragraph, the foreign state of which the alien
20 is a national and in which the alien has been
21 domiciled for a continuous period of not less
22 than 3 years at any point before applying for
23 a nonimmigrant visa under this subparagraph)”
24 before “, and the spouse”; and

25 (B) by striking “him” and inserting “such
26 alien”; and

1 (2) by striking “he” each place such term ap-
2 pears and inserting “the alien”.

3 **SEC. 5903. INCENTIVES FOR STATES TO CREATE SEXUAL**
4 **ASSAULT SURVIVORS’ BILL OF RIGHTS.**

5 (a) INCENTIVES FOR STATES TO CREATE SEXUAL
6 ASSAULT SURVIVORS’ BILL OF RIGHTS.—

7 (1) DEFINITION OF COVERED FORMULA
8 GRANT.—In this subsection, the term “covered for-
9 mula grant” means a grant under part T of title I
10 of the Omnibus Crime Control and Safe Streets Act
11 of 1968 (34 U.S.C. 10441 et seq.) (commonly re-
12 ferred to as the “STOP Violence Against Women
13 Formula Grant Program”).

14 (2) GRANT INCREASE.—The Attorney General
15 shall increase the amount of the covered formula
16 grant provided to a State in accordance with this
17 subsection if the State has in effect a law that pro-
18 vides to sexual assault survivors the rights, at a min-
19 imum, under section 3772 of title 18, United States
20 Code.

21 (3) APPLICATION.—A State seeking an increase
22 to a covered formula grant under this subsection
23 shall submit an application to the Attorney General
24 at such time, in such manner, and containing such
25 information as the Attorney General may reasonably

1 require, including information about the law de-
2 scribed in paragraph (2).

3 (4) PERIOD OF INCREASE.—The Attorney Gen-
4 eral may not provide an increase in the amount of
5 the covered formula grant provided to a State under
6 this subsection more than 4 times.

7 (5) AUTHORIZATION OF APPROPRIATIONS.—
8 There are authorized to be appropriated
9 \$20,000,000 for each of fiscal years 2023 through
10 2027 to carry out this subsection.

11 (b) REAUTHORIZATION OF THE MISSING AMERICANS
12 ALERT PROGRAM.—Section 240001(d) of the Violent
13 Crime Control and Law Enforcement Act of 1994 (34
14 U.S.C. 12621(d)) is amended by striking “2018 through
15 2022” and inserting “2023 through 2027”.

16 **SEC. 5904. EXTENDING THE STATUTE OF LIMITATIONS FOR**
17 **CERTAIN MONEY LAUNDERING OFFENSES.**

18 (a) IN GENERAL.—Section 1956 of title 18, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 “(j) SEVEN-YEAR LIMITATION.—Notwithstanding
22 section 3282, no person shall be prosecuted, tried, or pun-
23 ished for a violation of this section or section 1957 if the
24 specified unlawful activity constituting the violation is the
25 activity defined in subsection (e)(7)(B) of this section, un-

1 less the indictment is found or the information is insti-
2 tuted not later than 7 years after the date on which the
3 offense was committed.”.

4 (b) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to—

6 (1) conduct that occurred before the date of en-
7 actment of this Act for which the applicable statute
8 of limitations has not expired; and

9 (2) conduct that occurred on or after the date
10 of enactment of this Act.

11 **Subtitle B—Science, Space, and** 12 **Technology Matters**

13 **SEC. 5911. FINANCIAL ASSISTANCE FOR CONSTRUCTION OF** 14 **TEST BEDS AND SPECIALIZED FACILITIES.**

15 Section 34 of the National Institute of Standards and
16 Technology Act (15 U.S.C. 278s) is amended—

17 (1) by redesignating subsections (f) through (l)
18 as subsections (g) through (m), respectively; and

19 (2) by inserting after subsection (e) the fol-
20 lowing:

21 “(f) AUTHORITY TO AWARD FINANCIAL ASSISTANCE
22 FOR CONSTRUCTION OF TEST BEDS AND SPECIALIZED
23 FACILITIES.—

24 “(1) IN GENERAL.—The Secretary may, acting
25 through the Director, award financial assistance for

1 the construction of test beds and specialized facilities
2 by Manufacturing USA institutes established or sup-
3 ported under subsection (e) as the Secretary con-
4 siders appropriate to carry out the purposes of the
5 Program.

6 “(2) REQUIREMENTS.—The Secretary shall ex-
7 ercise authority under paragraph (1) in a manner
8 and with requirements consistent with paragraphs
9 (3) through (8) of subsection (e).

10 “(3) PRIORITY.—The Secretary shall establish
11 preferences in selection criteria for proposals for fi-
12 nancial assistance under this subsection from Manu-
13 facturing USA institutes that integrate as active
14 members one or more covered entities as described
15 in section 10262 of the Research and Development,
16 Competition, and Innovation Act (Public Law 117–
17 167).”.

18 **SEC. 5912. REPORTS ON ARCTIC RESEARCH, BUDGET, AND**

19 **SPENDING.**

20 (a) CROSSCUT REPORT ON ARCTIC RESEARCH PRO-
21 GRAMS.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, the Di-
24 rector of the Office of Science and Technology Pol-
25 icy, in coordination with the Director of the Office

1 of Management and Budget, shall submit a detailed
2 report to Congress regarding all existing Federal
3 programs relating to Arctic research and research-
4 related activities, including observation, modeling,
5 monitoring, and prediction, and research infrastruc-
6 ture. The report shall include—

7 (A) the goals of each such program;

8 (B) the funding levels for each such pro-
9 gram for each of the 5 immediately preceding
10 fiscal years;

11 (C) the anticipated funding levels for each
12 such program for each of the 5 following fiscal
13 years; and

14 (D) the total funding appropriated for the
15 current fiscal year for such programs.

16 (2) DISTRIBUTION.—Not later than 30 days
17 after submitting the report to Congress pursuant to
18 subsection (a), the Director of the Office of Science
19 and Technology Policy shall make a report available
20 on a public website.

21 (b) ANNUAL AGENCY BUDGET AND SPENDING RE-
22 PORT.—

23 (1) ANNUAL AGENCY BUDGETS.—Each agency
24 represented on the Interagency Arctic Research Pol-
25 icy Committee shall each include in their agency's

1 annual budget request to Congress a description of
2 their agency’s projected Arctic research activities
3 and associated budget for the fiscal year covered by
4 the budget request.

5 (2) REPORT TO CONGRESS.—Beginning with
6 fiscal year 2025 and annually thereafter until fiscal
7 year 2034, not later than 60 days after the Presi-
8 dent’s budget request for such fiscal year is sub-
9 mitted to Congress, the Office of Science and Tech-
10 nology Policy shall submit an annual report to Con-
11 gress summarizing each agency’s budget request re-
12 lated to Arctic research activities per the informa-
13 tion submitted in accordance with paragraph (1).

14 **SEC. 5913. NATIONAL RESEARCH AND DEVELOPMENT**
15 **STRATEGY FOR DISTRIBUTED LEDGER TECH-**
16 **NOLOGY.**

17 (a) DEFINITIONS.—In this section:

18 (1) DIRECTOR.—Except as otherwise expressly
19 provided, the term “Director” means the Director of
20 the Office of Science and Technology Policy.

21 (2) DISTRIBUTED LEDGER.—The term “distrib-
22 uted ledger” means a ledger that—

23 (A) is shared across a set of distributed
24 nodes, which are devices or processes, that par-

1 participate in a network and store a complete or
2 partial replica of the ledger;

3 (B) is synchronized between the nodes;

4 (C) has data appended to it by following
5 the ledger's specified consensus mechanism;

6 (D) may be accessible to anyone (public)
7 or restricted to a subset of participants (pri-
8 vate); and

9 (E) may require participants to have au-
10 authorization to perform certain actions (engag-
11 ing) or require no authorization
12 (permissionless).

13 (3) DISTRIBUTED LEDGER TECHNOLOGY.—The
14 term “distributed ledger technology” means tech-
15 nology that enables the operation and use of distrib-
16 uted ledgers.

17 (4) INSTITUTION OF HIGHER EDUCATION.—The
18 term “institution of higher education” has the
19 meaning given the term in section 101 of the Higher
20 Education Act of 1965 (20 U.S.C. 1001).

21 (5) RELEVANT CONGRESSIONAL COMMIT-
22 TEES.—The term “relevant congressional commit-
23 tees” means—

24 (A) the Committee on Commerce, Science,
25 and Transportation of the Senate; and

1 (B) the Committee on Science, Space, and
2 Technology of the House of Representatives.

3 (6) SMART CONTRACT.—The term “smart con-
4 tract” means a computer program stored in a dis-
5 tributed ledger system that is executed when certain
6 predefined conditions are satisfied and wherein the
7 outcome of any execution of the program may be re-
8 corded on the distributed ledger.

9 (b) NATIONAL DISTRIBUTED LEDGER TECHNOLOGY
10 RESEARCH AND DEVELOPMENT STRATEGY.—

11 (1) IN GENERAL.—The Director, or a designee
12 of the Director, shall, in coordination with the Na-
13 tional Science and Technology Council, and the
14 heads of such other relevant Federal agencies and
15 entities as the Director considers appropriate, which
16 may include the National Academies, and in con-
17 sultation with such nongovernmental entities as the
18 Director considers appropriate, develop a national
19 strategy for the research and development of distrib-
20 uted ledger technologies and their applications, in-
21 cluding applications of public and permissionless dis-
22 tributed ledgers. In developing the national strategy,
23 the Director shall consider the following:

24 (A) Current efforts and coordination by
25 Federal agencies to invest in the research and

1 development of distributed ledger technologies
2 and their applications, including through pro-
3 grams like the Small Business Innovation Re-
4 search program, the Small Business Technology
5 Transfer program, and the National Science
6 Foundation's Innovation Corps programs.

7 (B)(i) The potential benefits and risks of
8 applications of distributed ledger technologies
9 across different industry sectors, including their
10 potential to—

11 (I) lower transactions costs and facili-
12 tate new types of commercial transactions;

13 (II) protect privacy and increase indi-
14 viduals' data sovereignty;

15 (III) reduce friction to the interoper-
16 ability of digital systems;

17 (IV) increase the accessibility,
18 auditability, security, efficiency, and trans-
19 parency of digital services;

20 (V) increase market competition in
21 the provision of digital services;

22 (VI) enable dynamic contracting and
23 contract execution through smart con-
24 tracts;

1 (VII) enable participants to collabo-
2 rate in trustless and disintermediated envi-
3 ronments;

4 (VIII) enable the operations and gov-
5 ernance of distributed organizations;

6 (IX) create new ownership models for
7 digital items; and

8 (X) increase participation of popu-
9 lations historically underrepresented in the
10 technology, business, and financial sectors.

11 (ii) In consideration of the potential risks
12 of applications of distributed ledger technologies
13 under clause (i), the Director shall take into ac-
14 count, where applicable—

15 (I) additional risks that may emerge
16 from distributed ledger technologies, as
17 identified in reports submitted to the
18 President pursuant to Executive Order
19 14067, that may be addressed by research
20 and development;

21 (II) software vulnerabilities in distrib-
22 uted ledger technologies and smart con-
23 tracts;

1 (III) limited consumer literacy on en-
2 gaging with applications of distributed
3 ledger technologies in a secure way;

4 (IV) the use of distributed ledger
5 technologies in illicit finance and their use
6 in combating illicit finance;

7 (V) manipulative, deceptive, and
8 fraudulent practices that harm consumers
9 engaging with applications of distributed
10 ledger technologies;

11 (VI) the implications of different con-
12 sensus mechanisms for digital ledgers and
13 governance and accountability mechanisms
14 for applications of distributed ledger tech-
15 nologies, which may include decentralized
16 networks;

17 (VII) foreign activities in the develop-
18 ment and deployment of distributed ledger
19 technologies and their associated tools and
20 infrastructure; and

21 (VIII) environmental, sustainability,
22 and economic impacts of the computational
23 resources required for distributed ledger
24 technologies.

1 (C) Potential uses for distributed ledger
2 technologies that could improve the operations
3 and delivery of services by Federal agencies,
4 taking into account the potential of digital ledg-
5 er technologies to—

6 (i) improve the efficiency and effec-
7 tiveness of privacy-preserving data sharing
8 among Federal agencies and with State,
9 local, territorial, and Tribal governments;

10 (ii) promote government transparency
11 by improving data sharing with the public;

12 (iii) introduce or mitigate risks that
13 may threaten individuals' rights or broad
14 access to Federal services;

15 (iv) automate and modernize proc-
16 esses for assessing and ensuring regulatory
17 compliance; and

18 (v) facilitate broad access to financial
19 services for underserved and underbanked
20 populations.

21 (D) Ways to support public and private
22 sector dialogue on areas of research that could
23 enhance the efficiency, scalability, interoper-
24 ability, security, and privacy of applications
25 using distributed ledger technologies.

1 (E) The need for increased coordination of
2 the public and private sectors on the develop-
3 ment of voluntary standards in order to pro-
4 mote research and development, including
5 standards regarding security, smart contracts,
6 cryptographic protocols, virtual routing and for-
7 warding, interoperability, zero-knowledge
8 proofs, and privacy, for distributed ledger tech-
9 nologies and their applications.

10 (F) Applications of distributed ledger tech-
11 nologies that could positively benefit society but
12 that receive relatively little private sector invest-
13 ment.

14 (G) The United States position in global
15 leadership and competitiveness across research,
16 development, and deployment of distributed
17 ledger technologies.

18 (2) CONSULTATION.—

19 (A) IN GENERAL.—In carrying out the Di-
20 rector's duties under this subsection, the Direc-
21 tor shall consult with the following:

22 (i) Private industry.

23 (ii) Institutions of higher education,
24 including minority-serving institutions.

1 (iii) Nonprofit organizations, includ-
2 ing foundations dedicated to supporting
3 distributed ledger technologies and their
4 applications.

5 (iv) State governments.

6 (v) Such other persons as the Director
7 considers appropriate.

8 (B) REPRESENTATION.—The Director
9 shall ensure consultations with the following:

10 (i) Rural and urban stakeholders from
11 across the Nation.

12 (ii) Small, medium, and large busi-
13 nesses.

14 (iii) Subject matter experts rep-
15 resenting multiple industrial sectors.

16 (iv) A demographically diverse set of
17 stakeholders.

18 (3) COORDINATION.—In carrying out this sub-
19 section, the Director shall, for purposes of avoiding
20 duplication of activities, consult, cooperate, and co-
21 ordinate with the programs and policies of other rel-
22 evant Federal agencies, including the interagency
23 process outlined in section 3 of Executive Order
24 14067 (87 Fed. Reg. 14143; relating ensuring re-
25 sponsible development of digital assets).

1 (4) NATIONAL STRATEGY.—Not later than 1
2 year after the date of enactment of this Act, the Di-
3 rector shall submit to the relevant congressional
4 committees and the President a national strategy
5 that includes the following:

6 (A) Priorities for the research and develop-
7 ment of distributed ledger technologies and
8 their applications.

9 (B) Plans to support public and private
10 sector investment and partnerships in research
11 and technology development for societally bene-
12 ficial applications of distributed ledger tech-
13 nologies.

14 (C) Plans to mitigate the risks of distrib-
15 uted ledger technologies and their applications.

16 (D) An identification of additional re-
17 sources, administrative action, or legislative ac-
18 tion recommended to assist with the implemen-
19 tation of such strategy.

20 (5) RESEARCH AND DEVELOPMENT FUND-
21 ING.—The Director shall, as the Director considers
22 necessary, consult with the Director of the Office of
23 Management and Budget and with the heads of such
24 other elements of the Executive Office of the Presi-
25 dent as the Director considers appropriate, to ensure

1 that the recommendations and priorities with respect
2 to research and development funding, as expressed
3 in the national strategy developed under this sub-
4 section, are incorporated in the development of an-
5 nual budget requests for Federal research agencies.

6 (c) DISTRIBUTED LEDGER TECHNOLOGY RE-
7 SEARCH.—

8 (1) IN GENERAL.—Subject to the availability of
9 appropriations, the Director of the National Science
10 Foundation shall make awards, on a competitive
11 basis, to institutions of higher education, including
12 minority-serving institutions, or nonprofit organiza-
13 tions (or consortia of such institutions or organiza-
14 tions) to support research, including interdiscipli-
15 nary research, on distributed ledger technologies,
16 their applications, and other issues that impact or
17 are caused by distributed ledger technologies, which
18 may include research on—

19 (A) the implications on trust, trans-
20 parency, privacy, accessibility, accountability,
21 and energy consumption of different consensus
22 mechanisms and hardware choices, and ap-
23 proaches for addressing these implications;

24 (B) approaches for improving the security,
25 privacy, resiliency, interoperability, perform-

1 ance, and scalability of distributed ledger tech-
2 nologies and their applications, which may in-
3 clude decentralized networks;

4 (C) approaches for identifying and ad-
5 dressing vulnerabilities and improving the per-
6 formance and expressive power of smart con-
7 tracts;

8 (D) the implications of quantum com-
9 puting on applications of distributed ledger
10 technologies, including long-term protection of
11 sensitive information (such as medical or digital
12 property), and techniques to address them;

13 (E) game theory, mechanism design, and
14 economics underpinning and facilitating the op-
15 erations and governance of decentralized net-
16 works enabled by distributed ledger tech-
17 nologies;

18 (F) the social behaviors of participants in
19 decentralized networks enabled by distributed
20 ledger technologies;

21 (G) human-centric design approaches to
22 make distributed ledger technologies and their
23 applications more usable and accessible;

24 (H) use cases for distributed ledger tech-
25 nologies across various industry sectors and

1 government, including applications pertaining
2 to—

- 3 (i) digital identity, including trusted
 - 4 identity and identity management;
 - 5 (ii) digital property rights;
 - 6 (iii) delivery of public services;
 - 7 (iv) supply chain transparency;
 - 8 (v) medical information management;
 - 9 (vi) inclusive financial services;
 - 10 (vii) community governance;
 - 11 (viii) charitable giving;
 - 12 (ix) public goods funding;
 - 13 (x) digital credentials;
 - 14 (xi) regulatory compliance;
 - 15 (xii) infrastructure resilience, includ-
 - 16 ing against natural disasters; and
 - 17 (xiii) peer-to-peer transactions; and
- 18 (I) the social, behavioral, and economic im-
- 19 plications associated with the growth of applica-
- 20 tions of distributed ledger technologies, includ-
- 21 ing decentralization in business, financial, and
- 22 economic systems.

23 (2) ACCELERATING INNOVATION.—The Director
24 of the National Science Foundation shall consider
25 continuing to support startups that are in need of

1 funding, would develop in and contribute to the
2 economy of the United States, leverage distributed
3 ledger technologies, have the potential to positively
4 benefit society, and have the potential for commer-
5 cial viability, through programs like the Small Busi-
6 ness Innovation Research program, the Small Busi-
7 ness Technology Transfer program, and, as appro-
8 priate, other programs that promote broad and di-
9 verse participation.

10 (3) CONSIDERATION OF NATIONAL DISTRIB-
11 UTED LEDGER TECHNOLOGY RESEARCH AND DEVEL-
12 OPMENT STRATEGY.—In making awards under para-
13 graph (1), the Director of the National Science
14 Foundation shall take into account the national
15 strategy, as described in subsection (b)(4).

16 (4) FUNDAMENTAL RESEARCH.—The Director
17 of the National Science Foundation shall consider
18 continuing to make awards supporting fundamental
19 research in areas related to distributed ledger tech-
20 nologies and their applications, such as applied cryp-
21 tography and distributed systems.

22 (d) DISTRIBUTED LEDGER TECHNOLOGY APPLIED
23 RESEARCH PROJECT.—

24 (1) APPLIED RESEARCH PROJECT.—Subject to
25 the availability of appropriations, the Director of the

1 National Institute of Standards and Technology,
2 may carry out an applied research project to study
3 and demonstrate the potential benefits and unique
4 capabilities of distributed ledger technologies.

5 (2) ACTIVITIES.—In carrying out the applied
6 research project, the Director of the National Insti-
7 tute of Standards and Technology shall—

8 (A) identify potential applications of dis-
9 tributed ledger technologies, including those
10 that could benefit activities at the Department
11 of Commerce or at other Federal agencies, con-
12 sidering applications that could—

13 (i) improve the privacy and interoper-
14 ability of digital identity and access man-
15 agement solutions;

16 (ii) increase the integrity and trans-
17 parency of supply chains through the se-
18 cure and limited sharing of relevant sup-
19 plier information;

20 (iii) facilitate broader participation in
21 distributed ledger technologies of popu-
22 lations historically underrepresented in
23 technology, business, and financial sectors;

24 or

- 1 (iv) be of benefit to the public or pri-
2 vate sectors, as determined by the Director
3 in consultation with relevant stakeholders;
- 4 (B) solicit and provide the opportunity for
5 public comment relevant to potential projects;
- 6 (C) consider, in the selection of a project,
7 whether the project addresses a pressing need
8 not already addressed by another organization
9 or Federal agency;
- 10 (D) establish plans to mitigate potential
11 risks, including those outlined in subsection
12 (b)(1)(B)(ii), if applicable, of potential projects;
- 13 (E) produce an example solution leveraging
14 distributed ledger technologies for 1 of the ap-
15 plications identified in subparagraph (A);
- 16 (F) hold a competitive process to select
17 private sector partners, if they are engaged, to
18 support the implementation of the example so-
19 lution;
- 20 (G) consider hosting the project at the Na-
21 tional Cybersecurity Center of Excellence; and
- 22 (H) ensure that cybersecurity best prac-
23 tices consistent with the Cybersecurity Frame
24 work of the National Institute of Standards and
25 Technology are demonstrated in the project.

1 (3) BRIEFINGS TO CONGRESS.—Not later than
2 1 year after the date of enactment of this Act, the
3 Director of the National Institute of Standards and
4 Technology shall offer a briefing to the relevant con-
5 gressional committees on the progress and current
6 findings from the project under this subsection.

7 (4) PUBLIC REPORT.—Not later than 12
8 months after the completion of the project under
9 this subsection, the Director of the National Insti-
10 tute of Standards and Technology shall make public
11 a report on the results and findings from the
12 project.

13 **SEC. 5914. TECHNICAL CORRECTIONS.**

14 The Energy Policy Act of 2005 is amended—

15 (1) in section 952(a)(2)(A) (42 U.S.C.
16 16272(a)(2)(A)), by striking “shall evaluate the
17 technical and economic feasibility of the establish-
18 ment of” and inserting “shall evaluate the technical
19 and economic feasibility of establishing and, if fea-
20 sible, is authorized to establish”; and

21 (2) in section 954(a)(5) (42 U.S.C.
22 16274(a)(5)), by—

23 (A) redesignating subparagraph (E) as
24 subparagraph (F); and

1 (B) by inserting after subparagraph (D)
2 the following:

3 “(E) FUEL SERVICES.—The Research Re-
4 actor Infrastructure subprogram within the Ra-
5 diological Facilities Management program of
6 the Department, as authorized by paragraph
7 (6), shall be expanded to provide fuel services
8 to research reactors established by this para-
9 graph.”.

10 **Subtitle C—FedRamp** 11 **Authorization Act**

12 **SEC. 5921. FEDRAMP AUTHORIZATION ACT.**

13 (a) SHORT TITLE.—This section may be cited as the
14 “FedRAMP Authorization Act”.

15 (b) AMENDMENT.—Chapter 36 of title 44, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 3607. Definitions**

19 “(a) IN GENERAL.—Except as provided under sub-
20 section (b), the definitions under sections 3502 and 3552
21 apply to this section through section 3616.

22 “(b) ADDITIONAL DEFINITIONS.—In this section
23 through section 3616:

24 “(1) ADMINISTRATOR.—The term ‘Adminis-
25 trator’ means the Administrator of General Services.

1 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term ‘appropriate congressional com-
3 mittees’ means the Committee on Homeland Secu-
4 rity and Governmental Affairs of the Senate and the
5 Committee on Oversight and Reform of the House
6 of Representatives.

7 “(3) AUTHORIZATION TO OPERATE; FEDERAL
8 INFORMATION.—The terms ‘authorization to oper-
9 ate’ and ‘Federal information’ have the meaning
10 given those term in Circular A–130 of the Office of
11 Management and Budget entitled ‘Managing Infor-
12 mation as a Strategic Resource’, or any successor
13 document.

14 “(4) CLOUD COMPUTING.—The term ‘cloud
15 computing’ has the meaning given the term in Spe-
16 cial Publication 800–145 of the National Institute of
17 Standards and Technology, or any successor docu-
18 ment.

19 “(5) CLOUD SERVICE PROVIDER.—The term
20 ‘cloud service provider’ means an entity offering
21 cloud computing products or services to agencies.

22 “(6) FEDRAMP.—The term ‘FedRAMP’
23 means the Federal Risk and Authorization Manage-
24 ment Program established under section 3608.

1 “(7) FEDRAMP AUTHORIZATION.—The term
2 ‘FedRAMP authorization’ means a certification that
3 a cloud computing product or service has—

4 “(A) completed a FedRAMP authorization
5 process, as determined by the Administrator; or

6 “(B) received a FedRAMP provisional au-
7 thorization to operate, as determined by the
8 FedRAMP Board.

9 “(8) FEDRAMP AUTHORIZATION PACKAGE.—
10 The term ‘FedRAMP authorization package’ means
11 the essential information that can be used by an
12 agency to determine whether to authorize the oper-
13 ation of an information system or the use of a des-
14 ignated set of common controls for all cloud com-
15 puting products and services authorized by
16 FedRAMP.

17 “(9) FEDRAMP BOARD.—The term ‘FedRAMP
18 Board’ means the board established under section
19 3610.

20 “(10) INDEPENDENT ASSESSMENT SERVICE.—
21 The term ‘independent assessment service’ means a
22 third-party organization accredited by the Adminis-
23 trator to undertake conformity assessments of cloud
24 service providers and the products or services of
25 cloud service providers.

1 “(11) SECRETARY.—The term ‘Secretary’
2 means the Secretary of Homeland Security.

3 **“§ 3608. Federal Risk and Authorization Management**
4 **Program**

5 “‘There is established within the General Services Ad-
6 ministration the Federal Risk and Authorization Manage-
7 ment Program. The Administrator, subject to section
8 3614, shall establish a Government-wide program that
9 provides a standardized, reusable approach to security as-
10 sessment and authorization for cloud computing products
11 and services that process unclassified information used by
12 agencies.

13 **“§ 3609. Roles and responsibilities of the General**
14 **Services Administration**

15 “(a) ROLES AND RESPONSIBILITIES.—The Adminis-
16 trator shall—

17 “(1) in consultation with the Secretary, develop,
18 coordinate, and implement a process to support
19 agency review, reuse, and standardization, where ap-
20 propriate, of security assessments of cloud com-
21 puting products and services, including, as appro-
22 priate, oversight of continuous monitoring of cloud
23 computing products and services, pursuant to guid-
24 ance issued by the Director pursuant to section
25 3614;

1 “(2) establish processes and identify criteria
2 consistent with guidance issued by the Director
3 under section 3614 to make a cloud computing prod-
4 uct or service eligible for a FedRAMP authorization
5 and validate whether a cloud computing product or
6 service has a FedRAMP authorization;

7 “(3) develop and publish templates, best prac-
8 tices, technical assistance, and other materials to
9 support the authorization of cloud computing prod-
10 ucts and services and increase the speed, effective-
11 ness, and transparency of the authorization process,
12 consistent with standards and guidelines established
13 by the Director of the National Institute of Stand-
14 ards and Technology and relevant statutes;

15 “(4) establish and update guidance on the
16 boundaries of FedRAMP authorization packages to
17 enhance the security and protection of Federal infor-
18 mation and promote transparency for agencies and
19 users as to which services are included in the scope
20 of a FedRAMP authorization;

21 “(5) grant FedRAMP authorizations to cloud
22 computing products and services consistent with the
23 guidance and direction of the FedRAMP Board;

24 “(6) establish and maintain a public comment
25 process for proposed guidance and other FedRAMP

1 directives that may have a direct impact on cloud
2 service providers and agencies before the issuance of
3 such guidance or other FedRAMP directives;

4 “(7) coordinate with the FedRAMP Board, the
5 Director of the Cybersecurity and Infrastructure Se-
6 curity Agency, and other entities identified by the
7 Administrator, with the concurrence of the Director
8 and the Secretary, to establish and regularly update
9 a framework for continuous monitoring under sec-
10 tion 3553;

11 “(8) provide a secure mechanism for storing
12 and sharing necessary data, including FedRAMP
13 authorization packages, to enable better reuse of
14 such packages across agencies, including making
15 available any information and data necessary for
16 agencies to fulfill the requirements of section 3613;

17 “(9) provide regular updates to applicant cloud
18 service providers on the status of any cloud com-
19 puting product or service during an assessment
20 process;

21 “(10) regularly review, in consultation with the
22 FedRAMP Board—

23 “(A) the costs associated with the inde-
24 pendent assessment services described in section
25 3611; and

1 “(B) the information relating to foreign in-
2 terests submitted pursuant to section 3612;

3 “(11) in coordination with the Director, the
4 Secretary, and other stakeholders, as appropriate,
5 determine the sufficiency of underlying requirements
6 to identify and assess the provenance of the software
7 in cloud services and products;

8 “(12) support the Federal Secure Cloud Advi-
9 sory Committee established pursuant to section
10 3616; and

11 “(13) take such other actions as the Adminis-
12 trator may determine necessary to carry out
13 FedRAMP.

14 “(b) WEBSITE.—

15 “(1) IN GENERAL.—The Administrator shall
16 maintain a public website to serve as the authori-
17 tative repository for FedRAMP, including the timely
18 publication and updates for all relevant information,
19 guidance, determinations, and other materials re-
20 quired under subsection (a).

21 “(2) CRITERIA AND PROCESS FOR FEDRAMP
22 AUTHORIZATION PRIORITIES.—The Administrator
23 shall develop and make publicly available on the
24 website described in paragraph (1) the criteria and
25 process for prioritizing and selecting cloud com-

1 puting products and services that will receive a
2 FedRAMP authorization, in consultation with the
3 FedRAMP Board and the Chief Information Offi-
4 cers Council.

5 “(c) EVALUATION OF AUTOMATION PROCEDURES.—

6 “(1) IN GENERAL.—The Administrator, in co-
7 ordination with the Secretary, shall assess and
8 evaluate available automation capabilities and proce-
9 dures to improve the efficiency and effectiveness of
10 the issuance of FedRAMP authorizations, including
11 continuous monitoring of cloud computing products
12 and services.

13 “(2) MEANS FOR AUTOMATION.—Not later than
14 1 year after the date of enactment of this section,
15 and updated regularly thereafter, the Administrator
16 shall establish a means for the automation of secu-
17 rity assessments and reviews.

18 “(d) METRICS FOR AUTHORIZATION.—The Adminis-
19 trator shall establish annual metrics regarding the time
20 and quality of the assessments necessary for completion
21 of a FedRAMP authorization process in a manner that
22 can be consistently tracked over time in conjunction with
23 the periodic testing and evaluation process pursuant to
24 section 3554 in a manner that minimizes the agency re-
25 porting burden.

1 **“§ 3610. FedRAMP Board**

2 “(a) ESTABLISHMENT.—There is established a
3 FedRAMP Board to provide input and recommendations
4 to the Administrator regarding the requirements and
5 guidelines for, and the prioritization of, security assess-
6 ments of cloud computing products and services.

7 “(b) MEMBERSHIP.—The FedRAMP Board shall
8 consist of not more than 7 senior officials or experts from
9 agencies appointed by the Director, in consultation with
10 the Administrator, from each of the following:

11 “(1) The Department of Defense.

12 “(2) The Department of Homeland Security.

13 “(3) The General Services Administration.

14 “(4) Such other agencies as determined by the
15 Director, in consultation with the Administrator.

16 “(c) QUALIFICATIONS.—Members of the FedRAMP
17 Board appointed under subsection (b) shall have technical
18 expertise in domains relevant to FedRAMP, such as—

19 “(1) cloud computing;

20 “(2) cybersecurity;

21 “(3) privacy;

22 “(4) risk management; and

23 “(5) other competencies identified by the Direc-
24 tor to support the secure authorization of cloud serv-
25 ices and products.

26 “(d) DUTIES.—The FedRAMP Board shall—

1 “(1) in consultation with the Administrator,
2 serve as a resource for best practices to accelerate
3 the process for obtaining a FedRAMP authorization;

4 “(2) establish and regularly update require-
5 ments and guidelines for security authorizations of
6 cloud computing products and services, consistent
7 with standards and guidelines established by the Di-
8 rector of the National Institute of Standards and
9 Technology, to be used in the determination of
10 FedRAMP authorizations;

11 “(3) monitor and oversee, to the greatest extent
12 practicable, the processes and procedures by which
13 agencies determine and validate requirements for a
14 FedRAMP authorization, including periodic review
15 of the agency determinations described in section
16 3613(b);

17 “(4) ensure consistency and transparency be-
18 tween agencies and cloud service providers in a man-
19 ner that minimizes confusion and engenders trust;
20 and

21 “(5) perform such other roles and responsibil-
22 ities as the Director may assign, with concurrence
23 from the Administrator.

24 “(e) DETERMINATIONS OF DEMAND FOR CLOUD
25 COMPUTING PRODUCTS AND SERVICES.—The FedRAMP

1 Board may consult with the Chief Information Officers
2 Council to establish a process, which may be made avail-
3 able on the website maintained under section 3609(b), for
4 prioritizing and accepting the cloud computing products
5 and services to be granted a FedRAMP authorization.

6 **“§ 3611. Independent assessment**

7 “The Administrator may determine whether
8 FedRAMP may use an independent assessment service to
9 analyze, validate, and attest to the quality and compliance
10 of security assessment materials provided by cloud service
11 providers during the course of a determination of whether
12 to use a cloud computing product or service.

13 **“§ 3612. Declaration of foreign interests**

14 “(a) IN GENERAL.—An independent assessment serv-
15 ice that performs services described in section 3611 shall
16 annually submit to the Administrator information relating
17 to any foreign interest, foreign influence, or foreign con-
18 trol of the independent assessment service.

19 “(b) UPDATES.—Not later than 48 hours after there
20 is a change in foreign ownership or control of an inde-
21 pendent assessment service that performs services de-
22 scribed in section 3611, the independent assessment serv-
23 ice shall submit to the Administrator an update to the in-
24 formation submitted under subsection (a).

1 “(c) CERTIFICATION.—The Administrator may re-
2 quire a representative of an independent assessment serv-
3 ice to certify the accuracy and completeness of any infor-
4 mation submitted under this section.

5 **“§ 3613. Roles and responsibilities of agencies**

6 “(a) IN GENERAL.—In implementing the require-
7 ments of FedRAMP, the head of each agency shall, con-
8 sistent with guidance issued by the Director pursuant to
9 section 3614—

10 “(1) promote the use of cloud computing prod-
11 ucts and services that meet FedRAMP security re-
12 quirements and other risk-based performance re-
13 quirements as determined by the Director, in con-
14 sultation with the Secretary;

15 “(2) confirm whether there is a FedRAMP au-
16 thorization in the secure mechanism provided under
17 section 3609(a)(8) before beginning the process of
18 granting a FedRAMP authorization for a cloud com-
19 puting product or service;

20 “(3) to the extent practicable, for any cloud
21 computing product or service the agency seeks to au-
22 thorize that has received a FedRAMP authorization,
23 use the existing assessments of security controls and
24 materials within any FedRAMP authorization pack-
25 age for that cloud computing product or service; and

1 “(4) provide to the Director data and informa-
2 tion required by the Director pursuant to section
3 3614 to determine how agencies are meeting metrics
4 established by the Administrator.

5 “(b) ATTESTATION.—Upon completing an assess-
6 ment or authorization activity with respect to a particular
7 cloud computing product or service, if an agency deter-
8 mines that the information and data the agency has re-
9 viewed under paragraph (2) or (3) of subsection (a) is
10 wholly or substantially deficient for the purposes of per-
11 forming an authorization of the cloud computing product
12 or service, the head of the agency shall document as part
13 of the resulting FedRAMP authorization package the rea-
14 sons for this determination.

15 “(c) SUBMISSION OF AUTHORIZATIONS TO OPERATE
16 REQUIRED.—Upon issuance of an agency authorization to
17 operate based on a FedRAMP authorization, the head of
18 the agency shall provide a copy of its authorization to op-
19 erate letter and any supplementary information required
20 pursuant to section 3609(a) to the Administrator.

21 “(d) SUBMISSION OF POLICIES REQUIRED.—Not
22 later than 180 days after the date on which the Director
23 issues guidance in accordance with section 3614(1), the
24 head of each agency, acting through the chief information
25 officer of the agency, shall submit to the Director all agen-

1 cy policies relating to the authorization of cloud computing
2 products and services.

3 “(e) PRESUMPTION OF ADEQUACY.—

4 “(1) IN GENERAL.—The assessment of security
5 controls and materials within the authorization
6 package for a FedRAMP authorization shall be pre-
7 sumed adequate for use in an agency authorization
8 to operate cloud computing products and services.

9 “(2) INFORMATION SECURITY REQUIRE-
10 MENTS.—The presumption under paragraph (1)
11 does not modify or alter—

12 “(A) the responsibility of any agency to en-
13 sure compliance with subchapter II of chapter
14 35 for any cloud computing product or service
15 used by the agency; or

16 “(B) the authority of the head of any
17 agency to make a determination that there is a
18 demonstrable need for additional security re-
19 quirements beyond the security requirements
20 included in a FedRAMP authorization for a
21 particular control implementation.

22 **“§ 3614. Roles and responsibilities of the Office of**
23 **Management and Budget**

24 “The Director shall—

1 “(1) in consultation with the Administrator and
2 the Secretary, issue guidance that—

3 “(A) specifies the categories or characteris-
4 tics of cloud computing products and services
5 that are within the scope of FedRAMP;

6 “(B) includes requirements for agencies to
7 obtain a FedRAMP authorization when oper-
8 ating a cloud computing product or service de-
9 scribed in subparagraph (A) as a Federal infor-
10 mation system; and

11 “(C) encompasses, to the greatest extent
12 practicable, all necessary and appropriate cloud
13 computing products and services;

14 “(2) issue guidance describing additional re-
15 sponsibilities of FedRAMP and the FedRAMP
16 Board to accelerate the adoption of secure cloud
17 computing products and services by the Federal
18 Government;

19 “(3) in consultation with the Administrator, es-
20 tablish a process to periodically review FedRAMP
21 authorization packages to support the secure author-
22 ization and reuse of secure cloud products and serv-
23 ices;

24 “(4) oversee the effectiveness of FedRAMP and
25 the FedRAMP Board, including the compliance by

1 the FedRAMP Board with the duties described in
2 section 3610(d); and

3 “(5) to the greatest extent practicable, encour-
4 age and promote consistency of the assessment, au-
5 thorization, adoption, and use of secure cloud com-
6 puting products and services within and across agen-
7 cies.

8 **“§ 3615. Reports to Congress; GAO report**

9 “(a) REPORTS TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this section, and annually
11 thereafter, the Director shall submit to the appropriate
12 congressional committees a report that includes the fol-
13 lowing:

14 “(1) During the preceding year, the status, effi-
15 ciency, and effectiveness of the General Services Ad-
16 ministration under section 3609 and agencies under
17 section 3613 and in supporting the speed, effective-
18 ness, sharing, reuse, and security of authorizations
19 to operate for secure cloud computing products and
20 services.

21 “(2) Progress towards meeting the metrics re-
22 quired under section 3609(d).

23 “(3) Data on FedRAMP authorizations.

24 “(4) The average length of time to issue
25 FedRAMP authorizations.

1 “(5) The number of FedRAMP authorizations
2 submitted, issued, and denied for the preceding year.

3 “(6) A review of progress made during the pre-
4 ceding year in advancing automation techniques to
5 securely automate FedRAMP processes and to accel-
6 erate reporting under this section.

7 “(7) The number and characteristics of author-
8 ized cloud computing products and services in use at
9 each agency consistent with guidance provided by
10 the Director under section 3614.

11 “(8) A review of FedRAMP measures to ensure
12 the security of data stored or processed by cloud
13 service providers, which may include—

14 “(A) geolocation restrictions for provided
15 products or services;

16 “(B) disclosures of foreign elements of
17 supply chains of acquired products or services;

18 “(C) continued disclosures of ownership of
19 cloud service providers by foreign entities; and

20 “(D) encryption for data processed, stored,
21 or transmitted by cloud service providers.

22 “(b) GAO REPORT.—Not later than 180 days after
23 the date of enactment of this section, the Comptroller
24 General of the United States shall report to the appro-

1 p r i a t e c o n g r e s s i o n a l c o m m i t t e e s a n a s s e s s m e n t o f t h e f o l -
2 l o w i n g :

3 “(1) The costs incurred by agencies and cloud
4 service providers relating to the issuance of
5 FedRAMP authorizations.

6 “(2) The extent to which agencies have proc-
7 esses in place to continuously monitor the implemen-
8 tation of cloud computing products and services op-
9 erating as Federal information systems.

10 “(3) How often and for which categories of
11 products and services agencies use FedRAMP au-
12 thorizations.

13 “(4) The unique costs and potential burdens in-
14 curred by cloud computing companies that are small
15 business concerns (as defined in section 3(a) of the
16 Small Business Act (15 U.S.C. 632(a)) as a part of
17 the FedRAMP authorization process.

18 **“§ 3616. Federal Secure Cloud Advisory Committee**

19 “(a) ESTABLISHMENT, PURPOSES, AND DUTIES.—

20 “(1) ESTABLISHMENT.—There is established a
21 Federal Secure Cloud Advisory Committee (referred
22 to in this section as the ‘Committee’) to ensure ef-
23 fective and ongoing coordination of agency adoption,
24 use, authorization, monitoring, acquisition, and secu-

1 rity of cloud computing products and services to en-
2 able agency mission and administrative priorities.

3 “(2) PURPOSES.—The purposes of the Com-
4 mittee are the following:

5 “(A) To examine the operations of
6 FedRAMP and determine ways that authoriza-
7 tion processes can continuously be improved, in-
8 cluding the following:

9 “(i) Measures to increase agency
10 reuse of FedRAMP authorizations.

11 “(ii) Proposed actions that can be
12 adopted to reduce the burden, confusion,
13 and cost associated with FedRAMP au-
14 thorizations for cloud service providers.

15 “(iii) Measures to increase the num-
16 ber of FedRAMP authorizations for cloud
17 computing products and services offered by
18 small businesses concerns (as defined by
19 section 3(a) of the Small Business Act (15
20 U.S.C. 632(a)).

21 “(iv) Proposed actions that can be
22 adopted to reduce the burden and cost of
23 FedRAMP authorizations for agencies.

1 “(B) Collect information and feedback on
2 agency compliance with and implementation of
3 FedRAMP requirements.

4 “(C) Serve as a forum that facilitates com-
5 munication and collaboration among the
6 FedRAMP stakeholder community.

7 “(3) DUTIES.—The duties of the Committee in-
8 clude providing advice and recommendations to the
9 Administrator, the FedRAMP Board, and agencies
10 on technical, financial, programmatic, and oper-
11 ational matters regarding secure adoption of cloud
12 computing products and services.

13 “(b) MEMBERS.—

14 “(1) COMPOSITION.—The Committee shall be
15 comprised of not more than 15 members who are
16 qualified representatives from the public and private
17 sectors, appointed by the Administrator, in consulta-
18 tion with the Director, as follows:

19 “(A) The Administrator or the Administra-
20 tor’s designee, who shall be the Chair of the
21 Committee.

22 “(B) At least 1 representative each from
23 the Cybersecurity and Infrastructure Security
24 Agency and the National Institute of Standards
25 and Technology.

1 “(C) At least 2 officials who serve as the
2 Chief Information Security Officer within an
3 agency, who shall be required to maintain such
4 a position throughout the duration of their serv-
5 ice on the Committee.

6 “(D) At least 1 official serving as Chief
7 Procurement Officer (or equivalent) in an agen-
8 cy, who shall be required to maintain such a po-
9 sition throughout the duration of their service
10 on the Committee.

11 “(E) At least 1 individual representing an
12 independent assessment service.

13 “(F) At least 5 representatives from
14 unique businesses that primarily provide cloud
15 computing services or products, including at
16 least 2 representatives from a small business
17 concern (as defined by section 3(a) of the Small
18 Business Act (15 U.S.C. 632(a))).

19 “(G) At least 2 other representatives of the
20 Federal Government as the Administrator de-
21 termines necessary to provide sufficient balance,
22 insights, or expertise to the Committee.

23 “(2) DEADLINE FOR APPOINTMENT.—Each
24 member of the Committee shall be appointed not

1 later than 90 days after the date of enactment of
2 this section.

3 “(3) PERIOD OF APPOINTMENT; VACANCIES.—

4 “(A) IN GENERAL.—Each non-Federal
5 member of the Committee shall be appointed
6 for a term of 3 years, except that the initial
7 terms for members may be staggered 1-, 2-, or
8 3-year terms to establish a rotation in which
9 one-third of the members are selected each
10 year. Any such member may be appointed for
11 not more than 2 consecutive terms.

12 “(B) VACANCIES.—Any vacancy in the
13 Committee shall not affect its powers, but shall
14 be filled in the same manner in which the origi-
15 nal appointment was made. Any member ap-
16 pointed to fill a vacancy occurring before the
17 expiration of the term for which the member’s
18 predecessor was appointed shall be appointed
19 only for the remainder of that term. A member
20 may serve after the expiration of that member’s
21 term until a successor has taken office.

22 “(c) MEETINGS AND RULES OF PROCEDURES.—

23 “(1) MEETINGS.—The Committee shall hold
24 not fewer than 3 meetings in a calendar year, at
25 such time and place as determined by the Chair.

1 “(2) INITIAL MEETING.—Not later than 120
2 days after the date of enactment of this section, the
3 Committee shall meet and begin the operations of
4 the Committee.

5 “(3) RULES OF PROCEDURE.—The Committee
6 may establish rules for the conduct of the business
7 of the Committee if such rules are not inconsistent
8 with this section or other applicable law.

9 “(d) EMPLOYEE STATUS.—

10 “(1) IN GENERAL.—A member of the Com-
11 mittee (other than a member who is appointed to the
12 Committee in connection with another Federal ap-
13 pointment) shall not be considered an employee of
14 the Federal Government by reason of any service as
15 such a member, except for the purposes of section
16 5703 of title 5, relating to travel expenses.

17 “(2) PAY NOT PERMITTED.—A member of the
18 Committee covered by paragraph (1) may not receive
19 pay by reason of service on the Committee.

20 “(e) APPLICABILITY TO THE FEDERAL ADVISORY
21 COMMITTEE ACT.—Section 14 of the Federal Advisory
22 Committee Act (5 U.S.C. App.) shall not apply to the
23 Committee.

24 “(f) DETAIL OF EMPLOYEES.—Any Federal Govern-
25 ment employee may be detailed to the Committee without

1 reimbursement from the Committee, and such detailee
2 shall retain the rights, status, and privileges of his or her
3 regular employment without interruption.

4 “(g) POSTAL SERVICES.—The Committee may use
5 the United States mails in the same manner and under
6 the same conditions as agencies.

7 “(h) REPORTS.—

8 “(1) INTERIM REPORTS.—The Committee may
9 submit to the Administrator and Congress interim
10 reports containing such findings, conclusions, and
11 recommendations as have been agreed to by the
12 Committee.

13 “(2) ANNUAL REPORTS.—Not later than 540
14 days after the date of enactment of this section, and
15 annually thereafter, the Committee shall submit to
16 the Administrator and Congress a report containing
17 such findings, conclusions, and recommendations as
18 have been agreed to by the Committee.”.

19 (c) TECHNICAL AND CONFORMING AMENDMENT.—

20 The table of sections for chapter 36 of title 44, United
21 States Code, is amended by adding at the end the fol-
22 lowing new items:

“3607. Definitions.

“3608. Federal Risk and Authorization Management Program.

“3609. Roles and responsibilities of the General Services Administration.

“3610. FedRAMP Board.

“3611. Independent assessment.

“3612. Declaration of foreign interests.

“3613. Roles and responsibilities of agencies.

“3614. Roles and responsibilities of the Office of Management and Budget.

“3615. Reports to Congress; GAO report.

“3616. Federal Secure Cloud Advisory Committee.”.

1 (d) SUNSET.—

2 (1) IN GENERAL.—Effective on the date that is
3 5 years after the date of enactment of this Act,
4 chapter 36 of title 44, United States Code, is
5 amended by striking sections 3607 through 3616.

6 (2) CONFORMING AMENDMENT.—Effective on
7 the date that is 5 years after the date of enactment
8 of this Act, the table of sections for chapter 36 of
9 title 44, United States Code, is amended by striking
10 the items relating to sections 3607 through 3616.

11 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion or any amendment made by this section shall be con-
13 strued as altering or impairing the authorities of the Di-
14 rector of the Office of Management and Budget or the
15 Secretary of Homeland Security under subchapter II of
16 chapter 35 of title 44, United States Code.

17 **Subtitle D—Judicial Security and** 18 **Privacy**

19 **SEC. 5931. SHORT TITLE.**

20 This subtitle may be cited as the “Daniel Anderl Ju-
21 dicial Security and Privacy Act of 2022”.

22 **SEC. 5932. FINDINGS AND PURPOSE.**

23 (a) FINDINGS.—Congress finds the following:

1 (1) Members of the Federal judiciary perform
2 the important function of interpreting the Constitu-
3 tion of the United States and administering justice
4 in a fair and impartial manner.

5 (2) In recent years, partially as a result of the
6 rise in the use of social media and online access to
7 information, members of the Federal judiciary have
8 been exposed to an increased number of personal
9 threats in connection to their role. The ease of ac-
10 cess to free or inexpensive sources of covered infor-
11 mation has considerably lowered the effort required
12 for malicious actors to discover where individuals
13 live and where they spend leisure hours and to find
14 information about their family members. Such
15 threats have included calling a judge a traitor with
16 references to mass shootings and serial killings, a
17 murder attempt on a justice of the Supreme Court
18 of the United States, calling for an “angry mob” to
19 gather outside a home of a judge and, in reference
20 to a judge on the court of appeals of the United
21 States, stating how easy it would be to “get them”.

22 (3) Between 2015 and 2019, threats and other
23 inappropriate communications against Federal
24 judges and other judiciary personnel increased from
25 926 in 2015 to approximately 4,449 in 2019.

1 (4) Over the past decade, several members of
2 the Federal judiciary have experienced acts of vio-
3 lence against themselves or a family member in con-
4 nection to their Federal judiciary role, including the
5 murder in 2005 of the family of Joan Lefkow, a
6 judge for the United States District Court for the
7 Northern District of Illinois.

8 (5) On Sunday July 19, 2020, an assailant
9 went to the home of Esther Salas, a judge for the
10 United States District Court for the District of New
11 Jersey, impersonating a package delivery driver,
12 opening fire upon arrival, and killing Daniel Anderl,
13 the 20-year-old only son of Judge Salas, and seri-
14 ously wounding Mark Anderl, her husband.

15 (6) In the aftermath of the recent tragedy that
16 occurred to Judge Salas and in response to the con-
17 tinuous rise of threats against members of the Fed-
18 eral judiciary, there is an immediate need for en-
19 hanced security procedures and increased availability
20 of tools to protect Federal judges and their families.

21 (b) PURPOSE.—The purpose of this subtitle is to im-
22 prove the safety and security of Federal judges, including
23 senior, recalled, or retired Federal judges, and their imme-
24 diate family members to ensure Federal judges are able
25 to administer justice fairly without fear of personal re-

1 praisal from individuals affected by the decisions they make
2 in the course of carrying out their public duties.

3 **SEC. 5933. DEFINITIONS.**

4 In this subtitle:

5 (1) **AT-RISK INDIVIDUAL.**—The term “at-risk
6 individual” means—

7 (A) a Federal judge;

8 (B) a senior, recalled, or retired Federal
9 judge;

10 (C) any individual who is the spouse, par-
11 ent, sibling, or child of an individual described
12 in subparagraph (A) or (B);

13 (D) any individual to whom an individual
14 described in subparagraph (A) or (B) stands in
15 loco parentis; or

16 (E) any other individual living in the
17 household of an individual described in subpara-
18 graph (A) or (B).

19 (2) **COVERED INFORMATION.**—The term “cov-
20 ered information”—

21 (A) means—

22 (i) a home address, including primary
23 residence or secondary residences;

24 (ii) a home or personal mobile tele-
25 phone number;

- 1 (iii) a personal email address;
- 2 (iv) a social security number or driv-
- 3 er's license number;
- 4 (v) a bank account or credit or debit
- 5 card information;
- 6 (vi) a license plate number or other
- 7 unique identifiers of a vehicle owned,
- 8 leased, or regularly used by an at-risk indi-
- 9 vidual;
- 10 (vii) the identification of children of
- 11 an at-risk individual under the age of 18;
- 12 (viii) the full date of birth;
- 13 (ix) information regarding current or
- 14 future school or day care attendance, in-
- 15 cluding the name or address of the school
- 16 or day care, schedules of attendance, or
- 17 routes taken to or from the school or day
- 18 care by an at-risk individual; or
- 19 (x) information regarding the employ-
- 20 ment location of an at-risk individual, in-
- 21 cluding the name or address of the em-
- 22 ployer, employment schedules, or routes
- 23 taken to or from the employer by an at-
- 24 risk individual; and

1 (B) does not include information regarding
2 employment with a Government agency.

3 (3) DATA BROKER.—

4 (A) IN GENERAL.—The term “data
5 broker” means an entity that collects and sells
6 or licenses to third parties the personal infor-
7 mation of an individual with whom the entity
8 does not have a direct relationship..

9 (B) EXCLUSION.—The term “data broker”
10 does not include a commercial entity engaged in
11 the following activities:

12 (i) Engaging in reporting, news-gath-
13 ering, speaking, or other activities intended
14 to inform the public on matters of public
15 interest or public concern.

16 (ii) Providing 411 directory assistance
17 or directory information services, including
18 name, address, and telephone number, on
19 behalf of or as a function of a tele-
20 communications carrier.

21 (iii) Using personal information inter-
22 nally, providing access to businesses under
23 common ownership or affiliated by cor-
24 porate control, or selling or providing data
25 for a transaction or service requested by or

1 concerning the individual whose personal
2 information is being transferred.

3 (iv) Providing publicly available infor-
4 mation via real-time or near-real-time alert
5 services for health or safety purposes.

6 (v) A consumer reporting agency sub-
7 ject to the Fair Credit Reporting Act (15
8 U.S.C. 1681 et seq.).

9 (vi) A financial institution subject to
10 the Gramm-Leach-Bliley Act (Public Law
11 106–102) and regulations implementing
12 that title.

13 (vii) A covered entity for purposes of
14 the privacy regulations promulgated under
15 section 264(c) of the Health Insurance
16 Portability and Accountability Act of 1996
17 (42 U.S.C. 1320d-2 note).

18 (viii) The collection and sale or licens-
19 ing of covered information incidental to
20 conducting the activities described in
21 clauses (i) through (vii).

22 (4) FEDERAL JUDGE.—The term “Federal
23 judge” means—

24 (A) a justice of the United States or a
25 judge of the United States, as those terms are

1 defined in section 451 of title 28, United States
2 Code;

3 (B) a bankruptcy judge appointed under
4 section 152 of title 28, United States Code;

5 (C) a United States magistrate judge ap-
6 pointed under section 631 of title 28, United
7 States Code;

8 (D) a judge confirmed by the United
9 States Senate and empowered by statute in any
10 commonwealth, territory, or possession to per-
11 form the duties of a Federal judge;

12 (E) a judge of the United States Court of
13 Federal Claims appointed under section 171 of
14 title 28, United States Code;

15 (F) a judge of the United States Court of
16 Appeals for Veterans Claims appointed under
17 section 7253 of title 38, United States Code;

18 (G) a judge of the United States Court of
19 Appeals for the Armed Forces appointed under
20 section 942 of title 10, United States Code;

21 (H) a judge of the United States Tax
22 Court appointed under section 7443 of the In-
23 ternal Revenue Code of 1986; and

1 (I) a special trial judge of the United
2 States Tax Court appointed under section
3 7443A of the Internal Revenue Code of 1986.

4 (5) GOVERNMENT AGENCY.—The term “Gov-
5 ernment agency” includes—

6 (A) an Executive agency, as defined in sec-
7 tion 105 of title 5, United States Code; and

8 (B) any agency in the judicial branch or
9 legislative branch.

10 (6) IMMEDIATE FAMILY MEMBER.—The term
11 “immediate family member” means—

12 (A) any individual who is the spouse, par-
13 ent, sibling, or child of an at-risk individual;

14 (B) any individual to whom an at-risk indi-
15 vidual stands in loco parentis; or

16 (C) any other individual living in the
17 household of an at-risk individual.

18 (7) INTERACTIVE COMPUTER SERVICE.—The
19 term “interactive computer service” has the meaning
20 given the term in section 230 of the Communica-
21 tions Act of 1934 (47 U.S.C. 230).

22 (8) TRANSFER.—The term “transfer” means to
23 sell, license, trade, or exchange for consideration the
24 covered information of an at-risk individual or im-
25 mediate family member.

1 **SEC. 5934. PROTECTING COVERED INFORMATION IN PUB-**
2 **LIC RECORDS.**

3 (a) GOVERNMENT AGENCIES.—

4 (1) IN GENERAL.—Each at-risk individual
5 may—

6 (A) file written notice of the status of the
7 individual as an at-risk individual, for them-
8 selves and immediate family members, with
9 each Government agency that includes informa-
10 tion necessary to ensure compliance with this
11 section; and

12 (B) request that each Government agency
13 described in subparagraph (A) mark as private
14 their covered information and that of their im-
15 mediate family members.

16 (2) NO PUBLIC POSTING.—Government agen-
17 cies shall not publicly post or display publicly avail-
18 able content that includes covered information of an
19 at-risk individual or immediate family member. Gov-
20 ernment agencies, upon receipt of a written request
21 under paragraph (1)(A), shall remove the covered in-
22 formation of the at-risk individual or immediate
23 family member from publicly available content not
24 later than 72 hours after such receipt.

25 (3) EXCEPTIONS.—Nothing in this section shall
26 prohibit a Government agency from providing access

1 to records containing the covered information of a
2 Federal judge to a third party if the third party—

3 (A) possesses a signed release from the
4 Federal judge or a court order;

5 (B) is subject to the requirements of title
6 V of the Gramm-Leach-Bliley Act (15 U.S.C.
7 6801 et seq.); or

8 (C) executes a confidentiality agreement
9 with the Government agency.

10 (b) DELEGATION OF AUTHORITY.—

11 (1) IN GENERAL.—An at-risk individual may di-
12 rectly, or through an agent designated by the at-risk
13 individual, make any notice or request required or
14 authorized by this section on behalf of the at-risk in-
15 dividual. The notice or request shall be in writing
16 and contain information necessary to ensure compli-
17 ance with this section, including information ex-
18 pressly referencing the prohibition on the posting or
19 transfer of covered information, information regard-
20 ing redress and penalties for violations provided in
21 subsection (f), and contact information to allow the
22 recipient to verify the accuracy of any notice or re-
23 quest and answer questions by the recipient of the
24 notice or request.

1 (2) AUTHORIZATION OF GOVERNMENT AGEN-
2 CIES TO MAKE REQUESTS.—

3 (A) ADMINISTRATIVE OFFICE OF THE
4 UNITED STATES COURTS.—Upon written re-
5 quest of an at-risk individual described in sub-
6 paragraphs (A) through (E) of section 5933(4),
7 the Director of the Administrative Office of the
8 United States Courts is authorized to make any
9 notice or request required or authorized by this
10 section on behalf of the at-risk individual. The
11 notice or request shall include information nec-
12 essary to ensure compliance with this section,
13 as determined by the Administrative Office of
14 the United States Courts. The Director may
15 delegate this authority under section 602(d) of
16 title 28, United States Code. Any notice or re-
17 quest made under this subsection shall be
18 deemed to have been made by the at-risk indi-
19 vidual and comply with the notice and request
20 requirements of this section.

21 (B) UNITED STATES COURT OF APPEALS
22 FOR VETERANS CLAIMS.—Upon written request
23 of an at-risk individual described in section
24 5933(4)(F), the chief judge of the United
25 States Court of Appeals for Veterans Claims is

1 authorized to make any notice or request re-
2 quired or authorized by this section on behalf of
3 the at-risk individual. Any notice or request
4 made under this subsection shall be deemed to
5 have been made by the at-risk individual and
6 comply with the notice and request require-
7 ments of this section.

8 (C) UNITED STATES COURT OF APPEALS
9 FOR THE ARMED FORCES.—Upon written re-
10 quest of an at-risk individual described in sec-
11 tion 5933(4)(G), the chief judge of the United
12 States Court of Appeals for the Armed Forces
13 is authorized to make any notice or request re-
14 quired or authorized by this section on behalf of
15 the at-risk individual. Any notice or request
16 made under this subsection shall be deemed to
17 have been made by the at-risk individual and
18 comply with the notice and request require-
19 ments of this section.

20 (D) UNITED STATES TAX COURT.—Upon
21 written request of an at-risk individual de-
22 scribed in subparagraph (H) or (I) of section
23 5933(4), the chief judge of the United States
24 Tax Court is authorized to make any notice or
25 request required or authorized by this section

1 on behalf of the at-risk individual. Any notice
2 or request made under this subsection shall be
3 deemed to have been made by the at-risk indi-
4 vidual and comply with the notice and request
5 requirements of this section.

6 (c) STATE AND LOCAL GOVERNMENTS.—

7 (1) GRANT PROGRAM TO PREVENT DISCLOSURE
8 OF PERSONAL INFORMATION OF AT-RISK INDIVID-
9 UALS OR IMMEDIATE FAMILY MEMBERS.—

10 (A) AUTHORIZATION.—The Attorney Gen-
11 eral may make grants to prevent the release of
12 covered information of at-risk individuals and
13 immediate family members (in this subsection
14 referred to as “judges’ covered information”) to
15 the detriment of such individuals or their imme-
16 diate family members to an entity that—

17 (i) is—

18 (I) a State or unit of local gov-
19 ernment, as defined in section 901 of
20 title I of the Omnibus Crime Control
21 and Safe Streets Act of 1968 (34
22 U.S.C. 10251); or

23 (II) an agency of a State or unit
24 of local government; and

1 (ii) operates a State or local database
2 or registry that contains covered informa-
3 tion.

4 (B) APPLICATION.—An entity seeking a
5 grant under this subsection shall submit to the
6 Attorney General an application at such time,
7 in such manner, and containing such informa-
8 tion as the Attorney General may reasonably
9 require.

10 (2) SCOPE OF GRANTS.—Grants made under
11 this subsection may be used to create or expand pro-
12 grams designed to protect judges' covered informa-
13 tion, including through—

14 (A) the creation of programs to redact or
15 remove judges' covered information, upon the
16 request of an at-risk individual, from public
17 records in State agencies, including hiring a
18 third party to redact or remove judges' covered
19 information from public records;

20 (B) the expansion of existing programs
21 that the State may have enacted in an effort to
22 protect judges' covered information;

23 (C) the development or improvement of
24 protocols, procedures, and policies to prevent
25 the release of judges' covered information;

1 (D) the defrayment of costs of modifying
2 or improving existing databases and registries
3 to ensure that judges' covered information is
4 covered from release; and

5 (E) the development of confidential opt out
6 systems that will enable at-risk individuals to
7 make a single request to keep judges' covered
8 information out of multiple databases or reg-
9 istries.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than 1 year
12 after the date of enactment of this Act, and bi-
13 ennially thereafter, the Comptroller General of
14 the United States, shall submit to the Com-
15 mittee on the Judiciary of the Senate and the
16 Committee on the Judiciary of the House of
17 Representatives an annual report that in-
18 cludes—

19 (i) a detailed amount spent by States
20 and local governments on protecting
21 judges' covered information;

22 (ii) where the judges' covered infor-
23 mation was found; and

24 (iii) the collection of any new types of
25 personal data found to be used to identify

1 judges who have received threats, including
2 prior home addresses, employers, and insti-
3 tutional affiliations such as nonprofit
4 boards.

5 (B) STATES AND LOCAL GOVERNMENTS.—
6 States and local governments that receive funds
7 under this subsection shall submit to the Comp-
8 troller General of the United States a report on
9 data described in clauses (i) and (ii) of sub-
10 paragraph (A) to be included in the report re-
11 quired under that subparagraph.

12 (d) DATA BROKERS AND OTHER BUSINESSES.—

13 (1) PROHIBITIONS.—

14 (A) DATA BROKERS.—It shall be unlawful
15 for a data broker to knowingly sell, license,
16 trade for consideration, transfer, or purchase
17 covered information of an at-risk individual or
18 immediate family members.

19 (B) OTHER PERSONS AND BUSINESSES.—

20 (i) IN GENERAL.—Except as provided
21 in clause (ii), no person, business, or asso-
22 ciation shall publicly post or publicly dis-
23 play on the internet covered information of
24 an at-risk individual or immediate family
25 member if the at-risk individual has made

1 a written request to that person, business,
2 or association not to disclose or acquire the
3 covered information of the at-risk indi-
4 vidual or immediate family member.

5 (ii) EXCEPTIONS.—Clause (i) shall
6 not apply to—

7 (I) the display on the internet of
8 the covered information of an at-risk
9 individual or immediate family mem-
10 ber if the information is relevant to
11 and displayed as part of a news story,
12 commentary, editorial, or other speech
13 on a matter of public concern;

14 (II) covered information that the
15 at-risk individual voluntarily publishes
16 on the internet after the date of en-
17 actment of this Act; or

18 (III) covered information lawfully
19 received from a Federal Government
20 source (or from an employee or agent
21 of the Federal Government).

22 (2) REQUIRED CONDUCT.—

23 (A) IN GENERAL.—After receiving a writ-
24 ten request under paragraph (1)(B), the per-
25 son, business, or association shall—

1 (i) remove within 72 hours the cov-
2 ered information identified in the written
3 request from the internet and ensure that
4 the information is not made available on
5 any website or subsidiary website con-
6 trolled by that person, business, or associa-
7 tion and identify any other instances of the
8 identified information that should also be
9 removed; and

10 (ii) assist the sender to locate the cov-
11 ered information of the at-risk individual
12 or immediate family member posted on any
13 website or subsidiary website controlled by
14 that person, business, or association.

15 (B) TRANSFER.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), after receiving a written re-
18 quest under paragraph (1)(B), the person,
19 business, or association shall not transfer
20 the covered information of the at-risk indi-
21 vidual or immediate family member to any
22 other person, business, or association
23 through any medium.

24 (ii) EXCEPTIONS.—Clause (i) shall
25 not apply to—

1 (I) the transfer of the covered in-
2 formation of the at-risk individual or
3 immediate family member if the infor-
4 mation is relevant to and displayed as
5 part of a news story, commentary,
6 editorial, or other speech on a matter
7 of public concern;

8 (II) covered information that the
9 at-risk individual or immediate family
10 member voluntarily publishes on the
11 internet after the date of enactment
12 of this Act; or

13 (III) a transfer made at the re-
14 quest of the at-risk individual or that
15 is necessary to effectuate a request to
16 the person, business, or association
17 from the at-risk individual.

18 (e) DATA SECURITY.—

19 (1) RECIPIENTS.—Any interactive computer
20 service shall implement and maintain reasonable se-
21 curity procedures and practices to protect any infor-
22 mation collected or received to comply with the re-
23 quirements of this subtitle from unauthorized use,
24 disclosure, access, destruction, or modification.

1 (2) GOVERNMENT CUSTODIANS.—The Adminis-
2 trative Office of the United States Courts and the
3 administrators of the courts described in this sub-
4 title shall implement and maintain reasonable secu-
5 rity procedures and practices to protect any informa-
6 tion they collect, receive, or transmit pursuant to the
7 provisions of this subtitle.

8 (f) REDRESS AND PENALTIES.—

9 (1) IN GENERAL.—If the covered information of
10 an at-risk individual described in subparagraphs (A)
11 through (E) of section 5933(4) or their immediate
12 family is made public as a result of a violation of
13 this subtitle, the Director of the Administrative Of-
14 fice of the United States Courts, or the designee of
15 the Director, may file an action seeking injunctive or
16 declaratory relief in any court of competent jurisdic-
17 tion, through the Department of Justice.

18 (2) AUTHORITY.—The respective chief judge for
19 judges described in subparagraphs (B), (C), and (D)
20 of section 5934(b)(2) shall have the same authority
21 as the Director under this paragraph for at-risk in-
22 dividuals in their courts or their immediate family
23 members.

24 (3) PENALTIES AND DAMAGES.—If a person,
25 business, or association knowingly violates an order

1 granting injunctive or declarative relief under para-
2 graph (1), the court issuing such order may—

3 (A) if the person, business, or association
4 is a government agency—

5 (i) impose a fine not greater than
6 \$4,000; and

7 (ii) award to the at-risk individual or
8 their immediate family, as applicable, court
9 costs and reasonable attorney's fees; and

10 (B) if the person, business, or association
11 is not a government agency, award to the at-
12 risk individual or their immediate family, as ap-
13 plicable—

14 (i) an amount equal to the actual
15 damages sustained by the at-risk individual
16 or their immediate family; and

17 (ii) court costs and reasonable attor-
18 ney's fees.

19 **SEC. 5935. TRAINING AND EDUCATION.**

20 Amounts appropriated to the Federal judiciary for
21 fiscal year 2022, and each fiscal year thereafter, may be
22 used for biannual judicial security training for active, sen-
23 ior, or recalled Federal judges described in subparagraph
24 (A), (B), (C), (D), or (E) of section 5933(4) and their
25 immediate family members, including—

1 (1) best practices for using social media and
2 other forms of online engagement and for maintain-
3 ing online privacy;

4 (2) home security program and maintenance;

5 (3) understanding removal programs and re-
6 quirements for covered information; and

7 (4) any other judicial security training that the
8 United States Marshals Services and the Adminis-
9 trative Office of the United States Courts deter-
10 mines is relevant.

11 **SEC. 5936. VULNERABILITY MANAGEMENT CAPABILITY.**

12 (a) AUTHORIZATION.—

13 (1) VULNERABILITY MANAGEMENT CAPA-
14 BILITY.—The Federal judiciary is authorized to per-
15 form all necessary functions consistent with the pro-
16 visions of this subtitle and to support existing threat
17 management capabilities within the United States
18 Marshals Service and other relevant Federal law en-
19 forcement and security agencies for active, senior,
20 recalled, and retired Federal judges described in
21 subparagraphs (A), (B), (C), (D), and (E) of section
22 5933(4), including—

23 (A) monitoring the protection of at-risk in-
24 dividuals and judiciary assets;

1 (B) managing the monitoring of websites
2 for covered information of at-risk individuals
3 and immediate family members and remove or
4 limit the publication of such information;

5 (C) receiving, reviewing, and analyzing
6 complaints by at-risk individuals of threats,
7 whether direct or indirect, and report such
8 threats to law enforcement partners; and

9 (D) providing training described in section
10 5935.

11 (2) VULNERABILITY MANAGEMENT FOR CER-
12 TAIN ARTICLE I COURTS.—The functions and sup-
13 port authorized in paragraph (1) shall be authorized
14 as follows:

15 (A) The chief judge of the United States
16 Court of Appeals for Veterans Claims is author-
17 ized to perform such functions and support for
18 the Federal judges described in section
19 5933(4)(F).

20 (B) The United States Court of Appeals
21 for the Armed Forces is authorized to perform
22 such functions and support for the Federal
23 judges described in section 5933(4)(G).

24 (C) The United States Tax Court is au-
25 thorized to perform such functions and support

1 for the Federal judges described in subpara-
2 graphs (H) and (I) of section 5933(4).

3 (3) TECHNICAL AND CONFORMING AMEND-
4 MENT.—Section 604(a) of title 28, United States
5 Code is amended—

6 (A) in paragraph (23), by striking “and”
7 at the end;

8 (B) in paragraph (24) by striking “him”
9 and inserting “the Director”;

10 (C) by redesignating paragraph (24) as
11 paragraph (25); and

12 (D) by inserting after paragraph (23) the
13 following:

14 “(24) Establish and administer a vulnerability
15 management program in the judicial branch; and”.

16 (b) EXPANSION OF CAPABILITIES OF OFFICE OF
17 PROTECTIVE INTELLIGENCE.—

18 (1) IN GENERAL.—The United States Marshals
19 Service is authorized to expand the current capabili-
20 ties of the Office of Protective Intelligence of the Ju-
21 dicial Security Division to increase the workforce of
22 the Office of Protective Intelligence to include addi-
23 tional intelligence analysts, United States deputy
24 marshals, and any other relevant personnel to ensure
25 that the Office of Protective Intelligence is ready

1 and able to perform all necessary functions, con-
2 sistent with the provisions of this subtitle, in order
3 to anticipate and deter threats to the Federal judici-
4 ary, including—

5 (A) assigning personnel to State and major
6 urban area fusion and intelligence centers for
7 the specific purpose of identifying potential
8 threats against the Federal judiciary and co-
9 ordinating responses to such potential threats;

10 (B) expanding the use of investigative ana-
11 lysts, physical security specialists, and intel-
12 ligence analysts at the 94 judicial districts and
13 territories to enhance the management of local
14 and distant threats and investigations; and

15 (C) increasing the number of United
16 States Marshal Service personnel for the protec-
17 tion of the Federal judicial function and as-
18 signed to protective operations and details for
19 the Federal judiciary.

20 (2) INFORMATION SHARING.—If any of the ac-
21 tivities of the United States Marshals Service un-
22 cover information related to threats to individuals
23 other than Federal judges, the United States Mar-
24 shals Service shall, to the maximum extent prac-

1 ticable, share such information with the appropriate
2 Federal, State, and local law enforcement agencies.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Department
6 of Justice, in consultation with the Administrative
7 Office of the United States Courts, the United
8 States Court of Appeals for Veterans Claims, the
9 United States Court of Appeals for the Armed
10 Forces, and the United States Tax Court, shall sub-
11 mit to the Committee on the Judiciary of the Senate
12 and the Committee on the Judiciary of the House of
13 Representatives a report on the security of Federal
14 judges arising from Federal prosecutions and civil
15 litigation.

16 (2) DESCRIPTION.—The report required under
17 paragraph (1) shall describe—

18 (A) the number and nature of threats and
19 assaults against at-risk individuals handling
20 prosecutions and other matters described in
21 paragraph (1) and the reporting requirements
22 and methods;

23 (B) the security measures that are in place
24 to protect at-risk individuals handling prosecu-
25 tions described in paragraph (1), including

1 threat assessments, response procedures, the
2 availability of security systems and other de-
3 vices, firearms licensing such as deputations,
4 and other measures designed to protect the at-
5 risk individuals and their immediate family
6 members; and

7 (C) for each requirement, measure, or pol-
8 icy described in subparagraphs (A) and (B),
9 when the requirement, measure, or policy was
10 developed and who was responsible for devel-
11 oping and implementing the requirement, meas-
12 ure, or policy.

13 (3) PUBLIC POSTING.—The report described in
14 paragraph (1) shall, in whole or in part, be exempt
15 from public disclosure if the Attorney General deter-
16 mines that such public disclosure could endanger an
17 at-risk individual.

18 **SEC. 5937. RULES OF CONSTRUCTION.**

19 (a) IN GENERAL.—Nothing in this subtitle shall be
20 construed—

21 (1) to prohibit, restrain, or limit—

22 (A) the lawful investigation or reporting by
23 the press of any unlawful activity or misconduct
24 alleged to have been committed by an at-risk in-
25 dividual or their immediate family member; or

1 (B) the reporting on an at-risk individual
2 or their immediate family member regarding
3 matters of public concern;

4 (2) to impair access to decisions and opinions
5 from a Federal judge in the course of carrying out
6 their public functions;

7 (3) to limit the publication or transfer of cov-
8 ered information with the written consent of the at-
9 risk individual or their immediate family member;

10 (4) to prohibit information sharing by a data
11 broker to a Federal, State, Tribal, or local govern-
12 ment, or any unit thereof; or

13 (5) to impose liability on an interactive com-
14 puter service in a manner that is inconsistent with
15 the provisions of section 230 of the Communications
16 Act of 1934 (47 U.S.C. 230) if the interactive com-
17 puter service—

18 (A) has removed or disabled access to ma-
19 terial identified in a notice or request, as per-
20 mitted under subsection (c)(2)(A) of that sec-
21 tion (47 U.S.C. 230(c)(2)(A)); and

22 (B) otherwise complies with section
23 5934(d)(2)(A) of this subtitle.

24 (b) PROTECTION OF COVERED INFORMATION.—This
25 subtitle shall be broadly construed to favor the protection

1 of the covered information of at-risk individuals and their
2 immediate family members.

3 **SEC. 5938. SEVERABILITY.**

4 If any provision of this subtitle, an amendment made
5 by this subtitle, or the application of such provision or
6 amendment to any person or circumstance is held to be
7 unconstitutional, the remainder of this subtitle and the
8 amendments made by this subtitle, and the application of
9 the remaining provisions of this subtitle and amendments
10 to any person or circumstance shall not be affected.

11 **SEC. 5939. EFFECTIVE DATE.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), this subtitle shall take effect on the date of enactment
14 of this Act.

15 (b) EXCEPTION.—Subsections (c)(1), (d), and (e) of
16 section 5934 shall take effect on the date that is 120 days
17 after the date of enactment of this Act.

18 **Subtitle E—Other Matters**

19 **SEC. 5941. SECRETARY OF AGRICULTURE REPORT ON IM-**
20 **PROVING SUPPLY CHAIN SHORTFALLS AND**
21 **INFRASTRUCTURE NEEDS AT WHOLESALE**
22 **PRODUCE MARKETS.**

23 (a) IN GENERAL.—Not later than one year after the
24 date of the enactment of this Act, the Secretary of Agri-

1 culture shall submit to the appropriate congressional com-
2 mittees a report on—

3 (1) the 5 largest wholesale produce markets by
4 annual sales and volume over the preceding 4 cal-
5 endar years; and

6 (2) a representative sample of 8 wholesale
7 produce markets that are not among the largest
8 wholesale produce markets.

9 (b) CONTENTS.—The report under subsection (a)
10 shall contain the following:

11 (1) An analysis of the supply chain shortfalls in
12 each wholesale produce market identified under sub-
13 section (a), which shall include an analysis of the
14 following:

15 (A) State of repair of infrastructure, in-
16 cluding roads, food storage units, and refueling
17 stations.

18 (B) Disaster preparedness, including with
19 respect to cyber attacks, weather events, and
20 terrorist attacks.

21 (C) Disaster recovery systems, including
22 coordination with State and Federal agencies.

23 (2) A description of any actions the Secretary
24 recommends be taken as a result of the analysis
25 under paragraph (1).

1 (3) Recommendations, as appropriate, for
2 wholesale produce market owners and operators, and
3 State and local entities to improve the supply chain
4 shortfalls identified under paragraph (1).

5 (4) Proposals, as appropriate, for legislative ac-
6 tions and funding needed to improve the supply
7 chain shortfalls.

8 (c) CONSULTATION.—In completing the report under
9 subsection (a), the Secretary of Agriculture shall consult
10 with the Secretary of Transportation, the Secretary of
11 Homeland Security, wholesale produce market owners and
12 operators, State and local entities, and other agencies or
13 stakeholders, as determined appropriate by the Secretary.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
15 For the purposes of this section, the term “appropriate
16 congressional committees” means the Committee on Agri-
17 culture, the Committee on Homeland Security, and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives and the Committee on Com-
20 merce, Science, and Technology, the Committee on Home-
21 land Security and Governmental Affairs, and the Com-
22 mittee on Agriculture, Nutrition, and Forestry of the Sen-
23 ate.

1 **SEC. 5942. EXTENSION OF DEADLINE FOR TRANSFER OF**
2 **PARCELS OF LAND IN NEW MEXICO.**

3 Section 3120 of the Ike Skelton National Defense
4 Authorization Act for Fiscal Year 2011 (42 U.S.C. 2391
5 note) is amended by striking “2022” each place that it
6 appears and inserting “2032”.

7 **SEC. 5943. ENDING GLOBAL WILDLIFE POACHING AND**
8 **TRAFFICKING.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the United States Government should con-
12 tinue to work with international partners, including
13 nations, nongovernmental organizations, and the pri-
14 vate sector, to identify long-standing and emerging
15 areas of concern in wildlife poaching and trafficking
16 related to global supply and demand; and

17 (2) the activities and required reporting of the
18 Presidential Task Force on Wildlife Trafficking, as
19 established by Executive Order 13648 (78 Fed. Reg.
20 40621) and modified by sections 201 and 301 of the
21 Eliminate, Neutralize, and Disrupt Wildlife Traf-
22 ficking Act of 2016 (16 U.S.C. 7621 and 7631),
23 should be reauthorized to minimize the disruption of
24 the work of such Task Force.

1 (b) DEFINITIONS.—Section 2 of the Eliminate, Neu-
2 tralize, and Disrupt Wildlife Trafficking Act of 2016 (16
3 U.S.C. 7601) is amended—

4 (1) in paragraph (3), by inserting “involving
5 local communities” after “approach to conserva-
6 tion”;

7 (2) by amending paragraph (4) to read as fol-
8 lows:

9 “(4) COUNTRY OF CONCERN.—The term ‘coun-
10 try of concern’ means a foreign country specially
11 designated by the Secretary of State pursuant to
12 section 201(b) as a major source of wildlife traf-
13 ficking products or their derivatives, a major transit
14 point of wildlife trafficking products or their deriva-
15 tives, or a major consumer of wildlife trafficking
16 products, in which—

17 “(A) the government has actively engaged
18 in, or knowingly profited from, the trafficking
19 of protected species; or

20 “(B) the government facilitates such traf-
21 ficking through conduct that may include a per-
22 sistent failure to make serious and sustained ef-
23 forts to prevent and prosecute such traf-
24 ficking.”; and

1 (3) in paragraph (11), by striking “section
2 201” and inserting “section 301”.

3 (c) FRAMEWORK FOR INTERAGENCY RESPONSE AND
4 REPORTING.—

5 (1) REAUTHORIZATION OF REPORT ON MAJOR
6 WILDLIFE TRAFFICKING COUNTRIES.—Section 201
7 of the Eliminate, Neutralize, and Disrupt Wildlife
8 Trafficking Act of 2016 (16 U.S.C. 7621) is amend-
9 ed—

10 (A) in subsection (a), by striking “annually
11 thereafter” and inserting “biennially thereafter
12 by June 1 of each year in which a report is re-
13 quired”;

14 (B) in subsection (b), by striking “shall
15 identify” and all that follows through the end
16 of the subsection and inserting “shall also list
17 each country determined by the Secretary of
18 State to be a country of concern within the
19 meaning of this Act”; and

20 (C) by striking subsection (c) and inserting
21 the following:

22 “(c) PROCEDURE FOR REMOVING COUNTRIES FROM
23 LIST.—Concurrently with the first report required under
24 this section and submitted after the date of the enactment
25 of this subsection, the Secretary of State, in consultation

1 with the Secretary of the Interior and the Secretary of
2 Commerce, shall publish in the Federal Register a proce-
3 dure for removing from the list described in subsection
4 (b) any country that no longer meets the definition of
5 country of concern under section 2(4).

6 “(d) SUNSET.—This section shall cease to have force
7 or effect on September 30, 2028.”

8 (2) PRESIDENTIAL TASK FORCE ON WILDLIFE
9 TRAFFICKING RESPONSIBILITIES.—Section 301(a) of
10 the Eliminate, Neutralize, and Disrupt Wildlife
11 Trafficking Act of 2016 (16 U.S.C. 7631(a)) is
12 amended—

13 (A) in paragraph (4), by striking “and” at
14 the end;

15 (B) by redesignating paragraph (5) as
16 paragraph (9); and

17 (C) by inserting after paragraph (4) the
18 following:

19 “(5) pursue programs and develop a strategy—

20 “(A) to expand the role of technology for
21 anti-poaching and anti-trafficking efforts, in
22 partnership with the private sector, foreign gov-
23 ernments, academia, and nongovernmental or-
24 ganizations (including technology companies

1 and the transportation and logistics sectors);

2 and

3 “(B) to enable local governments to de-
4 velop and use such technologies;

5 “(6) consider programs and initiatives that ad-
6 dress the expansion of the illegal wildlife trade to
7 digital platforms, including the use of digital cur-
8 rency and payment platforms for transactions by
9 collaborating with the private sector, academia, and
10 nongovernmental organizations, including social
11 media, e-commerce, and search engine companies, as
12 appropriate;

13 “(7)(A) implement interventions to address the
14 drivers of poaching, trafficking, and demand for ille-
15 gal wildlife and wildlife products in focus countries
16 and countries of concern;

17 “(B) set benchmarks for measuring the effec-
18 tiveness of such interventions; and

19 “(C) consider alignment and coordination with
20 indicators developed by the Task Force;

21 “(8) consider additional opportunities to in-
22 crease coordination between law enforcement and fi-
23 nancial institutions to identify trafficking activity;
24 and”.

1 (3) PRESIDENTIAL TASK FORCE ON WILDLIFE
2 TRAFFICKING STRATEGIC REVIEW.—Section 301 of
3 the Eliminate, Neutralize, and Disrupt Wildlife
4 Trafficking Act of 2016 (16 U.S.C. 7631), as
5 amended by paragraph (2), is further amended—

6 (A) in subsection (d)—

7 (i) in the matter preceding paragraph
8 (1), by striking “annually” and inserting
9 “biennially”;

10 (ii) in paragraph (4), by striking
11 “and” at the end;

12 (iii) in paragraph (5), by striking the
13 period at the end and inserting “; and”;
14 and

15 (iv) by adding at the end the fol-
16 lowing:

17 “(6) an analysis of the indicators developed by
18 the Task Force, and recommended by the Govern-
19 ment Accountability Office, to track and measure in-
20 puts, outputs, law enforcement outcomes, and the
21 market for wildlife products for each focus country
22 listed in the report, including baseline measures, as
23 appropriate, for each indicator in each focus country
24 to determine the effectiveness and appropriateness
25 of such indicators to assess progress and whether

1 additional or separate indicators, or adjustments to
2 indicators, may be necessary for focus countries.”;
3 and

4 (B) in subsection (e), by striking “5 years
5 after” and all that follows and inserting “on
6 September 30, 2028”.

7 **SEC. 5944. COST-SHARING REQUIREMENTS APPLICABLE TO**
8 **CERTAIN BUREAU OF RECLAMATION DAMS**
9 **AND DIKES.**

10 Section 4309 of the America’s Water Infrastructure
11 Act of 2018 (43 U.S.C. 377b note; Public Law 115–270)
12 is amended—

13 (1) in the section heading, by inserting “**DAMS**
14 **AND**” before “**DIKES**”;

15 (2) in subsection (a), by striking “effective be-
16 ginning on the date of enactment of this section, the
17 Federal share of the operations and maintenance
18 costs of a dike described in subsection (b)” and in-
19 serting “effective during the one-year period begin-
20 ning on the date of the enactment of the James M.
21 Inhofe National Defense Authorization Act for Fis-
22 cal Year 2023, the Federal share of the dam safety
23 modifications costs of a dam or dike described in
24 subsection (b), including repairing or replacing a
25 gate or ancillary gate components,”; and

1 (3) in subsection (b)—

2 (A) in the subsection heading, by inserting
3 “DAMS AND ” before “DIKES”;

4 (B) in the matter preceding paragraph (1),
5 by inserting “dam or” before “dike” each place
6 it appears; and

7 (C) in paragraph (2), by striking “Decem-
8 ber 31, 1945” and inserting “December 31,
9 1948”.

10 **SEC. 5945. TRANSFER OF NATIONAL OCEANIC AND ATMOS-**
11 **SPHERIC ADMINISTRATION PROPERTY IN**
12 **NORFOLK, VIRGINIA.**

13 Section 1 of Public Law 110–393 is amended to read
14 as follows:

15 **“SECTION 1. TRANSFER OF NATIONAL OCEANIC AND AT-**
16 **MOSPHERIC ADMINISTRATION PROPERTY IN**
17 **NORFOLK, VIRGINIA.**

18 “(a) IN GENERAL.—The Secretary shall convey all
19 right, title, and interest of the United States in and to
20 the Norfolk Property to the City, to be used by the City
21 for the purposes of flood management and control, such
22 that—

23 “(1) the property described in subsection
24 (k)(3)(A) shall be conveyed to the City not later

1 than 90 days after the date of the enactment of this
2 section; and

3 “(2) the property described in subsection
4 (k)(3)(B) shall be conveyed to the City not later
5 than the earlier of—

6 “(A) the date on which the Secretary has
7 transferred all of the employees of the Adminis-
8 tration from the facilities at the Norfolk Prop-
9 erty; or

10 “(B) 8 years after the date of the enact-
11 ment of this section.

12 “(b) CONSIDERATION.—

13 “(1) IN GENERAL.—As consideration for the
14 conveyance of the Norfolk Property, the City shall
15 pay to the United States an amount equal to not
16 less than the fair market value of the Norfolk Prop-
17 erty, as determined by the Secretary, based on the
18 appraisal described in subsection (g), which may
19 consist of cash payment, in-kind consideration as de-
20 scribed in paragraph (3), or a combination thereof.

21 “(2) SUFFICIENCY OF CONSIDERATION.—

22 “(A) IN GENERAL.—Consideration paid to
23 the Secretary under paragraph (1) must be suf-
24 ficient, as determined by the Secretary, to pro-
25 vide replacement space for and relocation of

1 any personnel, furniture, fixtures, equipment,
2 and personal property of any kind belonging to
3 the Administration and located upon the Nor-
4 folk Property.

5 “(B) COMPLETION PRIOR TO CONVEY-
6 ANCE.—Any cash consideration must be paid in
7 full and any in-kind consideration must be com-
8 plete, useable, and delivered to the satisfaction
9 of the Secretary at or prior to the time of the
10 conveyance of the Norfolk Property.

11 “(3) IN-KIND CONSIDERATION.—In-kind consid-
12 eration paid by the City under paragraph (1) may
13 include the acquisition, construction, provision, im-
14 provement, maintenance, repair, or restoration (in-
15 cluding environmental restoration), or combination
16 thereof, of any facilities or infrastructure with prox-
17 imity to the Norfolk Property that the Secretary
18 considers acceptable.

19 “(4) TREATMENT OF CASH CONSIDERATION RE-
20 CEIVED.—Any cash consideration received by the
21 United States under paragraph (1) shall be depos-
22 ited in the special account in the Treasury under
23 subparagraph (A) of section 572(b)(5) of title 40,
24 United States Code, and shall be available in accord-
25 ance with subparagraph (B)(ii) of such section.

1 “(c) COSTS OF CONVEYANCE.—All reasonable and
2 necessary costs, including real estate transaction and envi-
3 ronmental documentation costs, associated with the con-
4 veyance of the Norfolk Property to the City under this
5 section may be shared equitably by the Secretary and the
6 City, as determined by the Secretary, including by the City
7 providing in-kind contributions for any or all of such costs.

8 “(d) PROCEEDS.—Any proceeds from a conveyance
9 of the Norfolk Property under this section shall—

10 “(1) be credited as discretionary offsetting col-
11 lections to the currently applicable appropriations
12 accounts, or funds of the Administration; or

13 “(2) cover costs associated with the conveyance
14 of the Norfolk Property and related relocation ef-
15 forts, and shall be made available for such purposes
16 only to the extent and in the amounts provided in
17 advance in appropriations Acts.

18 “(e) SURVEY.—The exact acreage and legal descrip-
19 tion of the Norfolk Property shall be determined by a sur-
20 vey or surveys satisfactory to the Secretary.

21 “(f) CONDITION; QUITCLAIM DEED.—The Norfolk
22 Property shall be conveyed—

23 “(1) in an ‘as is, where is’ condition; and

24 “(2) via a quitclaim deed.

25 “(g) FAIR MARKET VALUE.—

1 “(1) IN GENERAL.—The fair market value of
2 the Norfolk Property shall be—

3 “(A) determined by an appraisal that—

4 “(i) is conducted by an independent
5 appraiser selected by the Secretary; and

6 “(ii) meets the requirements of para-
7 graph (2); and

8 “(B) adjusted, at the discretion of the Sec-
9 retary, based on the factors described in para-
10 graph (3).

11 “(2) APPRAISAL REQUIREMENTS.—An ap-
12 praisal conducted under paragraph (1)(A) shall be
13 conducted in accordance with nationally recognized
14 appraisal standards, including the Uniform Stand-
15 ards of Professional Appraisal Practice.

16 “(3) FACTORS.—The factors described in this
17 paragraph are—

18 “(A) matters of equity and fairness;

19 “(B) actions taken by the City regarding
20 the Norfolk Property, including—

21 “(i) comprehensive waterfront plan-
22 ning, site development, and other redev-
23 opment activities supported by the City in
24 proximity to the Norfolk Property in fur-

1 therance of the flood management and con-
2 trol efforts of the City;

3 “(ii) in-kind contributions made to fa-
4 cilitate and support use of the Norfolk
5 Property by governmental agencies; and

6 “(iii) maintenance expenses, capital
7 improvements, or emergency expenditures
8 necessary to ensure public safety and ac-
9 cess to and from the Norfolk Property; and

10 “(C) such other factors as the Secretary
11 determines appropriate.

12 “(h) COMPLIANCE WITH COMPREHENSIVE ENVIRON-
13 MENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT
14 OF 1980.—In carrying out this section, the Secretary shall
15 comply with section 120(h) of the Comprehensive Environ-
16 mental Response, Compensation, and Liability Act of
17 1980 (42 U.S.C. 9620(h)).

18 “(i) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance of the Norfolk
21 Property as the Secretary determines appropriate to pro-
22 tect the interests of the United States.

23 “(j) TERMINATION.—Notwithstanding any other pro-
24 vision of law, the Secretary, acting through the Under Sec-
25 retary and Administrator of the Administration, is author-

1 ized to enter into a land lease with Mobile County, Ala-
2 bama for a period of not less than 40 years, on such terms
3 and conditions as the Administration deems appropriate,
4 for purposes of construction of a Gulf of Mexico Disaster
5 Response Center facility, provided that the lease is at no
6 cost to the government. The Administration may enter
7 into agreements with State, local, or county governments
8 for purposes of joint use, operations, and occupancy of
9 such facility.

10 “(k) DEFINITIONS.—In this section:

11 “(1) ADMINISTRATION.—The term ‘Administra-
12 tion’ means the National Oceanic and Atmospheric
13 Administration.

14 “(2) CITY.—The term ‘City’ means the City of
15 Norfolk, Virginia.

16 “(3) NORFOLK PROPERTY.—The term ‘Norfolk
17 Property’ means—

18 “(A) the real property under the adminis-
19 trative jurisdiction of the Administration, in-
20 cluding land and improvements thereon, located
21 at 538 Front Street, Norfolk, Virginia, con-
22 sisting of approximately 3.78 acres; and

23 “(B) the real property under the adminis-
24 trative jurisdiction of the Administration, in-
25 cluding land and improvements thereon, located

1 at 439 W. York Street, Norfolk, Virginia, con-
2 sisting of approximately 2.5231 acres.

3 “(4) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Commerce.”.

5 **SEC. 5946. OTHER MATTERS.**

6 (a) BRENNAN REEF.—

7 (1) DESIGNATION.—The reef described in para-
8 graph (2) shall be known and designated as “Bren-
9 nan Reef” in honor of the late Rear Admiral Rich-
10 ard T. Brennan of the National Oceanic and Atmos-
11 pheric Administration.

12 (2) REEF DESCRIBED.—The reef referred to in
13 paragraph (1) is—

14 (A) between the San Miguel and Santa
15 Rosa Islands on the north side of the San
16 Miguel Passage in the Channel Island National
17 Marine Sanctuary; and

18 (B) centered at 34 degrees, 03.12 minutes
19 North and 120 degrees, 15.95 minutes West.

20 (3) REFERENCES.—Any reference in a law,
21 map, regulation, document, paper, or other record of
22 the United States to the reef described in paragraph
23 (2) shall be deemed to be a reference to Brennan
24 Reef.

25 (b) PROHIBITION ON SALE OF SHARK FINS.—

1 (1) PROHIBITION.—Except as provided in para-
2 graph (3), no person shall possess, acquire, receive,
3 transport, offer for sale, sell, or purchase a shark fin
4 or a product containing a shark fin.

5 (2) PENALTY.—A violation of paragraph (1)
6 shall be treated as an act prohibited by section 307
7 of the Magnuson-Stevens Fishery Conservation and
8 Management Act (16 U.S.C. 1857) and shall be pe-
9 nalized pursuant to section 308 of that Act (16
10 U.S.C. 1858).

11 (3) EXCEPTIONS.—A person may possess a
12 shark fin that was taken lawfully pursuant to a Fed-
13 eral, State, or territorial license or permit to take or
14 land sharks if the shark fin was separated after the
15 first point of landing in a manner consistent with
16 the license or permit and is—

17 (A) destroyed or disposed of immediately
18 upon separation from the carcass;

19 (B) used for noncommercial subsistence
20 purposes in accordance with Federal, State, or
21 territorial law; or

22 (C) used solely for display or research pur-
23 poses by a museum, college, or university pur-
24 suant to a Federal, State, or territorial permit
25 to conduct noncommercial scientific research.

1 (4) DOGFISH EXEMPTION.—

2 (A) IN GENERAL.—It shall not be a viola-
3 tion of paragraph (1) for a person to possess,
4 acquire, receive, transport, offer for sale, sell, or
5 purchase a shark fin of a smooth dogfish
6 (*Mustelus canis*) or a spiny dogfish (*Squalus*
7 *acanthias*).

8 (B) REPORT.—

9 (i) IN GENERAL.—Not later than Jan-
10 uary 1, 2027, the Secretary of Commerce
11 shall review the exemption provided by
12 subparagraph (A) and submit to Congress
13 a report regarding such exemption that in-
14 cludes a recommendation to continue or
15 terminate the exemption.

16 (ii) FACTORS.—In carrying out clause
17 (i), the Secretary of Commerce shall ana-
18 lyze factors including—

19 (I) the impact of continuation
20 and termination of the exemption on
21 the economic viability of dogfish fish-
22 eries;

23 (II) the impact of continuation
24 and termination of the exemption on
25 ocean ecosystems;

1 (III) the impact of the exemption
2 on the enforcement of the prohibition
3 described in paragraph (1); and

4 (IV) the impact of the exemption
5 on shark conservation.

6 (5) ENFORCEMENT.—This subsection, and any
7 regulations issued pursuant thereto, shall be en-
8 forced by the Secretary of Commerce, who may use
9 by agreement, with or without reimbursement, the
10 personnel, services, equipment, and facilities of an-
11 other Federal agency or of a State agency or Indian
12 Tribe for the purpose of enforcing this subsection.

13 (6) RULE OF CONSTRUCTION.—Nothing in this
14 subsection may be construed to preclude, deny, or
15 limit any right of a State or territory to adopt or en-
16 force any regulation or standard that is more strin-
17 gent than a regulation or standard in effect under
18 this subsection.

19 (7) SEVERABILITY.—If any provision of this
20 subsection, or the application thereof to any person
21 or circumstance, is held invalid, the validity of the
22 remainder of the subsection and of the application of
23 any such provision to other persons and cir-
24 cumstances shall not be affected thereby.

1 (8) SHARK FIN DEFINED.—In this subsection,
2 the term “shark fin” means the unprocessed, dried,
3 or otherwise processed detached fin or tail of a
4 shark.

5 **SEC. 5947. ENHANCING TRANSPARENCY ON INTER-**
6 **NATIONAL AGREEMENTS AND NON-BINDING**
7 **INSTRUMENTS.**

8 (a) SECTION 112B OF TITLE 1, UNITED STATES
9 CODE.—

10 (1) IN GENERAL.—Section 112b of title 1,
11 United States Code, is amended to read as follows:

12 **“§ 112b. United States international agreements and**
13 **non-binding instruments; transparency**
14 **provisions**

15 “(a)(1) Not less frequently than once each month, the
16 Secretary shall provide in writing to the Majority Leader
17 of the Senate, the Minority Leader of the Senate, the
18 Speaker of the House of Representatives, the Minority
19 Leader of the House of Representatives, and the appro-
20 priate congressional committees the following:

21 “(A)(i) A list of all international agreements
22 and qualifying non-binding instruments signed, con-
23 cluded, or otherwise finalized during the prior
24 month.

1 “(ii) The text of all international agreements
2 and qualifying non-binding instruments described in
3 clause (i).

4 “(iii) A detailed description of the legal author-
5 ity that, in the view of the Secretary, provides au-
6 thorization for each international agreement and
7 that, in the view of the appropriate department or
8 agency, provides authorization for each qualifying
9 non-binding instrument provided under clause (ii) to
10 become operative. If multiple authorities are relied
11 upon in relation to an international agreement, the
12 Secretary shall cite all such authorities, and if mul-
13 tiple authorities are relied upon in relation to a
14 qualifying non-binding instrument, the appropriate
15 department or agency shall cite all such authorities.
16 All citations to the Constitution of the United
17 States, a treaty, or a statute shall include the spe-
18 cific article or section and subsection reference
19 whenever available and, if not available, shall be as
20 specific as possible. If the authority relied upon is or
21 includes article II of the Constitution of the United
22 States, the Secretary or appropriate department or
23 agency shall explain the basis for that reliance.

24 “(B)(i) A list of all international agreements
25 that entered into force and qualifying non-binding

1 instruments that became operative for the United
2 States or an agency of the United States during the
3 prior month.

4 “(ii) The text of all international agreements
5 and qualifying non-binding instruments described in
6 clause (i) if such text differs from the text of the
7 agreement or instrument previously provided pursu-
8 ant to subparagraph (A)(ii).

9 “(iii) A statement describing any new or
10 amended statutory or regulatory authority antici-
11 pated to be required to fully implement each pro-
12 posed international agreement and qualifying non-
13 binding instrument included in the list described in
14 clause (i).

15 “(2) The information and text required by paragraph
16 (1) shall be submitted in unclassified form, but may in-
17 clude a classified annex.

18 “(b)(1) Not later than 120 days after the date on
19 which an international agreement enters into force, the
20 Secretary shall make the text of the agreement, and the
21 information described in subparagraphs (A)(iii) and
22 (B)(iii) of subsection (a)(1) relating to the agreement,
23 available to the public on the website of the Department
24 of State.

1 “(2) Not less frequently than once every 120 days,
2 the Secretary shall make the text of each qualifying non-
3 binding instrument that became operative during the pre-
4 ceding 120 days, and the information described in sub-
5 paragraphs (A)(iii) and (B)(iii) of subsection (a)(1) relat-
6 ing to each such instrument, available to the public on
7 the website of the Department of State.

8 “(3) The requirements under paragraphs (1) and (2)
9 shall not apply to the following categories of international
10 agreements or qualifying non-binding instruments, or to
11 information described in subparagraphs (A)(iii) and
12 (B)(iii) of subsection (a)(1) relating to such agreements
13 or qualifying non-binding instruments:

14 “(A) International agreements and qualifying
15 non-binding instruments that contain information
16 that has been given a national security classification
17 pursuant to Executive Order 13526 (50 U.S.C. 3161
18 note; relating to classified national security informa-
19 tion) or any predecessor or successor order, or that
20 contain any information that is otherwise exempt
21 from public disclosure pursuant to United States
22 law.

23 “(B) International agreements and qualifying
24 non-binding instruments that address military oper-
25 ations, military exercises, acquisition and cross serv-

1 icing, logistics support, military personnel exchange
2 or education programs, or the provision of health
3 care to military personnel on a reciprocal basis.

4 “(C) International agreements and qualifying
5 non-binding instruments that establish the terms of
6 grant or other similar assistance, including in-kind
7 assistance, financed with foreign assistance funds
8 pursuant to the Foreign Assistance Act of 1961 (22
9 U.S.C. 2151 et seq.) or the Food for Peace Act (7
10 U.S.C. 1691 et seq.).

11 “(D) International agreements and qualifying
12 non-binding instruments, such as project annexes
13 and other similar instruments, for which the prin-
14 cipal function is to establish technical details for the
15 implementation of a specific project undertaken pur-
16 suant to another agreement or qualifying non-bind-
17 ing instrument that has been published in accord-
18 ance with paragraph (1) or (2).

19 “(E) International agreements and qualifying
20 non-binding instruments that have been separately
21 published by a depositary or other similar adminis-
22 trative body, except that the Secretary shall make
23 the information described in subparagraphs (A)(iii)
24 and (B)(iii) of subsection (a)(1), relating to such
25 agreements or qualifying non-binding instruments,

1 available to the public on the website of the Depart-
2 ment of State within the timeframes required by
3 paragraph (1) or (2).

4 “(c) For any international agreement or qualifying
5 non-binding instrument for which an implementing agree-
6 ment or arrangement, or any document of similar purpose
7 or function to the aforementioned regardless of the title
8 of the document, is not otherwise required to be submitted
9 to the Majority Leader of the Senate, the Minority Leader
10 of the Senate, the Speaker of the House of Representa-
11 tives, the Minority Leader of the House of Representa-
12 tives, and the appropriate congressional committees under
13 subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1), not
14 later than 30 days after the date on which the Secretary
15 receives a written communication from the Chair or Rank-
16 ing Member of either of the appropriate congressional
17 committees requesting the text of any such implementing
18 agreements or arrangements, whether binding or non-
19 binding, the Secretary shall submit such implementing
20 agreements or arrangements to the Majority Leader of the
21 Senate, the Minority Leader of the Senate, the Speaker
22 of the House of Representatives, the Minority Leader of
23 the House of Representatives, and the appropriate con-
24 gressional committees.

1 “(d) Any department or agency of the United States
2 Government that enters into any international agreement
3 or qualifying non-binding instrument on behalf of itself or
4 the United States shall—

5 “(1) provide to the Secretary the text of each
6 international agreement not later than 15 days after
7 the date on which such agreement is signed or other-
8 wise concluded;

9 “(2) provide to the Secretary the text of each
10 qualifying non-binding instrument not later than 15
11 days after the date on which such instrument is con-
12 cluded or otherwise becomes finalized;

13 “(3) provide to the Secretary a detailed descrip-
14 tion of the legal authority that provides authoriza-
15 tion for each qualifying non-binding instrument to
16 become operative not later than 15 days after such
17 instrument is signed or otherwise becomes finalized;
18 and

19 “(4) on an ongoing basis, provide any imple-
20 menting material to the Secretary for transmittal to
21 the Majority Leader of the Senate, the Minority
22 Leader of the Senate, the Speaker of the House of
23 Representatives, the Minority Leader of the House
24 of Representatives, and the appropriate congres-

1 sional committees as needed to satisfy the require-
2 ments described in subsection (c).

3 “(e)(1) Each department or agency of the United
4 States Government that enters into any international
5 agreement or qualifying non-binding instrument on behalf
6 of itself or the United States shall designate a Chief Inter-
7 national Agreements Officer, who shall—

8 “(A) be selected from among employees of such
9 department or agency;

10 “(B) serve concurrently as the Chief Inter-
11 national Agreements Officer; and

12 “(C) subject to the authority of the head of
13 such department or agency, have department- or
14 agency-wide responsibility for efficient and appro-
15 priate compliance with this section.

16 “(2) There shall be a Chief International Agreements
17 Officer who serves at the Department of State with the
18 title of International Agreements Compliance Officer.

19 “(f) The substance of oral international agreements
20 shall be reduced to writing for the purpose of meeting the
21 requirements of subsections (a) and (b).

22 “(g) Notwithstanding any other provision of law, an
23 international agreement may not be signed or otherwise
24 concluded on behalf of the United States without prior
25 consultation with the Secretary. Such consultation may

1 encompass a class of agreements rather than a particular
2 agreement.

3 “(h)(1) Not later than 3 years after the date of the
4 enactment of this section, and not less frequently than
5 once every 3 years thereafter during the 9-year period be-
6 ginning on the date of the enactment of this section, the
7 Comptroller General of the United States shall conduct
8 an audit of the compliance of the Secretary with the re-
9 quirements of this section.

10 “(2) In any instance in which a failure by the Sec-
11 retary to comply with such requirements is determined by
12 the Comptroller General to have been due to the failure
13 or refusal of another agency to provide information or ma-
14 terial to the Department of State, or the failure to do so
15 in a timely manner, the Comptroller General shall engage
16 such other agency to determine—

17 “(A) the cause and scope of such failure or re-
18 fusal;

19 “(B) the specific office or offices responsible for
20 such failure or refusal; and

21 “(C) recommendations for measures to ensure
22 compliance with statutory requirements.

23 “(3) The Comptroller General shall submit to the Ma-
24 jority Leader of the Senate, the Minority Leader of the
25 Senate, the Speaker of the House of Representatives, the

1 Minority Leader of the House of Representatives, and the
2 appropriate congressional committees in writing the re-
3 sults of each audit required by paragraph (1).

4 “(4) The Comptroller General and the Secretary shall
5 make the results of each audit required by paragraph (1)
6 publicly available on the websites of the Government Ac-
7 countability Office and the Department of State, respec-
8 tively.

9 “(i) The President shall, through the Secretary, pro-
10 mulgate such rules and regulations as may be necessary
11 to carry out this section.

12 “(j) It is the sense of Congress that the executive
13 branch should not prescribe or otherwise commit to or in-
14 clude specific legislative text in a treaty, executive agree-
15 ment, or non-binding instrument unless Congress has au-
16 thorized such action.

17 “(k) In this section:

18 “(1) The term ‘appropriate congressional com-
19 mittees’ means—

20 “(A) the Committee on Foreign Relations
21 of the Senate; and

22 “(B) the Committee on Foreign Affairs of
23 the House of Representatives.

24 “(2) The term ‘appropriate department or
25 agency’ means the department or agency of the

1 United States Government that negotiates and en-
2 ters into a qualifying non-binding instrument on be-
3 half of itself or the United States.

4 “(3) The term ‘intelligence community’ has the
5 meaning given that term in section 3(4) of the Na-
6 tional Security Act of 1947 (50 U.S.C. 3003(4)).

7 “(4) The term ‘international agreement’ in-
8 cludes—

9 “(A) any treaty that requires the advice
10 and consent of the Senate, pursuant to article
11 II of the Constitution of the United States; and

12 “(B) any other international agreement to
13 which the United States is a party and that is
14 not subject to the advice and consent of the
15 Senate.

16 “(5) The term ‘qualifying non-binding instru-
17 ment’—

18 “(A) except as provided in subparagraph
19 (B), means a non-binding instrument that—

20 “(i) is or will be under negotiation, is
21 signed or otherwise becomes operative, or
22 is implemented with one or more foreign
23 governments, international organizations,
24 or foreign entities, including non-state ac-
25 tors; and

1 “(ii)(I) could reasonably be expected
2 to have a significant impact on the foreign
3 policy of the United States; or

4 “(II) is the subject of a written com-
5 munication from the Chair or Ranking
6 Member of either of the appropriate con-
7 gressional committees to the Secretary;
8 and

9 “(B) does not include any non-binding in-
10 strument that is signed or otherwise becomes
11 operative or is implemented pursuant to the au-
12 thorities relied upon by the Department of De-
13 fense, the Armed Forces of the United States,
14 or any element of the intelligence community.

15 “(6) The term ‘Secretary’ means the Secretary
16 of State.

17 “(7)(A) The term ‘text’ with respect to an
18 international agreement or qualifying non-binding
19 instrument includes—

20 “(i) any annex, appendix, codicil, side
21 agreement, side letter, or any document of simi-
22 lar purpose or function to the aforementioned,
23 regardless of the title of the document, that is
24 entered into contemporaneously and in conjunc-

1 tion with the international agreement or quali-
2 fying non-binding instrument; and

3 “(ii) any implementing agreement or ar-
4 rangement, or any document of similar purpose
5 or function to the aforementioned regardless of
6 the title of the document, that is entered into
7 contemporaneously and in conjunction with the
8 international agreement or qualifying non-bind-
9 ing instrument.

10 “(B) As used in subparagraph (A), the term
11 ‘contemporaneously and in conjunction with’—

12 “(i) shall be construed liberally; and

13 “(ii) may not be interpreted to require any
14 action to have occurred simultaneously or on
15 the same day.

16 “(l) Nothing in this section may be construed—

17 “(1) to authorize the withholding from disclo-
18 sure to the public of any record if such disclosure is
19 required by law; or

20 “(2) to require the provision of any imple-
21 menting agreement or arrangement, or any docu-
22 ment of similar purpose or function regardless of its
23 title, which was entered into by the Department of
24 Defense, the Armed Forces of the United States, or
25 any element of the intelligence community or any

1 implementing material originating with the afore-
2 mentioned agencies, if such implementing agree-
3 ment, arrangement, document, or material was not
4 required to be provided to the Majority Leader of
5 the Senate, the Minority Leader of the Senate, the
6 Speaker of the House of Representatives, the Minor-
7 ity Leader of the House of Representatives, or the
8 appropriate congressional committees prior to the
9 date of the enactment of the James M. Inhofe Na-
10 tional Defense Authorization Act for Fiscal Year
11 2023.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 2 of title 1, United
14 States Code, is amended by striking the item relat-
15 ing to section 112b and inserting the following:

“112b. United States international agreements and non-binding instruments;
transparency provisions.”.

16 (3) TECHNICAL AND CONFORMING AMENDMENT
17 RELATING TO AUTHORITIES OF THE SECRETARY OF
18 STATE.—Section 317(h)(2) of the Homeland Secu-
19 rity Act of 2002 (6 U.S.C. 195c(h)(2)) is amended
20 by striking “Section 112b(c)” and inserting “Section
21 112b(g)”.

22 (4) MECHANISM FOR REPORTING.—Not later
23 than 270 days after the date of the enactment of
24 this Act, the Secretary of State shall establish a

1 mechanism for personnel of the Department of State
2 who become aware or who have reason to believe
3 that the requirements under section 112b of title 1,
4 United States Code, as amended by paragraph (1),
5 have not been fulfilled with respect to an inter-
6 national agreement or qualifying non-binding instru-
7 ment (as such terms are defined in such section) to
8 report such instances to the Secretary.

9 (5) RULES AND REGULATIONS.—Not later than
10 180 days after the date of the enactment of this Act,
11 the President, through the Secretary of State, shall
12 promulgate such rules and regulations as may be
13 necessary to carry out section 112b of title 1, United
14 States Code, as amended by paragraph (1).

15 (6) CONSULTATION AND BRIEFING REQUIRE-
16 MENT.—

17 (A) CONSULTATION.—The Secretary of
18 State shall consult with the Committee on For-
19 eign Relations of the Senate and the Committee
20 on Foreign Affairs of the House of Representa-
21 tives on matters related to the implementation
22 of this section and the amendments made by
23 this section before and after the effective date
24 described in subsection (c).

1 (B) BRIEFING.—Not later than 90 days
2 after the date of the enactment of this Act, and
3 once every 90 days thereafter for 1 year, the
4 Secretary shall brief the Committee on Foreign
5 Relations of the Senate, the Committee on Ap-
6 propriations of the Senate, the Committee on
7 Foreign Affairs of the House of Representa-
8 tives, and the Committee on Appropriations of
9 the House of Representatives regarding the sta-
10 tus of efforts to implement this section and the
11 amendments made by this section.

12 (7) AUTHORIZATION OF APPROPRIATIONS.—
13 There is authorized to be appropriated to the De-
14 partment of State \$1,000,000 for each of the fiscal
15 years 2023 through 2027 for purposes of imple-
16 menting the requirements of section 112b of title 1,
17 United States Code, as amended by paragraph (1).

18 (b) SECTION 112A OF TITLE 1, UNITED STATES
19 CODE.—Section 112a of title 1, United States Code, is
20 amended—

21 (1) by striking subsections (b), (c), and (d); and

22 (2) by inserting after subsection (a) the fol-
23 lowing:

24 “(b) Copies of international agreements and quali-
25 fying non-binding instruments in the possession of the De-

1 partment of State, but not published, other than the
2 agreements described in section 112b(b)(3)(A), shall be
3 made available by the Department of State upon re-
4 quest.”.

5 (c) EFFECTIVE DATE OF AMENDMENTS.—The
6 amendments made by this section shall take effect on the
7 date that is 270 days after the date of the enactment of
8 this Act.

9 **SEC. 5948. UKRAINE INVASION WAR CRIMES DETERRENCE**
10 **AND ACCOUNTABILITY ACT.**

11 (a) SHORT TITLE.—This section may be cited as the
12 “Ukraine Invasion War Crimes Deterrence and Account-
13 ability Act”.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) in its premeditated, unprovoked, unjustified,
17 and unlawful full-scale invasion of Ukraine that
18 commenced on February 24, 2022, the military of
19 the Government of the Russian Federation under
20 the direction of President Vladimir Putin has com-
21 mitted war crimes that include but are not limited
22 to—

23 (A) the deliberate targeting of civilians and
24 injuring or killing of noncombatants;

1 (B) the deliberate targeting and attacking
2 of hospitals, schools, and other non-military
3 buildings dedicated to religion, art, science, or
4 charitable purposes, such as the bombing of a
5 theater in Mariupol that served as a shelter for
6 noncombatants and had the word “children”
7 written clearly in the Russian language outside;

8 (C) the indiscriminate bombardment of
9 undefended dwellings and buildings;

10 (D) the wanton destruction of property not
11 justified by military necessity;

12 (E) unlawful civilian deportations;

13 (F) the taking of hostages; and

14 (G) rape, or sexual assault or abuse;

15 (2) the use of chemical weapons by the Govern-
16 ment of the Russian Federation in Ukraine would
17 constitute a war crime, and engaging in any military
18 preparations to use chemical weapons or to develop,
19 produce, stockpile, or retain chemical weapons is
20 prohibited by the Chemical Weapons Convention, to
21 which the Russian Federation is a signatory;

22 (3) Vladimir Putin has a long record of com-
23 mitting acts of aggression, systematic abuses of
24 human rights, and acts that constitute war crimes or
25 other atrocities both at home and abroad, and the

1 brutality and scale of these actions, including in the
2 Russian Federation republic of Chechnya, Georgia,
3 Syria, and Ukraine, demonstrate the extent to which
4 his regime is willing to flout international norms and
5 values in the pursuit of its objectives;

6 (4) Vladimir Putin has previously sanctioned
7 the use of chemical weapons at home and abroad, in-
8 cluding in the poisonings of Russian spy turned dou-
9 ble agent Sergei Skripal and his daughter Yulia and
10 leading Russian opposition figure Aleksey Navalny,
11 and aided and abetted the use of chemical weapons
12 by President Bashar al-Assad in Syria; and

13 (5) in 2014, the Government of the Russian
14 Federation initiated its unprovoked war of aggres-
15 sion against Ukraine which resulted in its illegal oc-
16 cupation of Crimea, the unrecognized declaration of
17 independence by the so-called “Donetsk People’s Re-
18 public” and “Luhansk People’s Republic” by Rus-
19 sia-backed proxies, and numerous human rights vio-
20 lations and deaths of civilians in Ukraine.

21 (c) STATEMENT OF POLICY.—It is the policy of the
22 United States—

23 (1) to collect, analyze, and preserve evidence
24 and information related to war crimes and other
25 atrocities committed during the full-scale Russian

1 invasion of Ukraine that began on February 24,
2 2022, for use in appropriate domestic, foreign, and
3 international courts and tribunals prosecuting those
4 responsible for such crimes consistent with applica-
5 ble law, including with the American Service Mem-
6 bers' Protection Act of 2002 (22 U.S.C. 7421 et
7 seq.);

8 (2) to help deter the commission of war crimes
9 and other atrocities in Ukraine by publicizing to the
10 maximum possible extent, including among Russian
11 and other foreign military commanders and troops
12 in Ukraine, efforts to identify and prosecute those
13 responsible for the commission of war crimes during
14 the full-scale Russian invasion of Ukraine that
15 began on February 24, 2022; and

16 (3) to continue efforts to identify, deter, and
17 pursue accountability for war crimes and other
18 atrocities committed around the world and by other
19 perpetrators, and to leverage international coopera-
20 tion and best practices in this regard with respect to
21 the current situation in Ukraine.

22 (d) REPORT ON UNITED STATES EFFORTS.—Not
23 later than 90 days after the date of the enactment of this
24 Act, and consistent with the protection of intelligence
25 sources and methods, the President shall submit to the

1 appropriate congressional committees a report, which may
2 include a classified annex, describing in detail the fol-
3 lowing:

4 (1) United States Government efforts to collect,
5 analyze, and preserve evidence and information re-
6 lated to war crimes and other atrocities committed
7 during the full-scale Russian invasion of Ukraine
8 since February 24, 2022, including a description
9 of—

10 (A) the respective roles of various agencies,
11 departments, and offices, and the interagency
12 mechanism established for the coordination of
13 such efforts;

14 (B) the types of information and evidence
15 that are being collected, analyzed, and pre-
16 served to help identify those responsible for the
17 commission of war crimes or other atrocities
18 during the full-scale Russian invasion of
19 Ukraine in 2022; and

20 (C) steps taken to coordinate with, and
21 support the work of, allies, partners, inter-
22 national institutions and organizations, and
23 nongovernmental organizations in such efforts.

24 (2) Media, public diplomacy, and information
25 operations to make Russian military commanders,

1 troops, political leaders and the Russian people
2 aware of efforts to identify and prosecute those re-
3 sponsible for the commission of war crimes or other
4 atrocities during the full-scale Russian invasion of
5 Ukraine in 2022, and of the types of acts that may
6 be prosecutable.

7 (3) The process for a domestic, foreign, or
8 international court or tribunal to request and obtain
9 from the United States Government information re-
10 lated to war crimes or other atrocities committed
11 during the full-scale Russian invasion of Ukraine in
12 2022.

13 (e) DEFINITIONS.—In this section:

14 (1) APPROPRIATE CONGRESSIONAL COMMIT-
15 TEES.—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Foreign Affairs, the
18 Committee on the Judiciary, the Committee on
19 Armed Services, and the Permanent Select
20 Committee on Intelligence of the House of Rep-
21 resentatives; and

22 (B) the Committee on Foreign Relations,
23 the Committee on the Judiciary, the Committee
24 on Armed Services, and the Select Committee
25 on Intelligence of the Senate.

1 (2) ATROCITIES.—The term “atrocities” has
2 the meaning given that term in section 6(2) of the
3 Elie Wiesel Genocide and Atrocities Prevention Act
4 of 2018 (Public Law 115–441; 22 U.S.C. 2656
5 note).

6 (3) WAR CRIME.—The term “war crime” has
7 the meaning given that term in section 2441(c) of
8 title 18, United States Code.

9 **SEC. 5949. PROHIBITION ON CERTAIN SEMICONDUCTOR**
10 **PRODUCTS AND SERVICES.**

11 (a) PROHIBITION ON USE OR PROCUREMENT.—

12 (1) IN GENERAL.—The head of an executive
13 agency may not—

14 (A) procure or obtain, or extend or renew
15 a contract to procure or obtain, any electronic
16 parts, products, or services that include covered
17 semiconductor products or services; or

18 (B) enter into a contract (or extend or
19 renew a contract) with an entity to procure or
20 obtain electronic parts or products that use any
21 electronic parts or products that include covered
22 semiconductor products or services.

23 (2) RULE OF CONSTRUCTION.—

24 (A) IN GENERAL.—Nothing in paragraph

25 (1) shall be construed—

1 (i) to require any covered semicon-
2 ductor products or services resident in
3 equipment, systems, or services as of the
4 day before the applicable effective date
5 specified in subsection (c) to be removed or
6 replaced;

7 (ii) to prohibit or limit the utilization
8 of such covered semiconductor products or
9 services throughout the lifecycle of such ex-
10 isting equipment;

11 (iii) to require the recipient of a Fed-
12 eral contract, grant, loan, or loan guar-
13 antee to replace covered semiconductor
14 products or services resident in equipment,
15 systems, or services before the effective
16 date specified in subsection (c); or

17 (iv) to require the Federal Commu-
18 nications Commission to designate covered
19 semiconductor products or services to its
20 Covered Communications Equipment or
21 Services List maintained under section 2
22 of the Secured and Trusted Communica-
23 tions Networks Act of 2019 (47 U.S.C.
24 1603).

1 (B) CONTRACTING PROHIBITION.—Noth-
2 ing in paragraph (1)(B) shall be construed to
3 cover products or services that include covered
4 semiconductor products or services in a system
5 that is not a critical system.

6 (b) WAIVER AUTHORITY.—

7 (1) SECRETARY OF DEFENSE.—The Secretary
8 of Defense may provide a waiver on a date later
9 than the effective date described in subsection (c) if
10 the Secretary determines the waiver is in the critical
11 national security interests of the United States.

12 (2) DIRECTOR OF NATIONAL INTELLIGENCE.—
13 The Director of National Intelligence may provide a
14 waiver on a date later than the effective date de-
15 scribed in subsection (c) if the Director determines
16 the waiver is in the critical national security inter-
17 ests of the United States.

18 (3) SECRETARY OF COMMERCE.—The Secretary
19 of Commerce, in consultation with the Director of
20 National Intelligence or the Secretary of Defense,
21 may provide a waiver on a date later than the effec-
22 tive date described in subsection (c) if the Secretary
23 determines the waiver is in the critical national secu-
24 rity interests of the United States.

1 (4) SECRETARY OF HOMELAND SECURITY.—
2 The Secretary of Homeland Security, in consultation
3 with the Director of National Intelligence or the Sec-
4 retary of Defense, may provide a waiver on a date
5 later than the effective date described in subsection
6 (c) if the Secretary determines the waiver is in the
7 critical national security interests of the United
8 States.

9 (5) SECRETARY OF ENERGY.—The Secretary of
10 Energy, in consultation with the Director of Na-
11 tional Intelligence or the Secretary of Defense, may
12 provide a waiver on a date later than the effective
13 date described in subsection (c) if the Secretary de-
14 termines the waiver is in the critical national secu-
15 rity interests of the United States.

16 (6) EXECUTIVE AGENCIES.—The head of an ex-
17 ecutive agency may waive, for a renewable period of
18 not more than two years per waiver, the prohibitions
19 under subsection (a) if—

20 (A) the head of the agency, in consultation
21 with the Secretary of Commerce, determines
22 that no compliant product or service is available
23 to be procured as, and when, needed at United
24 States market prices or a price that is not con-
25 sidered prohibitively expensive; and

1 (B) the head of the agency, in consultation
2 with the Secretary of Defense or the Director of
3 National Intelligence, determines that such
4 waiver could not reasonably be expected to com-
5 promise the critical national security interests
6 of the United States.

7 (7) REPORT TO CONGRESS.—Not later than 30
8 days after granting a waiver under this subsection,
9 the head of the executive agency granting such waiv-
10 er shall submit to the appropriate committees of
11 Congress and leadership a report with a notification
12 of such waiver, including a justification for the waiv-
13 er.

14 (c) EFFECTIVE DATES AND REGULATIONS.—

15 (1) EFFECTIVE DATE.—The prohibitions under
16 subsection (a) shall take effect five years after the
17 date of the enactment of this Act.

18 (2) REGULATIONS.—Not later than three years
19 after the date of the enactment of this Act, the Fed-
20 eral Acquisition Regulatory Council shall prescribe
21 regulations implementing the prohibitions under sub-
22 section (a), including a requirement for prime con-
23 tractors to incorporate the substance of such prohi-
24 bitions and applicable implementing contract clauses

1 into contracts for the supply of electronic parts or
2 products.

3 (d) OFFICE OF MANAGEMENT AND BUDGET REPORT
4 AND BRIEFING.—Not later than 270 days after the effec-
5 tive date described in subsection (c)(1), the Director of
6 the Office of Management and Budget, in coordination
7 with the Director of National Intelligence and the Na-
8 tional Cyber Director, shall provide to the appropriate
9 committees of Congress and leadership a report and brief-
10 ing on—

11 (1) the implementation of the prohibitions
12 under subsection (a), including any challenges in the
13 implementation; and

14 (2) the effectiveness and utility of the waiver
15 authority under subsection (b).

16 (e) ANALYSIS, ASSESSMENT, AND STRATEGY.—Not
17 later than 180 days after the date of the enactment of
18 this Act, the Secretary of Commerce, in coordination with
19 the Secretary of Defense, the Secretary of Homeland Se-
20 curity, the Director of National Intelligence, and the Sec-
21 retary of Energy and, to the greatest extent practicable,
22 leveraging relevant previous analyses and assessments,
23 shall—

24 (1) conduct an analysis of semiconductor design
25 and production capacity domestically and by allied

1 or partner countries required to meet the needs of
2 the Federal Government, including analyses regard-
3 ing—

4 (A) semiconductors critical to national se-
5 curity, as determined by the Secretary of Com-
6 merce, in consultation with the Secretary of De-
7 fense and the Director of National Intelligence,
8 in accordance with section 9902(a)(6)(A)(i) of
9 the William M. (Mac) Thornberry National De-
10 fense Authorization Act for Fiscal Year 2021
11 (Public Law 116–283); and

12 (B) semiconductors classified as legacy
13 semiconductors pursuant to section
14 9902(a)(6)(A)(i) of William M. (Mac) Thorn-
15 berry National Defense Authorization Act for
16 Fiscal Year 2021 (Public Law 116–283);

17 (2) assess the risk posed by the presence of cov-
18 ered semiconductor products or services in Federal
19 systems;

20 (3) assess the risk posed by the presence of cov-
21 ered semiconductor products or services in the sup-
22 ply chains of Federal contractors and subcontrac-
23 tors, including for non-Federal systems;

24 (4) develop a strategy to—

1 (A) improve the availability of domestic
2 semiconductor design and production capacity
3 required to meet the requirements of the Fed-
4 eral Government;

5 (B) support semiconductor product and
6 service suppliers seeking to contract with do-
7 mestic, allied, or partner semiconductor pro-
8 ducers and to improve supply chain traceability,
9 including to meet the prohibitions under sub-
10 section (a); and

11 (C) either certify the feasibility of imple-
12 menting such prohibitions or exercising waiver
13 authorities under subsection (b), to ensure un-
14 interrupted Federal Government access to re-
15 quired semiconductor products and services;
16 and

17 (5) provide the results of the analysis, assess-
18 ment, and strategy developed under paragraphs (1)
19 through (4) to the Federal Acquisition Security
20 Council.

21 (f) GOVERNMENTWIDE TRACEABILITY AND DIVER-
22 SIFICATION INITIATIVE.—

23 (1) IN GENERAL.—Not later than two years
24 after the date of the enactment of this Act, the Sec-
25 retary of Commerce, in coordination with the Sec-

1 retary of Homeland Security, the Secretary of De-
2 fense, the Director of National Intelligence, the Di-
3 rector of the Office of Management and Budget, and
4 the Director of the Office of Science and Technology
5 Policy, and in consultation with industry, shall es-
6 tablish a microelectronics traceability and diver-
7 sification initiative to coordinate analysis of and re-
8 sponse to the Federal Government microelectronics
9 supply chain vulnerabilities.

10 (2) ELEMENTS.—The initiative established
11 under paragraph (1) shall include the following ele-
12 ments:

13 (A) Sharing best practices, refining micro-
14 electronics standards, such as those established
15 pursuant to section 224 of the National De-
16 fense Authorization Act for Fiscal Year 2020
17 (Public Law 116–92), and developing rec-
18 ommendations to identify and mitigate, through
19 diversification efforts, microelectronics supply
20 chain concerns.

21 (B) Developing an assessment framework
22 to inform Federal decisions on sourcing micro-
23 electronics, considering—

24 (i) chain of custody and traceability,
25 including origin and location of design,

1 manufacturing, distribution, shipping, and
2 quantities;

3 (ii) confidentiality, including protec-
4 tion, verification, and validation of intellec-
5 tual property included in microelectronics;

6 (iii) integrity, including—

7 (I) security weaknesses and
8 vulnerabilities that include potential
9 supply chain attacks;

10 (II) risk analysis and con-
11 sequence to system;

12 (III) risk of intentional or unin-
13 tentional modification or tampering;
14 and

15 (IV) risk of insider threats, in-
16 cluding integrity of people and proc-
17 esses involved in the design and man-
18 ufacturing of microelectronics; and

19 (iv) availability, including—

20 (I) potential supply chain disrup-
21 tions, including due to natural disas-
22 ters or geopolitical events;

23 (II) prioritization of parts de-
24 signed and manufactured in the
25 United States and in allied or partner

1 countries to support and sustain the
2 defense and technology industrial
3 base;

4 (III) risk associated with
5 sourcing parts from suppliers outside
6 of the United States and allied and
7 partner countries, including long-term
8 impacts on availability of microelec-
9 tronics produced domestically or in al-
10 lied or partner countries; and

11 (IV) obsolescence management
12 and counterfeit avoidance and detec-
13 tion.

14 (C) Developing a process for provenance
15 and traceability from design to disposal of
16 microelectronics components and intellectual
17 property contained therein implementable
18 across the Federal acquisition system to im-
19 prove reporting, data analysis, and tracking.

20 (D) Developing and implementing policies
21 and plans to support the following:

22 (i) Development of domestic design
23 and manufacturing capabilities to replace
24 covered semiconductor products or serv-
25 ices.

1 (ii) Utilization of the assessment
2 framework developed under subparagraph
3 (B).

4 (iii) Implementation of the strategy
5 required under subsection (e)(4) as appli-
6 cable.

7 (iv) Identification of and integration
8 with existing information reporting and
9 data visualization systems in the Federal
10 Government, including modification to
11 such systems to track the information.

12 (v) A requirement to document micro-
13 electronics used in systems and sub-
14 systems, including origin and location of
15 design and manufacturing, technologies
16 used, and quantities procured.

17 (vi) Elimination from Federal Govern-
18 ment supply chains of microelectronics
19 from entities included on the Consolidated
20 Screening List maintained by the Inter-
21 national Trade Administration of the De-
22 partment of Commerce.

23 (3) COORDINATION REQUIRED.—In carrying
24 out this subsection, the Secretary of Commerce shall
25 coordinate, as necessary, with the following entities:

1 (A) The National Science and Technology
2 Council Subcommittee on Microelectronics
3 Leadership.

4 (B) The Department of Commerce semi-
5 conductor industrial advisory committee estab-
6 lished under subsection 9906(b) of the William
7 M. (Mac) Thornberry National Defense Author-
8 ization Act for Fiscal Year 2021 (Public Law
9 116–283).

10 (C) The White House Coordinator for
11 CHIPS Implementation.

12 (D) The Federal Acquisition Security
13 Council (FASC).

14 (E) The Government-Industry Working
15 Group on Microelectronics.

16 (F) The Joint Defense Manufacturing
17 Technology Panel (JDMTP).

18 (G) Standards development organizations.

19 (g) FEDERAL ACQUISITION SECURITY COUNCIL.—
20 Not later than two years after the date of the enactment
21 of this Act, the Federal Acquisition Security Council, in
22 consultation with the Secretary of Commerce, the Sec-
23 retary of Defense, the Secretary of Homeland Security,
24 the Director of National Intelligence, and the Secretary
25 of Energy, and after engagement with the private sector

1 and other nongovernmental stakeholders in accordance
2 with section 1323 of title 41, United States Code, shall—

3 (1) issue recommendations to mitigate supply
4 chain risks relevant to Federal Government acquisi-
5 tion of semiconductor products and services, consid-
6 ering—

7 (A) the analysis, assessment, and strategy
8 developed under subsection (e) and any related
9 updates;

10 (B) the standards provided under section
11 224 of the National Defense Authorization Act
12 for Fiscal Year 2020 (Public Law 116–92), in-
13 cluding any tiers of trust, levels of security, or
14 risk-based approaches established under such
15 section;

16 (C) the extent to which such recommenda-
17 tions would enhance the security of critical sys-
18 tems;

19 (D) the extent to which such recommenda-
20 tions would impact Federal access to commer-
21 cial technologies; and

22 (E) any risks to the Federal Government
23 from contracting with microelectronics suppliers
24 that include covered semiconductor products or
25 services in non-Federal supply chains; and

1 (2) make recommendations to the Federal Ac-
2 quisition Regulatory Council and the heads of execu-
3 tive agencies for any needed regulations to mitigate
4 supply chain risks.

5 (h) **APPLICABILITY AND RESPONSIBILITIES OF COV-**
6 **ERED ENTITIES AND CONTRACTORS.**—The regulations
7 prescribed pursuant to subsection (c)(2) shall—

8 (1) provide that contractors who supply a Fed-
9 eral agency with electronic parts or products are re-
10 sponsible for—

11 (A) certifying to the non-use of covered
12 semiconductor products or services in such
13 parts or products;

14 (B) detecting and avoiding the use or in-
15 clusion of such covered semiconductor products
16 or services in such parts or products; and

17 (C) any rework or corrective action that
18 may be required to remedy the use or inclusion
19 of such covered semiconductor products or serv-
20 ices in such parts or products;

21 (2) require covered entities to disclose to direct
22 customers the inclusion of a covered semiconductor
23 product or service in electronic parts, products, or
24 services included in electronic parts, products, or
25 services subject to the contracting prohibition under

1 subsection (a) as to whether such supplied parts,
2 products, or services include covered semiconductor
3 products or services;

4 (3) provide that a covered entity that fails to
5 disclose the inclusion to direct customers of a cov-
6 ered semiconductor product or service in electronic
7 parts, products, or services procured or obtained by
8 an executive agency in contravention of subsection
9 (a) shall be responsible for any rework or corrective
10 action that may be required to remedy the use or in-
11 clusion of such covered semiconductor product or
12 service;

13 (4) provide that the costs of covered semicon-
14 ductor products or services, suspect semiconductor
15 products, and any rework or corrective action that
16 may be required to remedy the use or inclusion of
17 such products are not allowable costs for Federal
18 contracts;

19 (5) provide that—

20 (A) any covered entity or Federal con-
21 tractor or subcontractor who becomes aware, or
22 has reason to suspect, that any end item, com-
23 ponent, or part of a critical system purchased
24 by the Federal Government, or purchased by a
25 Federal contractor or subcontractor for delivery

1 to the Federal Government for any critical sys-
2 tem, that contains covered semiconductor prod-
3 ucts or services shall notify appropriate Federal
4 authorities in writing within 60 days; and

5 (B) the Federal authorities shall report
6 such information to the appropriate committees
7 of Congress and leadership within 120 days;

8 (6) provide that Federal bidders and contrac-
9 tors—

10 (A) may reasonably rely on the certifi-
11 cations of compliance from covered entities and
12 subcontractors who supply electronic parts,
13 products, or services when providing proposals
14 to the Federal Government; and

15 (B) are not required to conduct inde-
16 pendent third party audits or other formal re-
17 views related to such certifications;

18 (7) provide that a Federal contractor or subcon-
19 tractor that provides a notification under paragraph
20 (5) that does not regard electronic parts or products
21 manufactured or assembled by such Federal con-
22 tractor or subcontractor shall not be subject to civil
23 liability nor determined to not be a presently respon-
24 sible contractor on the basis of such notification;
25 and

1 (8) provide that a Federal contractor or subcon-
2 tractor that provides a notification under paragraph
3 (5) that regards electronic parts or products manu-
4 factured or assembled by such Federal contractor or
5 subcontractor shall not be subject to civil liability
6 nor determined to not be a presently responsible
7 contractor on the basis of such notification if the
8 Federal contractor or subcontractor makes a com-
9 prehensive and documentable effort to identify and
10 remove covered semiconductor products or services
11 from the Federal supply.

12 (i) REPORTS.—

13 (1) SECRETARY OF COMMERCE.—Not later than
14 60 days after completing the assessment required
15 under subsection (e), the Secretary of Commerce
16 shall submit to the appropriate committees of Con-
17 gress and leadership—

18 (A) a report of the findings and rec-
19 ommendations of the analyses, assessment, and
20 strategy developed under such subsection; and

21 (B) a report on development of the micro-
22 electronics traceability and diversification initia-
23 tive under subsection (f)(1).

24 (2) FEDERAL ACQUISITION SECURITY COUN-
25 CIL.—Not later than one year after the date of the

1 enactment of this Act, and annually thereafter for
2 ten years, the Federal Acquisition Security Council
3 shall include in the annual report submitted under
4 section 1325 of title 41, United States Code, a de-
5 scription of—

6 (A) the development of recommendations
7 under subsection (g), including the consider-
8 ations described in paragraph (1) of such sub-
9 section; and

10 (B) as applicable, the impact of any rec-
11 ommendations or regulations implemented.

12 (j) DEFINITIONS.—In this section:

13 (1) APPROPRIATE COMMITTEES OF CONGRESS
14 AND LEADERSHIP.—The term “appropriate commit-
15 tees of Congress and leadership” means—

16 (A) the Committee on Armed Services, the
17 Committee on Commerce, Science, and Trans-
18 portation, the Committee on Homeland Security
19 and Governmental Affairs, the Committee on
20 Energy and Natural Resources, the Committee
21 on Foreign Relations, the Committee on Bank-
22 ing, Housing, and Urban Affairs, the Select
23 Committee on Intelligence, and the majority
24 and minority leaders of the Senate; and

1 (B) the Committee on Armed Services, the
2 Committee on Energy and Commerce, the Com-
3 mittee on Science, Space, and Technology, the
4 Committee on Oversight and Reform, the Com-
5 mittee on Foreign Affairs, the Committee on
6 Homeland Security, the Permanent Select Com-
7 mittee on Intelligence, and the Speaker, the
8 majority leader, and the minority leader of the
9 of the House of Representatives.

10 (2) COVERED ENTITY.—The term “covered en-
11 tity” means an entity that—

12 (A) develops, domestically or abroad, a de-
13 sign of a semiconductor that is the direct prod-
14 uct of United States origin technology or soft-
15 ware; and

16 (B) purchases covered semiconductor prod-
17 ucts or services from an entity described in sub-
18 paragraph (A) or (C) of paragraph (3).

19 (3) COVERED SEMICONDUCTOR PRODUCT OR
20 SERVICES.—The term “covered semiconductor prod-
21 uct or services” means any of the following:

22 (A) A semiconductor, a semiconductor
23 product, a product that incorporates a semicon-
24 ductor product, or a service that utilizes such a
25 product, that is designed, produced or provided

1 by, Semiconductor Manufacturing International
2 Corporation (SMIC) (or any subsidiary, affil-
3 iate, or successor of such entity).

4 (B) A semiconductor, a semiconductor
5 product, a product that incorporates a semicon-
6 ductor product, or a service that utilizes such a
7 product, that is designed, produced, or provided
8 by ChangXin Memory Technologies (CXMT) or
9 Yangtze Memory Technologies Corp (YMTC)
10 (or any subsidiary, affiliate, or successor of
11 such entities).

12 (C) A semiconductor, semiconductor prod-
13 uct, or semiconductor service produced or pro-
14 vided by an entity that the Secretary of Defense
15 or the Secretary of Commerce, in consultation
16 with the Director of the National Intelligence or
17 the Director of the Federal Bureau of Inves-
18 tigation, determines to be an entity owned or
19 controlled by, or otherwise connected to, the
20 government of a foreign country of concern,
21 provided that the determination with respect to
22 such entity is published in the Federal Register.

23 (4) CRITICAL SYSTEM.—The term “critical sys-
24 tem”—

1 (A) has the meaning given the term “na-
2 tional security system” in section 11103(a)(1)
3 of title 40, United States Code;

4 (B) shall include additional systems identi-
5 fied by the Federal Acquisition Security Coun-
6 cil;

7 (C) shall include additional systems identi-
8 fied by the Department of Defense, consistent
9 with guidance provided under section 224 of the
10 National Defense Authorization Act for Fiscal
11 Year 2020 (Public Law 116–92); and

12 (D) shall not include a system to be used
13 for routine administrative and business applica-
14 tions (including payroll, finance, logistics, and
15 personnel management applications).

16 (5) FOREIGN COUNTRY OF CONCERN.—The
17 term “foreign country of concern” has the meaning
18 given the term in paragraph (7) of section 9901 of
19 the William M. (Mac) Thornberry National Defense
20 Authorization Act for Fiscal Year 2021 (15 U.S.C.
21 4651), as added by section 103(a)(4) of the CHIPS
22 Act of 2022 (division A of Public Law 117–167).

23 (k) EXTENSION OF FEDERAL ACQUISITION SECU-
24 RITY SUPPLY CHAIN ACT OF 2018.—

1 (1) SUBCHAPTER III OF CHAPTER 13 OF TITLE
2 41, UNITED STATES CODE.—Section 1328 of title 41,
3 United States Code, is amended by striking “the
4 date that is 5 years after the date of the enactment
5 of the Federal Acquisition Supply Chain Security
6 Act of 2018” and inserting “December 31, 2033”.

7 (2) SECTION 4713 OF TITLE 41, UNITED STATES
8 CODE.—Section 4713(j) of title 41, United States
9 Code, is amended by striking “the date that is 5
10 years after the date of the enactment of the Federal
11 Acquisition Supply Chain Security Act of 2018” and
12 inserting “December 31, 2033”.

13 (l) AUTHORIZATION OF APPROPRIATIONS FOR FED-
14 ERAL ACQUISITION SECURITY COUNCIL.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated \$3,000,000 for each of fiscal years
17 2023 through 2033 for the Office of Management
18 and Budget to support the activities of the Federal
19 Acquisition Security Council.

20 (2) TRANSFER AUTHORITY.—The Director of
21 the Office of Management and Budget may transfer
22 funds authorized to be appropriated under para-
23 graph (1) to other Federal agencies for the perform-
24 ance of work for which the funds were authorized.

1 **DIVISION F—INTELLIGENCE AU-**
2 **THORIZATION ACT FOR FIS-**
3 **CAL YEAR 2023**

4 **SEC. 6001. SHORT TITLE; TABLE OF CONTENTS.**

5 (a) **SHORT TITLE.**—This division may be cited as the
6 “Intelligence Authorization Act for Fiscal Year 2023”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this division is as follows:

DIVISION F—INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
YEAR 2023

- Sec. 6001. Short title; table of contents.
- Sec. 6002. Definitions.
- Sec. 6003. Explanatory statement.

TITLE LXI—INTELLIGENCE ACTIVITIES

- Sec. 6101. Authorization of appropriations.
- Sec. 6102. Classified Schedule of Authorizations.
- Sec. 6103. Intelligence Community Management Account.
- Sec. 6104. Restriction on conduct of intelligence activities.
- Sec. 6105. Increase in employee compensation and benefits authorized by law.

TITLE LXII—CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM

- Sec. 6201. Authorization of appropriations.

TITLE LXIII—GENERAL INTELLIGENCE COMMUNITY MATTERS

- Sec. 6301. Modification of requirements for certain employment activities by former intelligence officers and employees.
- Sec. 6302. Counterintelligence and national security protections for intelligence community grant funding.
- Sec. 6303. Extension of Central Intelligence Agency law enforcement jurisdiction to facilities of Office of Director of National Intelligence.
- Sec. 6304. Annual reports on status of recommendations of Comptroller General of the United States for the Director of National Intelligence.
- Sec. 6305. Timely submission of classified intelligence budget justification materials.
- Sec. 6306. Copyright protection for civilian faculty of the National Intelligence University.
- Sec. 6307. Modifications to Foreign Malign Influence Response Center.
- Sec. 6308. Requirement to offer cyber protection support for personnel of intelligence community in positions highly vulnerable to cyber attack.

- Sec. 6309. Enforcement of cybersecurity requirements for national security systems.
- Sec. 6310. Review and briefing on intelligence community activities under Executive Order 12333.
- Sec. 6311. Assessing intelligence community open-source support for export controls and foreign investment screening.
- Sec. 6312. Annual training requirement and report regarding analytic standards.
- Sec. 6313. Review of Joint Intelligence Community Council.
- Sec. 6314. Required policy for minimum insider threat standards.
- Sec. 6315. Unfunded priorities of the intelligence community.
- Sec. 6316. Submission of covered documents and classified annexes.
- Sec. 6317. Improvements to program on recruitment and training.
- Sec. 6318. Measures to mitigate counterintelligence threats from proliferation and use of foreign commercial spyware.
- Sec. 6319. Personnel vetting performance measures.
- Sec. 6320. Proactive cybersecurity.

TITLE LXIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

- Sec. 6401. Modifications to responsibilities and authorities of Director of National Intelligence.
- Sec. 6402. Annual submission to Congress of National Intelligence Priorities Framework.
- Sec. 6403. Disposition of records of Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

- Sec. 6411. Clarification regarding protection of Central Intelligence Agency functions.
- Sec. 6412. Expansion of reporting requirements relating to authority to pay personnel of Central Intelligence Agency for certain injuries to the brain.
- Sec. 6413. Historical Advisory Panel of Central Intelligence Agency.
- Sec. 6414. Authority of Central Intelligence Agency to provide protection for certain personnel.
- Sec. 6415. Notification of use of certain expenditure authorities.
- Sec. 6416. Office supporting Central Intelligence Agency workforce wellbeing.

Subtitle C—Elements of the Defense Intelligence Enterprise

- Sec. 6421. Inclusion of Space Force as element of intelligence community.
- Sec. 6422. Oversight of Defense Intelligence Agency culture.

Subtitle D—Other Elements

- Sec. 6431. Modification of advisory board in National Reconnaissance Office.
- Sec. 6432. Establishment of advisory board for National Geospatial-Intelligence Agency.
- Sec. 6433. Elevation of the commercial and business operations office of the National Geospatial-Intelligence Agency.
- Sec. 6435. Study on personnel under Strategic Intelligence Partnership Program.

Sec. 6436. Briefing on coordination between intelligence community and Bureau of Industry and Security.

TITLE LXV—MATTERS RELATING TO FOREIGN COUNTRIES

Subtitle A—Intelligence Matters Relating to the People's Republic of China

- Sec. 6501. Report on wealth and corrupt activities of the leadership of the Chinese Communist Party.
- Sec. 6502. Identification and threat assessment of companies with investments by the People's Republic of China.
- Sec. 6503. Intelligence community working group for monitoring the economic and technological capabilities of the People's Republic of China.
- Sec. 6504. Annual report on concentrated reeducation camps in the Xinjiang Uyghur Autonomous Region of the People's Republic of China.
- Sec. 6505. Assessments of production of semiconductors by the People's Republic of China.

Subtitle B—Miscellaneous Authorities, Requirements, and Limitations

- Sec. 6511. Notice of deployment or transfer of containerized missile systems by Russia, China, or Iran.
- Sec. 6512. Intelligence community coordinator for Russian atrocities accountability.
- Sec. 6513. Lead intelligence community coordinator for countering and neutralizing proliferation of Iran-origin unmanned aircraft systems.
- Sec. 6514. Collaboration between intelligence community and Department of Commerce to counter foreign commercial threats.
- Sec. 6515. Intelligence assessment on foreign weaponization of advertisement technology data.
- Sec. 6516. Intelligence community assessment regarding Russian gray zone assets.

Subtitle C—Reports and Other Matters

- Sec. 6521. Report on assessing will to fight.
- Sec. 6522. Report on threat from hypersonic weapons.
- Sec. 6523. Report on ordnance of Russia and China.
- Sec. 6524. Report on activities of China and Russia targeting Latin America and the Caribbean.
- Sec. 6525. Report on support provided by China to Russia.
- Sec. 6526. Report on global CCP financing of port infrastructure.
- Sec. 6527. Sense of Congress on provision of support by intelligence community for atrocity prevention and accountability.

TITLE LXVI—INTELLIGENCE COMMUNITY WORKFORCE MATTERS

- Sec. 6601. Improving onboarding of personnel in intelligence community.
- Sec. 6602. Report on legislative action required to implement Trusted Workforce 2.0 initiative.
- Sec. 6603. Inspector General of the Intelligence Community assessment of administration of polygraphs in intelligence community.
- Sec. 6604. Timeliness in the administration of polygraphs.
- Sec. 6605. Policy on submittal of applications for access to classified information for certain personnel.

- Sec. 6606. Technical correction regarding Federal policy on sharing of covered insider threat information.
- Sec. 6607. Inspector General of the Intelligence Community report on use of space certified as sensitive compartmented information facilities.
- Sec. 6608. Improving prohibition of certain personnel practices in intelligence community with respect to contractor employees.
- Sec. 6609. Definitions regarding whistleblower complaints and information of urgent concern received by inspectors general of the intelligence community.

TITLE LXVII—MATTERS RELATING TO EMERGING
TECHNOLOGIES

Subtitle A—General Matters

- Sec. 6701. Definitions.
- Sec. 6702. Additional responsibilities of Director of National Intelligence for artificial intelligence policies, standards, and guidance for the intelligence community.
- Sec. 6703. Director of Science and Technology.
- Sec. 6704. Intelligence Community Chief Data Officer.

Subtitle B—Improvements Relating to Procurement

- Sec. 6711. Additional transaction authority.
- Sec. 6712. Implementation plan and advisability study for offices of commercial integration.
- Sec. 6713. Pilot program on designated emerging technology transition projects.
- Sec. 6714. Harmonization of authorizations to operate.
- Sec. 6715. Plan to expand sensitive compartmented information facility access by certain contractors; reports on expansion of security clearances for certain contractors.
- Sec. 6716. Compliance by intelligence community with requirements of Federal Acquisition Regulation relating to commercially available off-the-shelf items and commercial services.
- Sec. 6717. Policy on required user adoption metrics in certain contracts for artificial intelligence and emerging technology software products.
- Sec. 6718. Certification relating to information technology and software systems.

Subtitle C—Reports

- Sec. 6721. Reports on integration of artificial intelligence within intelligence community.
- Sec. 6722. Report on potential benefits of establishment of ICWERX.
- Sec. 6723. Requirements and report on workforce needs of intelligence community relating to science, technology, engineering, and math, and related areas.

Subtitle D—Talent, Education, and Training

- Sec. 6731. Report on establishment of technology acquisition cadre.
- Sec. 6732. Emerging technology education and training.

Subtitle E—Other Matters

- Sec. 6741. Improvements to use of commercial software products.
 Sec. 6742. Code-free artificial intelligence enablement tools policy.

TITLE LXVIII—OTHER MATTERS

- Sec. 6801. Improvements relating to continuity of Privacy and Civil Liberties Oversight Board membership.
 Sec. 6802. Modification of requirement for office to address unidentified anomalous phenomena.
 Sec. 6803. Comptroller General of the United States audits and briefings on unidentified anomalous phenomena historical record report.
 Sec. 6804. Report on precursor chemicals used in the production of synthetic opioids.
 Sec. 6805. Assessment and report on mass migration in the Western Hemisphere.
 Sec. 6806. Report on international norms, rules, and principles applicable in space.
 Sec. 6807. Assessments of the effects of sanctions imposed with respect to the Russian Federation’s invasion of Ukraine.
 Sec. 6808. Assessment of impact of Russia’s invasion of Ukraine on food security.
 Sec. 6809. Pilot program for Director of Federal Bureau of Investigation to undertake an effort to identify International Mobile Subscriber Identity-catchers.
 Sec. 6810. Department of State Bureau of Intelligence and Research assessment of anomalous health incidents.
 Sec. 6811. Repeal and modification of certain reporting and briefing requirements.
 Sec. 6812. Increased intelligence-related engineering, research, and development capabilities of minority institutions.
 Sec. 6813. Reports on personnel vetting processes and progress under Trusted Workforce 2.0 initiative.
 Sec. 6814. Reports relating to programs of record of National Geospatial-Intelligence Agency.
 Sec. 6815. Plan regarding Social Media Data and Threat Analysis Center.
 Sec. 6816. Report on use of publicly available social media information in personnel vetting determinations.
 Sec. 6817. Report on strengthening workforce diversity planning and oversight.
 Sec. 6818. Report on transition of National Reconnaissance Office to digital engineering environment.
 Sec. 6819. Briefing on Department of Homeland Security intelligence activities.
 Sec. 6820. Report on declassification efforts of Central Intelligence Agency.
 Sec. 6821. Report on National Space Intelligence Center.
 Sec. 6822. Report on implementation of Executive Order 13556, regarding controlled unclassified information.
 Sec. 6823. National Museum of Intelligence and Special Operations.
 Sec. 6824. Technical corrections.

1 SEC. 6002. DEFINITIONS.

2 In this division:

3 (1) CONGRESSIONAL INTELLIGENCE COMMIT-
4 TEES.—The term “congressional intelligence com-

1 mittees” has the meaning given such term in section
2 3 of the National Security Act of 1947 (50 U.S.C.
3 3003).

4 (2) INTELLIGENCE COMMUNITY.—The term
5 “intelligence community” has the meaning given
6 such term in such section.

7 **SEC. 6003. EXPLANATORY STATEMENT.**

8 The explanatory statement regarding this division,
9 printed in the House section of the Congressional Record
10 by the Chairman of the Permanent Select Committee on
11 Intelligence of the House of Representatives and in the
12 Senate section of the Congressional Record by the Chair-
13 man of the Select Committee on Intelligence of the Senate,
14 shall have the same effect with respect to the implementa-
15 tion of this division as if it were a joint explanatory state-
16 ment of a committee of conference.

17 **TITLE LXI—INTELLIGENCE**
18 **ACTIVITIES**

19 **SEC. 6101. AUTHORIZATION OF APPROPRIATIONS.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 2023 for the conduct of the intelligence and
22 intelligence-related activities of the Federal Government.

23 **SEC. 6102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

24 (a) SPECIFICATIONS OF AMOUNTS.—The amounts
25 authorized to be appropriated under section 6101 for the

1 conduct of the intelligence activities of the Federal Gov-
2 ernment are those specified in the classified Schedule of
3 Authorizations prepared to accompany this division.

4 (b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AU-
5 THORIZATIONS.—

6 (1) AVAILABILITY.—The classified Schedule of
7 Authorizations referred to in subsection (a) shall be
8 made available to the Committee on Appropriations
9 of the Senate, the Committee on Appropriations of
10 the House of Representatives, and to the President.

11 (2) DISTRIBUTION BY THE PRESIDENT.—Sub-
12 ject to paragraph (3), the President shall provide for
13 suitable distribution of the classified Schedule of Au-
14 thorizations referred to in subsection (a), or of ap-
15 appropriate portions of such Schedule, within the exec-
16 utive branch of the Federal Government.

17 (3) LIMITS ON DISCLOSURE.—The President
18 shall not publicly disclose the classified Schedule of
19 Authorizations or any portion of such Schedule ex-
20 cept—

21 (A) as provided in section 601(a) of the
22 Implementing Recommendations of the 9/11
23 Commission Act of 2007 (50 U.S.C. 3306(a));

24 (B) to the extent necessary to implement
25 the budget; or

1 (C) as otherwise required by law.

2 **SEC. 6103. INTELLIGENCE COMMUNITY MANAGEMENT AC-**
3 **COUNT.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated for the Intelligence Commu-
6 nity Management Account of the Director of National In-
7 telligence for fiscal year 2023 the sum of \$664,445,000.

8 (b) CLASSIFIED AUTHORIZATION OF APPROPRIA-
9 TIONS.—In addition to amounts authorized to be appro-
10 priated for the Intelligence Community Management Ac-
11 count by subsection (a), there are authorized to be appro-
12 priated for the Intelligence Community Management Ac-
13 count for fiscal year 2023 such additional amounts as are
14 specified in the classified Schedule of Authorizations re-
15 ferred to in section 6102(a).

16 **SEC. 6104. RESTRICTION ON CONDUCT OF INTELLIGENCE**
17 **ACTIVITIES.**

18 The authorization of appropriations by this Act shall
19 not be deemed to constitute authority for the conduct of
20 any intelligence activity which is not otherwise authorized
21 by the Constitution or the laws of the United States.

22 **SEC. 6105. INCREASE IN EMPLOYEE COMPENSATION AND**
23 **BENEFITS AUTHORIZED BY LAW.**

24 Appropriations authorized by this Act for salary, pay,
25 retirement, and other benefits for Federal employees may

1 be increased by such additional or supplemental amounts
2 as may be necessary for increases in such compensation
3 or benefits authorized by law.

4 **TITLE LXII—CENTRAL INTEL-**
5 **LIGENCE AGENCY RETIRE-**
6 **MENT AND DISABILITY SYS-**
7 **TEM**

8 **SEC. 6201. AUTHORIZATION OF APPROPRIATIONS.**

9 There is authorized to be appropriated for the Cen-
10 tral Intelligence Agency Retirement and Disability Fund
11 \$514,000,000 for fiscal year 2023.

12 **TITLE LXIII—GENERAL INTEL-**
13 **LIGENCE COMMUNITY MAT-**
14 **TERS**

15 **SEC. 6301. MODIFICATION OF REQUIREMENTS FOR CER-**
16 **TAIN EMPLOYMENT ACTIVITIES BY FORMER**
17 **INTELLIGENCE OFFICERS AND EMPLOYEES.**

18 (a) IN GENERAL.—Subsections (a) and (b) of section
19 304 of the National Security Act of 1947 (50 U.S.C.
20 3073a) are amended to read as follows:

21 “(a) POST-EMPLOYMENT RESTRICTIONS.—

22 “(1) COVERED POST-SERVICE POSITION.—

23 “(A) PERMANENT RESTRICTION.—Except
24 as provided by paragraph (2)(A)(i), an em-
25 ployee of an element of the intelligence commu-

1 nity who occupies a covered intelligence position
2 may not occupy a covered post-service position
3 for a designated prohibited foreign country fol-
4 lowing the date on which the employee ceases to
5 occupy a covered intelligence position.

6 “(B) TEMPORARY RESTRICTION.—Except
7 as provided by paragraph (2)(A)(ii), an em-
8 ployee of an element of the intelligence commu-
9 nity who occupies a covered intelligence position
10 may not occupy a covered post-service position
11 during the 30-month period following the date
12 on which the employee ceases to occupy a cov-
13 ered intelligence position.

14 “(2) WAIVER.—

15 “(A) AUTHORITY TO GRANT TEMPORARY
16 WAIVER.—

17 “(i) WAIVERS OF PERMANENT RE-
18 STRICTION.—On a case-by-case basis, the
19 Director of National Intelligence may tem-
20 porarily waive the restriction in paragraph
21 (1)(A) with respect to an employee or
22 former employee who is subject to that re-
23 striction only after—

24 “(I) the employee or former em-
25 ployee submits to the Director a writ-

1 ten application for such waiver in
2 such form and manner as the Director
3 determines appropriate;

4 “(II) the Director determines
5 that not granting such waiver would
6 result in a grave detrimental impact
7 to current or future intelligence oper-
8 ations of the United States; and

9 “(III) the Director provides the
10 congressional intelligence committees
11 with a detailed justification stating
12 why not granting such waiver would
13 result in a grave detrimental impact
14 to current or future intelligence oper-
15 ations of the United States.

16 “(ii) WAIVERS OF TEMPORARY RE-
17 STRICTION.—On a case-by-case basis, the
18 Director may temporarily waive the restric-
19 tion in paragraph (1)(B) with respect to
20 an employee or former employee who is
21 subject to that restriction only after—

22 “(I) the employee or former em-
23 ployee submits to the Director a writ-
24 ten application for such waiver in

1 such form and manner as the Director
2 determines appropriate; and

3 “(II) the Director determines
4 that such waiver is necessary to ad-
5 vance the national security interests
6 of the United States.

7 “(B) PERIOD OF WAIVER.—A waiver
8 issued under subparagraph (A) shall apply for
9 a period not exceeding 5 years. The Director
10 may renew such a waiver.

11 “(C) REVOCATION.—The Director may re-
12 voke a waiver issued under subparagraph (A) to
13 an employee or former employee, effective on
14 the date that is 60 days after the date on which
15 the Director provides the employee or former
16 employee written notice of such revocation.

17 “(D) TOLLING.—The 30-month restriction
18 in paragraph (1)(B) shall be tolled for an em-
19 ployee or former employee during the period be-
20 ginning on the date on which a waiver is issued
21 under subparagraph (A) and ending on the date
22 on which the waiver expires or on the effective
23 date of a revocation under subparagraph (C),
24 as the case may be.

1 “(E) NOTIFICATION.—Not later than 30
2 days after the date on which the Director issues
3 a waiver under subparagraph (A) or a revoca-
4 tion of a waiver under subparagraph (C), the
5 Director shall submit to the congressional intel-
6 ligence committees written notification of the
7 waiver or revocation, as the case may be. Such
8 notification shall include the following:

9 “(i) With respect to a waiver issued to
10 an employee or former employee—

11 “(I) the details of the applica-
12 tion, including the covered intelligence
13 position held or formerly held by the
14 employee or former employee;

15 “(II) the nature of the activities
16 of the employee or former employee
17 after ceasing to occupy a covered in-
18 telligence position;

19 “(III) a description of the na-
20 tional security interests that will be
21 advanced by reason of issuing such
22 waiver; and

23 “(IV) the specific reasons why
24 the Director determines that issuing

1 such waiver will advance such inter-
2 ests.

3 “(ii) With respect to a revocation of a
4 waiver issued to an employee or former
5 employee—

6 “(I) the details of the waiver, in-
7 cluding any renewals of such waiver,
8 and the dates of such waiver and re-
9 newals; and

10 “(II) the specific reasons why the
11 Director determined that such revoca-
12 tion is warranted.

13 “(b) COVERED POST-SERVICE EMPLOYMENT RE-
14 PORTING.—

15 “(1) REQUIREMENT.—During the period de-
16 scribed in paragraph (2), an employee who ceases to
17 occupy a covered intelligence position shall—

18 “(A) report covered post-service employ-
19 ment to the head of the element of the intel-
20 ligence community that employed such employee
21 in such covered intelligence position upon ac-
22 cepting such covered post-service employment;
23 and

24 “(B) annually (or more frequently if the
25 head of such element considers it appropriate)

1 report covered post-service employment to the
2 head of such element.

3 “(2) PERIOD DESCRIBED.—The period de-
4 scribed in this paragraph is the period beginning on
5 the date on which an employee ceases to occupy a
6 covered intelligence position.

7 “(3) REGULATIONS.—The head of each element
8 of the intelligence community shall issue regulations
9 requiring, as a condition of employment, each em-
10 ployee of such element occupying a covered intel-
11 ligence position to sign a written agreement requir-
12 ing the regular reporting of covered post-service em-
13 ployment to the head of such element pursuant to
14 paragraph (1).”.

15 (b) DEFINITION OF DESIGNATED PROHIBITED FOR-
16 EIGN COUNTRY.—Subsection (g) of such section is amend-
17 ed—

18 (1) by redesignating paragraphs (4) through
19 (6) as paragraphs (5) through (7), respectively; and

20 (2) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) DESIGNATED PROHIBITED FOREIGN COUN-
23 TRY.—The term ‘designated prohibited foreign coun-
24 try’ means the following:

25 “(A) The People’s Republic of China.

1 “(B) The Russian Federation.

2 “(C) The Democratic People’s Republic of
3 Korea.

4 “(D) The Islamic Republic of Iran.

5 “(E) The Republic of Cuba.

6 “(F) The Syrian Arab Republic.”.

7 (c) ADDITIONAL WRITTEN NOTICE.—

8 (1) IN GENERAL.—Subsection (d) of such sec-
9 tion is amended by adding at the end the following:

10 “(3) WRITTEN NOTICE ABOUT RESTRIC-
11 TIONS.—The head of each element of the intelligence
12 community shall provide written notice of the re-
13 strictions under subsection (a) to any person who
14 may be subject to such restrictions on or after the
15 date of enactment of the Intelligence Authorization
16 Act for Fiscal Year 2023—

17 “(A) when the head of the element deter-
18 mines that such person may become subject to
19 such covered intelligence position restrictions;
20 and

21 “(B) before the person ceases to occupy a
22 covered intelligence position.”.

23 (2) CONFORMING AMENDMENT.—Paragraph (2)
24 of such subsection is amended in the paragraph

1 heading by adding “ABOUT REPORTING REQUIRE-
2 MENTS” after “WRITTEN NOTICE”.

3 (d) REVISED REGULATIONS.—

4 (1) DEFINITION OF COVERED INTELLIGENCE
5 POSITION.—In this subsection, the term “covered in-
6 telligence position” has the meaning given such term
7 by such section 304.

8 (2) SUBMISSION.—Not later than 30 days after
9 the date of the enactment of this Act, the head of
10 each element of the intelligence community shall
11 submit to the congressional intelligence committees
12 new or updated regulations issued to carry out such
13 section 304, as amended by subsections (a), (b), and
14 (c) of this section.

15 (3) REQUIREMENTS.—The regulations issued
16 under paragraph (1) shall—

17 (A) include provisions that advise per-
18 sonnel of the intelligence community of the ap-
19 propriate manner in which such personnel may
20 opt out of positions that—

21 (i) have been designated as covered
22 intelligence positions before the effective
23 date established in subsection (e) of this
24 section; or

1 (ii) may be designated as covered in-
2 telligence provisions before such designa-
3 tion becomes final; and

4 (B) establish a period of not fewer than 30
5 days and not more than 60 days after receipt
6 of the written notice required under paragraph
7 (3) of subsection (d) of such section 304, as
8 added by subsection (c)(1) of this section, with-
9 in which such personnel may opt out of a cov-
10 ered intelligence position and the accompanying
11 obligations imposed by subsection (a)(1)(A) of
12 such section 304, as amended by subsection (a)
13 of this section.

14 (4) CERTIFICATION.—Not later than 180 days
15 after the date of the enactment of this Act, the Di-
16 rector of National Intelligence shall submit to the
17 congressional intelligence committees—

18 (A) a written certification for each head of
19 an element of the intelligence community who
20 has issued new or updated regulations pursuant
21 to paragraph (2); and

22 (B) for each head of an element of the in-
23 telligence community who has not issued such
24 new or updated regulations, an explanation for

1 the failure to issue such new or updated regula-
2 tions.

3 (e) **EFFECTIVE DATE OF PERMANENT RESTRIC-**
4 **TIONS.**—Subsection (a)(1)(A) of such section 304, as
5 amended by subsection (a) of this section, shall apply only
6 to persons who occupy a covered intelligence position on
7 or after the date that is 45 days after the date on which
8 new or updated regulations are issued under subsection
9 (d)(2) of this section.

10 (f) **REPEAL.**—Section 402 of the Intelligence Author-
11 ization Act for Fiscal Year 1997 (Public Law 104–293)
12 is hereby repealed.

13 **SEC. 6302. COUNTERINTELLIGENCE AND NATIONAL SECU-**
14 **RITY PROTECTIONS FOR INTELLIGENCE**
15 **COMMUNITY GRANT FUNDING.**

16 (a) **IN GENERAL.**—Title I of the National Security
17 Act of 1947 (50 U.S.C. 3021 et seq.) is amended by add-
18 ing at the end the following:

19 **“SEC. 121. COUNTERINTELLIGENCE AND NATIONAL SECU-**
20 **RITY PROTECTIONS FOR INTELLIGENCE**
21 **COMMUNITY GRANT FUNDING.**

22 **“(a) DISCLOSURE AS CONDITION FOR RECEIPT OF**
23 **GRANT.**—The head of an element of the intelligence com-
24 munity may not award a grant to a person or entity unless
25 the person or entity has certified to the head of the ele-

1 ment that the person or entity has disclosed to the head
2 of the element any material financial or material in-kind
3 support that the person or entity knows, or should have
4 known, derives from the People’s Republic of China, the
5 Russian Federation, the Islamic Republic of Iran, the
6 Democratic People’s Republic of Korea, or the Republic
7 of Cuba, during the 5-year period ending on the date of
8 the person or entity’s application for the grant.

9 “(b) PROCESS FOR REVIEW OF GRANT APPLICANTS
10 PRIOR TO AWARD.—

11 “(1) IN GENERAL.—The head of an element of
12 the intelligence community may not award a grant
13 to a person or entity who submitted a certification
14 under subsection (a) until such certification is re-
15 ceived by the head of an element of the intelligence
16 community and submitted to the Director of Na-
17 tional Intelligence pursuant to the process set forth
18 in paragraph (2).

19 “(2) PROCESS.—

20 “(A) IN GENERAL.—The Director of Na-
21 tional Intelligence, in coordination with such
22 heads of elements of the intelligence community
23 as the Director considers appropriate, shall es-
24 tablish a process to review the awarding of a

1 grant to an applicant who submitted a certifi-
2 cation under subsection (a).

3 “(B) ELEMENTS.—The process established
4 under subparagraph (A) shall include the fol-
5 lowing:

6 “(i) The immediate transmission of a
7 copy of each applicant’s certification made
8 under subsection (a) to the Director of Na-
9 tional Intelligence.

10 “(ii) The review of the certification
11 and any accompanying disclosures sub-
12 mitted under subsection (a) as soon as
13 practicable.

14 “(iii) Authorization for the heads of
15 the elements of the intelligence community
16 to take such actions as may be necessary,
17 including denial or revocation of a grant,
18 to ensure a grant does not pose an unac-
19 ceptable risk of—

20 “(I) misappropriation of United
21 States intellectual property, research
22 and development, and innovation ef-
23 forts; or

24 “(II) other counterintelligence
25 threats.

1 “(c) ANNUAL REPORT REQUIRED.—Not later than 1
2 year after the date of the enactment of the Intelligence
3 Authorization Act for Fiscal Year 2023 and not less fre-
4 quently than once each year thereafter, the Director of
5 National Intelligence shall submit to the congressional in-
6 telligence committees an annual report identifying the fol-
7 lowing for the 1-year period covered by the report:

8 “(1) The number of applications for grants re-
9 ceived by each element of the intelligence commu-
10 nity.

11 “(2) The number of such applications that were
12 reviewed using the process established under sub-
13 section (b)(2), disaggregated by element of the intel-
14 ligence community.

15 “(3) The number of such applications that were
16 denied and the number of grants that were revoked,
17 pursuant to the process established under subsection
18 (b)(2), disaggregated by element of the intelligence
19 community.”.

20 (b) APPLICABILITY.—Subsections (a) and (b) of sec-
21 tion 121 of such Act, as added by subsection (a), shall
22 apply only with respect to grants awarded by an element
23 of the intelligence community after the date of the enact-
24 ment of this Act.

1 (c) CLERICAL AMENDMENT.—The table of contents
2 preceding section 2 of such Act is amended by inserting
3 after the item relating to section 120 the following:

“Sec. 121. Counterintelligence and national security protections for intelligence
community grant funding.”.

4 **SEC. 6303. EXTENSION OF CENTRAL INTELLIGENCE AGEN-**
5 **CY LAW ENFORCEMENT JURISDICTION TO**
6 **FACILITIES OF OFFICE OF DIRECTOR OF NA-**
7 **TIONAL INTELLIGENCE.**

8 (a) IN GENERAL.—Section 15(a) of the Central Intel-
9 ligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amend-
10 ed—

11 (1) in paragraph (1)—

12 (A) in subparagraph (C), by striking “;
13 and” and inserting a semicolon;

14 (B) by redesignating subparagraph (D) as
15 subparagraph (E);

16 (C) by inserting after subparagraph (C)
17 the following:

18 “(D) within an installation owned, or con-
19 tracted to be occupied for a period of one year or
20 longer, by the Office of the Director of National In-
21 telligence; and”; and

22 (D) in subparagraph (E), as redesignated
23 by subparagraph (B), by inserting “or (D)”
24 after “in subparagraph (C)”;

1 (2) in paragraph (2), by striking “or (D)” and
2 inserting “or (E)”; and

3 (3) in paragraph (4), by striking “in subpara-
4 graph (A) or (C)” and inserting “in subparagraph
5 (A), (C), or (D)”.

6 (b) CONFORMING AMENDMENT.—Section 5(a)(4) of
7 such Act (50 U.S.C. 3506(a)(4)) is amended by inserting
8 “and Office of the Director of National Intelligence” after
9 “protection of Agency”.

10 **SEC. 6304. ANNUAL REPORTS ON STATUS OF REC-**
11 **COMMENDATIONS OF COMPTROLLER GEN-**
12 **ERAL OF THE UNITED STATES FOR THE DI-**
13 **RECTOR OF NATIONAL INTELLIGENCE.**

14 (a) DEFINITION OF OPEN RECOMMENDATIONS.—In
15 this section, the term “open recommendations” refers to
16 recommendations of the Comptroller General of the
17 United States that the Comptroller General has not yet
18 designated as closed.

19 (b) ANNUAL LISTS BY COMPTROLLER GENERAL OF
20 THE UNITED STATES.—Not later than September 30,
21 2023, and each September 30 thereafter through 2028,
22 the Comptroller General of the United States shall submit
23 to the congressional intelligence committees and the Direc-
24 tor of National Intelligence a list of all open recommenda-

1 tions made to the Director, disaggregated by report num-
2 ber and recommendation number.

3 (c) ANNUAL REPORTS BY DIRECTOR OF NATIONAL
4 INTELLIGENCE.—Not later than 120 days after the date
5 on which the Director receives a list under subsection (b),
6 the Director shall submit to the congressional intelligence
7 committees, the Committee on Appropriations of the Sen-
8 ate, and the Committee on Appropriations of the House
9 of Representatives a report on the actions taken by the
10 Director and actions the Director intends to take, alone
11 or in coordination with the heads of other Federal agen-
12 cies, in response to each open recommendation identified
13 in the list, including open recommendations the Director
14 determines are closed and recommendations the Director
15 determines do not require further action, as well as the
16 basis for such determinations.

17 **SEC. 6305. TIMELY SUBMISSION OF CLASSIFIED INTEL-**
18 **LIGENCE BUDGET JUSTIFICATION MATE-**
19 **RIALS.**

20 Title V of the National Security Act of 1947 (50
21 U.S.C. 3091 et seq.) is amended by inserting after section
22 506I the following new section (and conforming the table
23 of contents at the beginning of such Act accordingly):

1 **“SEC. 506J. CLASSIFIED INTELLIGENCE BUDGET JUS-**
2 **TIFICATION MATERIALS.**

3 “(a) DEFINITIONS.—In this section:

4 “(1) BUDGET.—The term ‘budget’ has the
5 meaning given the term ‘budget of the President’ in
6 section 506A.

7 “(2) CLASSIFIED INTELLIGENCE BUDGET JUS-
8 TIFICATION MATERIALS.—The term ‘classified intel-
9 ligence budget justification materials’ means, with
10 respect to a fiscal year, the materials submitted to
11 Congress by the Director of National Intelligence in
12 support of the budget for that fiscal year that are
13 classified or otherwise protected from public disclo-
14 sure.

15 “(b) TIMELY SUBMISSION.—Not later than 5 days
16 after the date on which the President submits to Congress
17 the budget for each fiscal year pursuant to section 1105(a)
18 of title 31, United States Code, the Director of National
19 Intelligence shall submit to the congressional intelligence
20 committees the classified intelligence budget justification
21 materials for the element for that budget.”.

22 **SEC. 6306. COPYRIGHT PROTECTION FOR CIVILIAN FAC-**
23 **ULTY OF THE NATIONAL INTELLIGENCE UNI-**
24 **VERSITY.**

25 Section 105 of title 17, United States Code, is
26 amended—

1 (1) by redesignating the second subsection (c)
2 as subsection (d);

3 (2) by striking subsection (c) and inserting the
4 following:

5 “(c) USE BY FEDERAL GOVERNMENT.—

6 “(1) SECRETARY OF DEFENSE AUTHORITY.—

7 With respect to a covered author who produces a
8 covered work in the course of employment at a cov-
9 ered institution described in subparagraphs (A)
10 through (L) of subsection (d)(2), the Secretary of
11 Defense may direct the covered author to provide
12 the Federal Government with an irrevocable, royalty-
13 free, worldwide, nonexclusive license to reproduce,
14 distribute, perform, or display such covered work for
15 purposes of the United States Government.

16 “(2) DIRECTOR OF NATIONAL INTELLIGENCE
17 AUTHORITY.—With respect to a covered author who

18 produces a covered work in the course of employ-
19 ment at the covered institution described in sub-
20 section (d)(2)(M), the Director of National Intel-
21 ligence may direct the covered author to provide the
22 Federal Government with an irrevocable, royalty-
23 free, world-wide, nonexclusive license to reproduce,
24 distribute, perform, or display such covered work for
25 purposes of the United States Government.”; and

1 (3) in paragraph (2) of subsection (d), as so re-
2 designated, by adding at the end the following:

3 “(M) National Intelligence University.”

4 **SEC. 6307. MODIFICATIONS TO FOREIGN MALIGN INFLU-**
5 **ENCE RESPONSE CENTER.**

6 (a) RENAMING.—

7 (1) IN GENERAL.—Section 119C of the Na-
8 tional Security Act of 1947 (50 U.S.C. 3059) is
9 amended—

10 (A) in the section heading, by striking
11 “**RESPONSE**”; and

12 (B) in subsection (a), by striking “Re-
13 sponse”.

14 (2) CLERICAL AMENDMENT.—The table of con-
15 tents in the matter preceding section 2 of such Act
16 is amended by striking the item relating to section
17 119C and inserting the following:

“Sec. 119C. Foreign Malign Influence Center.”

18 (3) CONFORMING AMENDMENT.—Section
19 589E(d)(2) of the William M. (Mac) Thornberry
20 National Defense Authorization Act for Fiscal Year
21 2021 (Public Law 116–283; 10 U.S.C. 2001 note
22 prec.) is amended by striking “Response”.

23 (4) REFERENCE.—Any reference in law, regula-
24 tion, map, document, paper, or other record of the
25 United States to the “Foreign Malign Influence Re-

1 sponse Center” shall be deemed to be a reference to
2 the Foreign Malign Influence Center.

3 (b) DIRECTOR OF NATIONAL INTELLIGENCE AU-
4 THORITY TO TERMINATE.—Section 119C of such Act (50
5 U.S.C. 3059) is further amended—

6 (1) by redesignating subsection (e) as sub-
7 section (f); and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e) TERMINATION.—After December 31, 2028, the
11 Director of National Intelligence may terminate the Cen-
12 ter, but only if the Director of National Intelligence sub-
13 mits to the congressional intelligence committees, the Sub-
14 committee on Defense of the Committee on Appropriations
15 of the Senate, and the Subcommittee on Defense of the
16 Committee on Appropriations of the House of Representa-
17 tives a determination that the termination of the Center
18 is appropriate, which includes—

19 “(1) a detailed description that other offices or
20 entities within the intelligence community—

21 “(A) have the capabilities to perform the
22 functions of the Center; and

23 “(B) will exercise the functions of the Cen-
24 ter upon the termination of the Center; and

25 “(2) a detailed description of—

1 “(A) the actions the Director of National
2 Intelligence will take to conduct an orderly
3 wind-down of the activities of the Center; and

4 “(B) the proposed timeline for such ac-
5 tions.”.

6 (c) REPORT.—

7 (1) DEFINITION OF APPROPRIATE COMMITTEES
8 OF CONGRESS.—In this subsection, the term “appro-
9 priate committees of Congress” means—

10 (A) the congressional intelligence commit-
11 tees;

12 (B) the Committee on Homeland Security
13 and Governmental Affairs, the Committee on
14 Foreign Relations, the Committee on Armed
15 Services, and the Subcommittee on Defense of
16 the Committee on Appropriations of the Senate;
17 and

18 (C) the Committee on Homeland Security,
19 the Committee on Foreign Affairs, the Com-
20 mittee on Armed Services, and the Sub-
21 committee on Defense of the Committee on Ap-
22 propriations of the House of Representatives.

23 (2) IN GENERAL.—Not later than December 31,
24 2025, the Director of National Intelligence shall
25 submit to the appropriate committees of Congress a

1 report assessing the continued need for operating
2 the Foreign Malign Influence Center.

3 **SEC. 6308. REQUIREMENT TO OFFER CYBER PROTECTION**
4 **SUPPORT FOR PERSONNEL OF INTEL-**
5 **LIGENCE COMMUNITY IN POSITIONS HIGHLY**
6 **VULNERABLE TO CYBER ATTACK.**

7 (a) IN GENERAL.—Section 6308(b) of the Damon
8 Paul Nelson and Matthew Young Pollard Intelligence Au-
9 thorization Act for Fiscal Years 2018, 2019, and 2020
10 (50 U.S.C. 3334d(b)) is amended—

11 (1) in paragraph (1)—

12 (A) by striking “may provide” and insert-
13 ing “shall offer”;

14 (B) by inserting “and shall provide such
15 support to any such personnel who request” be-
16 fore the period at the end; and

17 (2) in the subsection heading, by striking “AU-
18 THORITY” and inserting “REQUIREMENT”.

19 (b) PLAN.—Not later than 180 days after the date
20 of the enactment of this Act, the Director of National In-
21 telligence shall submit to the congressional intelligence
22 committees, the Committee on Appropriations of the Sen-
23 ate, and the Committee on Appropriations of the House
24 of Representatives an implementation plan for providing
25 the support described section 6308(b) of the Damon Paul

1 Nelson and Matthew Young Pollard Intelligence Author-
2 ization Act for Fiscal Years 2018, 2019, and 2020 (50
3 U.S.C. 3334d(b)), as amended by subsection (a), including
4 a description of the training and resources needed to im-
5 plement the support and the methodology for determining
6 the personnel described in paragraph (2) of such section.

7 **SEC. 6309. ENFORCEMENT OF CYBERSECURITY REQUIRE-**
8 **MENTS FOR NATIONAL SECURITY SYSTEMS.**

9 (a) DEFINITIONS.—In this section:

10 (1) CYBERSECURITY REQUIREMENTS FOR NA-
11 TIONAL SECURITY SYSTEMS.—The term “cybersecu-
12 rity requirements for national security systems”
13 means the minimum cybersecurity requirements es-
14 tablished by the National Manager, consistent with
15 the direction of the President and in consultation
16 with the Director of National Intelligence, that ap-
17 plies to all national security systems operated by, on
18 the behalf of, or administered by the head of an ele-
19 ment of the intelligence community.

20 (2) NATIONAL MANAGER.—The term “National
21 Manager” means the National Manager for National
22 Security Systems designated by the President.

23 (3) NATIONAL SECURITY SYSTEMS.—The term
24 “national security systems” includes—

1 (A) national security systems (as defined
2 in section 3552(b) of title 44, United States
3 Code); and

4 (B) information systems described in para-
5 graph (2) or (3) of section 3553(e) of such title.

6 (b) IMPLEMENTATION DEADLINE.—The cybersecu-
7 rity requirements for national security systems shall in-
8 clude appropriate deadlines by which all elements of the
9 intelligence community shall have fully implemented the
10 requirements.

11 (c) REEVALUATION AND UPDATES.—Not less fre-
12 quently than once every 2 years, the National Manager
13 shall reevaluate and update the cybersecurity require-
14 ments for national security systems.

15 (d) RESOURCES.—Each head of an element of the in-
16 telligence community that owns or operates a national se-
17 curity system shall update plans of the element to
18 prioritize resources in such a manner as to fully implement
19 the cybersecurity requirements for national security sys-
20 tems by the deadline established pursuant to subsection
21 (b) for the next 10 fiscal years.

22 (e) EXEMPTIONS.—

23 (1) IN GENERAL.—The head of an element of
24 the intelligence community may exempt a national
25 security system owned or operated by the element

1 from the cybersecurity requirements for national se-
2 curity systems if done so in accordance with the pro-
3 cedures established under paragraph (2).

4 (2) EXEMPTION PROCEDURES.—The National
5 Manager shall, consistent with the direction of the
6 President, establish procedures that govern—

7 (A) the circumstances under which the
8 head of an element of the intelligence commu-
9 nity may exempt a national security system
10 under paragraph (1); and

11 (B) the process for implementing the ex-
12 emption.

13 (3) ANNUAL REPORTS ON EXEMPTIONS.—

14 (A) IN GENERAL.—Each year, the Na-
15 tional Manager and the Director of National
16 Intelligence shall—

17 (i) submit to the congressional intel-
18 ligence committees an annual report docu-
19 menting all exemptions made under para-
20 graph (1) during the period covered by the
21 report, along with the justifications for the
22 exemptions; and

23 (ii) in the case of an exemption made
24 by the Assistant Secretary of State for In-
25 telligence and Research under such para-

1 graph, submit to the Committee on For-
2 eign Relations of the Senate and the Com-
3 mittee on Foreign Affairs of the House of
4 Representatives a separate report describ-
5 ing the exemption and the justification for
6 it.

7 (B) MANNER.—Each report submitted
8 under subparagraph (A) shall be submitted with
9 such classification as the Director considers ap-
10 propriate and with due regard for the protec-
11 tion of sensitive intelligence sources and meth-
12 ods.

13 **SEC. 6310. REVIEW AND BRIEFING ON INTELLIGENCE COM-**
14 **MUNITY ACTIVITIES UNDER EXECUTIVE**
15 **ORDER 12333.**

16 (a) REVIEW AND BRIEFING REQUIRED.—No later
17 than 180 days after the date of the enactment of this Act,
18 the Director of National Intelligence shall—

19 (1) conduct a review to ascertain the feasibility
20 and advisability of compiling and making public in-
21 formation relating to activities of the intelligence
22 community under Executive Order 12333 (50 U.S.C.
23 3001 note; relating to United States intelligence ac-
24 tivities); and

1 (2) provide the congressional intelligence com-
2 mittees, the Committee on Appropriations of the
3 Senate, and the Committee on Appropriations of the
4 House of Representatives with a briefing on the
5 findings of the Director with respect to the review
6 conducted under paragraph (1).

7 (b) MATTERS ADDRESSED.—The review and briefing
8 required by subsection (a) shall address the feasibility and
9 advisability of making available to the public information
10 relating to the following:

11 (1) Data on activities described in subsection
12 (a)(1), including the following:

13 (A) The amount of United States person
14 information collected pursuant to such activi-
15 ties.

16 (B) Queries of United States persons pur-
17 suant to such activities.

18 (C) Dissemination of United States person
19 information pursuant to such activities, includ-
20 ing masking and unmasking.

21 (D) The use of United States person infor-
22 mation in criminal proceedings.

23 (2) Quantitative data and qualitative descrip-
24 tions of incidents in which the intelligence commu-

1 nity violated Executive Order 12333 and associated
2 guidelines and procedures.

3 (c) CONSIDERATIONS.—In conducting the review
4 under subsection (a)(1), the Director shall consider—

5 (1) the public transparency associated with the
6 use by the intelligence community of the authorities
7 provided under the Foreign Intelligence Surveillance
8 Act of 1978 (50 U.S.C. 1801 et seq.), including rel-
9 evant data and compliance incidents; and

10 (2) the application of the transparency model
11 developed in connection with such Act to activities
12 conducted under Executive Order 12333.

13 (d) DISAGGREGATION FOR PUBLIC RELEASE.—In
14 conducting the review under subsection (a)(1), the Direc-
15 tor shall address whether the relevant data and compliance
16 incidents associated with the different intelligence commu-
17 nity entities can be disaggregated for public release.

18 **SEC. 6311. ASSESSING INTELLIGENCE COMMUNITY OPEN-**
19 **SOURCE SUPPORT FOR EXPORT CONTROLS**
20 **AND FOREIGN INVESTMENT SCREENING.**

21 (a) PILOT PROGRAM TO ASSESS OPEN SOURCE SUP-
22 PORT FOR EXPORT CONTROLS AND FOREIGN INVEST-
23 MENT SCREENING.—

24 (1) PILOT PROGRAM AUTHORIZED.—The Direc-
25 tor of National Intelligence shall designate an ele-

1 ment of the intelligence community to carry out a
2 pilot program to assess the feasibility and advis-
3 ability of providing enhanced intelligence support,
4 including intelligence derived from open source, pub-
5 licly and commercially available information—

6 (A) to the Department of Commerce to
7 support the export control and investment
8 screening functions of the Department; and

9 (B) to the Department of Homeland Secu-
10 rity to support the export control functions of
11 the Department.

12 (2) AUTHORITY.—In carrying out the pilot pro-
13 gram required by paragraph (1), the element des-
14 ignated by the Director under such paragraph—

15 (A) shall establish a process for the provi-
16 sion of information as described in such para-
17 graph; and

18 (B) may—

19 (i) acquire and prepare data, con-
20 sistent with applicable provisions of law
21 and Executive orders;

22 (ii) modernize analytic systems, in-
23 cluding through the acquisition, develop-
24 ment, or application of automated tools;
25 and

1 (iii) establish standards and policies
2 regarding the acquisition, treatment, and
3 sharing of open source, publicly and com-
4 mercially available information.

5 (3) DURATION.—The pilot program required by
6 paragraph (1) shall be carried out during a 3-year
7 period.

8 (b) PLAN AND REPORT REQUIRED.—

9 (1) DEFINITION OF APPROPRIATE COMMITTEES
10 OF CONGRESS.—In this subsection, the term “appro-
11 priate committees of Congress” means—

12 (A) the Select Committee on Intelligence,
13 the Committee on Banking, Housing, and
14 Urban Affairs, the Committee on Homeland Se-
15 curity and Governmental Affairs, and the Com-
16 mittee on Appropriations of the Senate; and

17 (B) the Permanent Select Committee on
18 Intelligence, the Committee on Foreign Affairs,
19 the Committee on Financial Services, the Com-
20 mittee on Homeland Security, and the Com-
21 mittee on Appropriations of the House of Rep-
22 resentatives.

23 (2) PLAN.—

24 (A) IN GENERAL.—Not later than 90 days
25 after the date of the enactment of this Act, the

1 Director shall, in coordination with the Sec-
2 retary of Commerce and the Secretary of
3 Homeland Security, submit to the appropriate
4 committees of Congress a plan to carry out the
5 pilot program required by subsection (a)(1).

6 (B) CONTENTS.—The plan submitted
7 under subparagraph (A) shall include the fol-
8 lowing:

9 (i) A list, developed in consultation
10 with the Secretary of Commerce and the
11 Secretary of Homeland Security, of the ac-
12 tivities of the Department of Commerce
13 and the Department of Homeland Security
14 that will be supported by the pilot pro-
15 gram.

16 (ii) A plan for measuring the effec-
17 tiveness of the pilot program and the value
18 of open source, publicly and commercially
19 available information to the export control
20 and investment screening missions.

21 (3) REPORT.—

22 (A) IN GENERAL.—Not later than 540
23 days after the date on which the Director sub-
24 mits the plan under paragraph (2)(A), the Di-
25 rector shall submit to the appropriate commit-

1 tees of Congress a report on the findings of the
2 Director with respect to the pilot program.

3 (B) CONTENTS.—The report submitted
4 under subparagraph (A) shall include the fol-
5 lowing:

6 (i) An assessment of the feasibility
7 and advisability of providing information
8 as described in subsection (a)(1).

9 (ii) An assessment of the value of
10 open source, publicly and commercially
11 available information to the export control
12 and investment screening missions, using
13 the measures of effectiveness under para-
14 graph (2)(B)(ii).

15 (iii) Identification of opportunities for
16 and barriers to more effective use of open
17 source, publicly and commercially available
18 information by the intelligence community.

19 **SEC. 6312. ANNUAL TRAINING REQUIREMENT AND REPORT**
20 **REGARDING ANALYTIC STANDARDS.**

21 (a) POLICY FOR TRAINING PROGRAM REQUIRED.—
22 Consistent with sections 1019 and 1020 of the Intelligence
23 Reform and Terrorism Prevention Act of 2004 (50 U.S.C.
24 3364 and 3364 note), the Director of National Intelligence
25 shall issue a policy that requires each head of an element

1 of the intelligence community, that has not already done
2 so, to create, before the date that is 180 days after the
3 date of the enactment of this Act, an annual training pro-
4 gram on the standards set forth in Intelligence Commu-
5 nity Directive 203, Analytic Standards (or successor direc-
6 tive).

7 (b) CONDUCT OF TRAINING.—Training required pur-
8 suant to the policy required by subsection (a) may be con-
9 ducted in conjunction with other required annual training
10 programs conducted by the element of the intelligence
11 community concerned.

12 (c) CERTIFICATION OF COMPLETION OF TRAINING.—
13 Each year, each head of an element of the intelligence
14 community shall submit to the congressional intelligence
15 committees a certification as to whether all of the analysts
16 of that element have completed the training required pur-
17 suant to the policy required by subsection (a) and if the
18 analysts have not, an explanation of why the training has
19 not been completed.

20 (d) REPORTS.—

21 (1) ANNUAL REPORT.—In conjunction with
22 each briefing provided under section 1019(e) of the
23 Intelligence Reform and Terrorism Prevention Act
24 of 2004 (50 U.S.C. 3364(c)), the Director shall sub-
25 mit to the congressional intelligence committees, the

1 Committee on Appropriations of the Senate, and the
2 Committee on Appropriations of the House of Rep-
3 resentatives a report on the number and themes of
4 compliance incidents reported to intelligence commu-
5 nity analytic ombudspersons relating to the stand-
6 ards set forth in Intelligence Community Directive
7 203 (relating to analytic standards), or successor di-
8 rective.

9 (2) REPORT ON PERFORMANCE EVALUATION.—

10 Not later than 90 days after the date of the enact-
11 ment of this Act, the head of analysis at each ele-
12 ment of the intelligence community that conducts
13 all-source analysis shall submit to the congressional
14 intelligence committees, the Committee on Appro-
15 priations of the Senate, and the Committee on Ap-
16 propriations of the House of Representatives a re-
17 port describing how compliance with the standards
18 set forth in Intelligence Community Directive 203
19 (relating to analytic standards), or successor direc-
20 tive, is considered in the performance evaluations
21 and consideration for merit pay, bonuses, pro-
22 motions, and any other personnel actions for ana-
23 lysts within the element.

24 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to prohibit the Director from pro-

1 viding training described in this section as a service of
2 common concern.

3 (f) SUNSET.—This section shall cease to be effective
4 on the date that is 5 years after the date of the enactment
5 of this Act.

6 **SEC. 6313. REVIEW OF JOINT INTELLIGENCE COMMUNITY**
7 **COUNCIL.**

8 (a) IN GENERAL.—The Director of National Intel-
9 ligence shall conduct a review of the Joint Intelligence
10 Community Council established by section 101A of the
11 National Security Act of 1947 (50 U.S.C. 3022).

12 (b) ELEMENTS.—The review conducted under sub-
13 section (a) shall cover the following:

14 (1) The number of meetings the Council has
15 held, by year.

16 (2) An analysis of the issues the Council has
17 addressed.

18 (3) The effect the Council has had on the deci-
19 sionmaking of the Director of National Intelligence.

20 (4) Potential revision to the membership or
21 functions of the Council.

22 (c) BRIEFING.—Not later than 180 days after the
23 date of the enactment of this Act, the Director of National
24 Intelligence shall provide the congressional intelligence
25 committees and the subcommittees on defense of the Com-

1 mittee on Appropriations of the Senate and the Committee
2 on Appropriations of the House of Representatives a brief-
3 ing on the review conducted pursuant to subsection (a).

4 **SEC. 6314. REQUIRED POLICY FOR MINIMUM INSIDER**
5 **THREAT STANDARDS.**

6 (a) REQUIREMENT.—Section 102A(f) of the National
7 Security Act of 1947 (50 U.S.C. 3024(f)) is amended—

8 (1) by redesignating paragraphs (8) and (9) as
9 paragraphs (9) and (10), respectively; and

10 (2) by inserting after paragraph (7) the fol-
11 lowing new paragraph:

12 “(8) The Director of National Intelligence shall en-
13 sure there is established a policy for minimum insider
14 threat standards for the intelligence community and en-
15 sure compliance by the elements of the intelligence com-
16 munity with that policy.”.

17 (b) COMPLIANCE AND REPORTING.—Title III of such
18 Act (50 U.S.C. 3071 et seq.) is amended by adding at
19 the end the following new section:

20 **“SEC. 313. INSIDER THREAT POLICY COMPLIANCE AND RE-**
21 **PORTING.**

22 “The head of each element of the intelligence commu-
23 nity shall—

24 “(1) implement the policy established in accord-
25 ance with section 102A(f)(8); and

1 “(2) concurrent with the submission to Con-
2 gress of budget justification materials in support of
3 the budget of the President for a fiscal year that is
4 submitted to Congress under section 1105(a) of title
5 31, United States Code, submit to Congress a cer-
6 tification as to whether the element is in compliance
7 with such policy.”.

8 (c) CONFORMING AMENDMENT.—Section 102A(x)(3)
9 of such Act (50 U.S.C. 3024(x)(3)) is amended by insert-
10 ing “, including the policy under subsection (f)(8),” after
11 “policies of the intelligence community”.

12 (d) CLERICAL AMENDMENT.—The table of contents
13 preceding section 2 of such Act is amended by inserting
14 after the item relating to section 312 the following new
15 item:

 “Sec. 313. Insider threat policy compliance and reporting.”.

16 **SEC. 6315. UNFUNDED PRIORITIES OF THE INTELLIGENCE**
17 **COMMUNITY.**

18 Title V of the National Security Act of 1947 (50
19 U.S.C. 3091 et seq.) is amended by adding at the end
20 the following new section (and conforming the table of
21 contents at the beginning of such Act accordingly):

22 **“SEC. 514. UNFUNDED PRIORITIES OF THE INTELLIGENCE**
23 **COMMUNITY: ANNUAL REPORT.**

24 “(a) ANNUAL REPORT.—Not later than 10 days after
25 the date on which the budget of the President for a fiscal

1 year is submitted to Congress pursuant to section 1105
2 of title 31, United States Code, the head of each element
3 of the intelligence community shall submit to the Director
4 of National Intelligence, the congressional intelligence
5 committees, the Subcommittee on Defense of the Com-
6 mittee on Appropriations of the Senate, and the Sub-
7 committee on Defense of the Committee on Appropriations
8 of the House of Representatives a report on the unfunded
9 priorities of the programs under the jurisdiction of such
10 head.

11 “(b) ELEMENTS.—

12 “(1) IN GENERAL.—Each report under sub-
13 section (a) shall specify, for each unfunded priority
14 covered by such report, the following:

15 “(A) A summary description of such pri-
16 ority, including the objectives to be achieved if
17 such priority is funded (whether in whole or in
18 part).

19 “(B) Whether such priority will satisfy a
20 covert action or support collection against re-
21 quirements identified in the National Intel-
22 ligence Priorities Framework of the Office of
23 the Director of National Intelligence (or any
24 successor mechanism established for the
25 prioritization of programs and activities), in-

1 including a description of such requirements and
2 the related prioritization level.

3 “(C) The additional amount of funds rec-
4 ommended in connection with the objectives
5 under subparagraph (A).

6 “(D) Budget information with respect to
7 the unfunded priority, including—

8 “(i) the appropriation account;

9 “(ii) the expenditure center; and

10 “(iii) the project and, if applicable,
11 subproject.

12 “(2) PRIORITIZATION OF PRIORITIES.—Each
13 report shall present the unfunded priorities covered
14 by such report in overall order of urgency of priority
15 among unfunded priorities.

16 “(c) UNFUNDED PRIORITY DEFINED.—In this sec-
17 tion, the term ‘unfunded priority’, in the case of a fiscal
18 year, means a program, activity, or mission requirement
19 of an element of the intelligence community that—

20 “(1) is not funded in the budget of the Presi-
21 dent for the fiscal year as submitted to Congress
22 pursuant to section 1105 of title 31, United States
23 Code;

24 “(2) is necessary to fulfill a covert action or to
25 satisfy an information requirement associated with

1 the collection, analysis, or dissemination of intel-
2 ligence that has been documented within the Na-
3 tional Intelligence Priorities Framework; and

4 “(3) would have been recommended for funding
5 by the head of the element of the intelligence com-
6 munity if—

7 “(A) additional resources had been avail-
8 able for the budget to fund the program, activ-
9 ity, or mission requirement; or

10 “(B) the program, activity, or mission re-
11 quirement has emerged since the budget was
12 formulated.”.

13 **SEC. 6316. SUBMISSION OF COVERED DOCUMENTS AND**
14 **CLASSIFIED ANNEXES.**

15 (a) REQUIREMENT.—Title V of the National Security
16 Act of 1947 (50 U.S.C. 3091 et seq.), as amended by sec-
17 tion 6315, is further amended by adding at the end the
18 following new section (and conforming the table of con-
19 tents at the beginning of such Act accordingly):

20 **“SEC. 515. SUBMISSION OF COVERED DOCUMENTS AND**
21 **CLASSIFIED ANNEXES.**

22 “(a) COVERED DOCUMENT DEFINED.—In this sec-
23 tion, the term ‘covered document’ means any executive
24 order, memorandum, or policy directive issued by the
25 President, including national security Presidential memo-

1 randa and Presidential policy directives, or such successor
2 memoranda and directives.

3 “(b) REQUIREMENT.—Not later than 7 days after the
4 date on which the President issues or amends a covered
5 document, the President, acting through the Director of
6 National Intelligence, shall submit to the congressional in-
7 telligence committees, the Subcommittee on Defense of the
8 Committee on Appropriations of the Senate, and the Sub-
9 committee on Defense of the Committee on Appropriations
10 of the House of Representatives the covered document and
11 any classified annex accompanying that document if such
12 covered document or annex contains a direction to, estab-
13 lishes a requirement for, or includes a restriction on any
14 element of the intelligence community.”.

15 (b) INITIAL SUBMISSION.—Not later than 60 days
16 after the date of the enactment of this Act, the Director
17 of National Intelligence shall submit to the congressional
18 intelligence committees, the Subcommittee on Defense of
19 the Committee on Appropriations of the Senate, and the
20 Subcommittee on Defense of the Committee on Appropria-
21 tions of the House of Representatives each covered docu-
22 ment and classified annex required under section 515 of
23 the National Security Act of 1947, as added by subsection
24 (a), in effect as of the date of enactment of this Act.

1 (c) REPEAL.—Section 310 of the Intelligence Author-
2 ization Act for Fiscal Year 2017 (Public Law 115–31; 50
3 U.S.C. 3312) is hereby repealed.

4 **SEC. 6317. IMPROVEMENTS TO PROGRAM ON RECRUIT-**
5 **MENT AND TRAINING.**

6 Section 1022 of the National Security Act of 1947
7 (50 U.S.C. 3222) is amended to read as follows:

8 **“SEC. 1022. PROGRAM ON RECRUITMENT AND TRAINING.**

9 “(a) PROGRAM.—

10 “(1) REQUIREMENT.—The Director of National
11 Intelligence, in consultation with the heads of the
12 elements of the intelligence community, shall carry
13 out a program to ensure that selected individuals are
14 provided funds for academic training (including with
15 respect to both undergraduate and postgraduate
16 education), or to reimburse for academic training
17 previously obtained—

18 “(A) in capabilities, missions, or skillsets,
19 especially in the fields of science, technology,
20 math, and engineering, to address workforce re-
21 quirements in which the intelligence community
22 is deficient or likely to be deficient in the fu-
23 ture; or

1 “(B) for such individuals who have back-
2 grounds or experiences that the Director has
3 identified as—

4 “(i) contributing to capabilities, mis-
5 sions, or skillsets in which the intelligence
6 community is deficient or likely to be defi-
7 cient in future; and

8 “(ii) being underrepresented in the in-
9 telligence community or likely to be under-
10 represented in the future.

11 “(2) COMMITMENT.—An individual selected for
12 participation in the program shall commit to employ-
13 ment with an element of the intelligence community
14 for a period that the Director determines is com-
15 mensurate with the amount of funding provided to
16 the individual under the program and under such
17 terms and conditions as the Director considers ap-
18 propriate.

19 “(3) DESIGNATION.—The program shall be
20 known as the Pat Roberts Intelligence Scholars Pro-
21 gram.

22 “(4) OUTREACH.—The Director, in consultation
23 with the heads of the elements of the intelligence
24 community, shall maintain a publicly available inter-
25 net website on the program that describes—

1 “(A) the intent of the program;

2 “(B) the conditions and requirements for
3 selection and participation;

4 “(C) application instructions;

5 “(D) the areas covered by the program
6 pursuant to the review conducted under sub-
7 section (b)(2); and

8 “(E) any other details the Director deter-
9 mines appropriate.

10 “(b) ELEMENTS.—In carrying out the program under
11 subsection (a), the Director shall—

12 “(1) establish such requirements relating to the
13 academic training of participants as the Director
14 considers appropriate to ensure that participants are
15 prepared for employment as intelligence profes-
16 sionals; and

17 “(2) on an annual basis, review the areas that
18 will contribute to the capabilities, missions, and
19 skillsets in which the intelligence community is defi-
20 cient or is likely to be deficient in the future.

21 “(c) USE OF FUNDS.—Funds made available for the
22 program under subsection (a) shall be used—

23 “(1) to provide a monthly stipend for each
24 month that a participant is pursuing a course of
25 study;

1 “(2) to pay the partial or full tuition of a par-
2 ticipant for the completion of such course of study;

3 “(3) to reimburse a participant for tuition paid
4 by the participant before becoming an employee of
5 an element of the intelligence community, including
6 with respect to providing payments for student loans
7 used for such tuition;

8 “(4) to pay for books and materials that the
9 participant requires or required to complete such
10 course of study;

11 “(5) to pay the expenses of the participant for
12 travel requested by an element of the intelligence
13 community in relation to such program; or

14 “(6) for such other purposes the Director con-
15 siders reasonably appropriate to carry out such pro-
16 gram.”.

17 **SEC. 6318. MEASURES TO MITIGATE COUNTERINTEL-**
18 **LIGENCE THREATS FROM PROLIFERATION**
19 **AND USE OF FOREIGN COMMERCIAL**
20 **SPYWARE.**

21 (a) DEFINITIONS.—In this section:

22 (1) COVERED DEVICE.—The term “covered de-
23 vice” means any electronic mobile device including
24 smartphones, tablet computing devices, or laptop

1 computing devices, that is issued by an element of
2 the intelligence community for official use.

3 (2) FOREIGN COMMERCIAL SPYWARE; FOREIGN
4 COMPANY; SPYWARE.—The terms “foreign commer-
5 cial spyware”, “foreign company”, and “spyware”
6 have the meanings given those terms in section
7 1102A of the National Security Act of 1947 (50
8 U.S.C. 3231 et seq.), as added by this section.

9 (b) STATEMENT OF POLICY.—It shall be the policy
10 of the United States to act decisively against counterintel-
11 ligence threats posed by foreign commercial spyware, as
12 well as the individuals who lead entities selling foreign
13 commercial spyware and who are reasonably believed to
14 be involved, have been involved, or pose a significant risk
15 to being or becoming involved, in activities contrary to the
16 national security or foreign policy interests of the United
17 States.

18 (c) MEASURES TO MITIGATE COUNTERINTEL-
19 LIGENCE THREATS.—Title XI of the National Security
20 Act of 1947 (50 U.S.C. 3231 et seq.) is amended by in-
21 serting after section 1102 the following new section (and
22 conforming the table of contents at the beginning of such
23 Act accordingly):

1 **“SEC. 1102A. MEASURES TO MITIGATE COUNTERINTEL-**
2 **LIGENCE THREATS FROM PROLIFERATION**
3 **AND USE OF FOREIGN COMMERCIAL**
4 **SPYWARE.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) APPROPRIATE CONGRESSIONAL COMMIT-

7 TEES.—The term ‘appropriate congressional com-

8 mittees’ means—

9 “(A) the Select Committee on Intelligence,

10 the Committee on Foreign Relations, the Com-

11 mittee on Armed Services, the Committee on

12 Banking, Housing, and Urban Affairs, the

13 Committee on the Judiciary, the Committee on

14 Appropriations, and the Committee on Home-

15 land Security and Governmental Affairs of the

16 Senate; and

17 “(B) the Permanent Select Committee on

18 Intelligence, the Committee on Foreign Affairs,

19 the Committee on Armed Services, the Com-

20 mittee on Financial Services, the Committee on

21 the Judiciary, the Committee on Appropria-

22 tions, the Committee on Homeland Security,

23 and the Committee on Oversight and Reform of

24 the House of Representatives.

25 “(2) COVERED ENTITY.—The term ‘covered en-

26 tity’ means any foreign company that either directly

1 or indirectly develops, maintains, owns, operates,
2 brokers, markets, sells, leases, licenses, or otherwise
3 makes available spyware.

4 “(3) FOREIGN COMMERCIAL SPYWARE.—The
5 term ‘foreign commercial spyware’ means spyware
6 that is developed (solely or in partnership with a for-
7 eign company), maintained, sold, leased, licensed,
8 marketed, sourced (in whole or in part), or otherwise
9 provided, either directly or indirectly, by a foreign
10 company.

11 “(4) FOREIGN COMPANY.—The term ‘foreign
12 company’ means a company that is incorporated or
13 domiciled outside of the United States, including any
14 subsidiaries or affiliates wherever such subsidiaries
15 or affiliates are domiciled or incorporated.

16 “(5) SPYWARE.—The term ‘spyware’ means a
17 tool or set of tools that operate as an end-to-end sys-
18 tem of software to provide an unauthorized user re-
19 mote access to information stored on or transiting
20 through an electronic device connected to the Inter-
21 net and not owned or operated by the unauthorized
22 user, including end-to-end systems that—

23 “(A) allow an unauthorized user to re-
24 motely infect electronic devices with malicious

1 software, including without any action required
2 by the user of the device;

3 “(B) can record telecommunications or
4 other audio captured on a device not owned by
5 the unauthorized user;

6 “(C) undertake geolocation, collect cell site
7 location information, or otherwise track the lo-
8 cation of a device or person using the internal
9 sensors of an electronic device not owned by the
10 unauthorized user;

11 “(D) allow an unauthorized user access to
12 and the ability to retrieve information on the
13 electronic device, including text messages, files,
14 e-mails, transcripts of chats, contacts, photos,
15 and browsing history; or

16 “(E) any additional criteria described in
17 publicly available documents published by the
18 Director of National Intelligence, such as
19 whether the end-to-end system is used outside
20 the context of a codified lawful intercept sys-
21 tem.

22 “(b) ANNUAL ASSESSMENTS OF COUNTERINTEL-
23 LIGENCE THREATS.—

24 “(1) REQUIREMENT.—Not later than 90 days
25 after the enactment of the Intelligence Authorization

1 Act for Fiscal Year 2023, and annually thereafter,
2 the Director of National Intelligence, in coordination
3 with the Director of the Central Intelligence Agency,
4 the Director of the National Security Agency, and
5 the Director of the Federal Bureau of Investigation,
6 shall submit to the appropriate congressional com-
7 mittees a report with an accompanying classified
8 annex containing an assessment of the counterintel-
9 ligence threats and other risks to the national secu-
10 rity of the United States posed by the proliferation
11 of foreign commercial spyware. The assessment shall
12 incorporate all credible data, including open-source
13 information.

14 “(2) ELEMENTS.—Each report under para-
15 graph (1) shall include the following, if known:

16 “(A) A list of the most significant covered
17 entities.

18 “(B) A description of the foreign commer-
19 cial spyware marketed by the covered entities
20 identified under subparagraph (A) and an as-
21 sessment by the intelligence community of the
22 foreign commercial spyware.

23 “(C) An assessment of the counterintel-
24 ligence risk to the intelligence community or

1 personnel of the intelligence community posed
2 by foreign commercial spyware.

3 “(D) For each covered entity identified in
4 subparagraph (A), details of any subsidiaries,
5 resellers, or other agents acting on behalf of the
6 covered entity.

7 “(E) Details of where each covered entity
8 identified under subparagraphs (A) and (D) is
9 domiciled.

10 “(F) A description of how each covered en-
11 tity identified under subparagraphs (A) and (D)
12 is financed, where the covered entity acquired
13 its capital, and the organizations and individ-
14 uals having substantial investments or other eq-
15 uities in the covered entity.

16 “(G) An assessment by the intelligence
17 community of any relationship between each
18 covered entity identified in subparagraphs (A)
19 and (D) and any foreign government, including
20 any export controls and processes to which the
21 covered entity is subject.

22 “(H) A list of the foreign customers of
23 each covered entity identified in subparagraphs
24 (A) and (D), including the understanding by

1 the intelligence community of the organizations
2 and end-users within any foreign government.

3 “(I) With respect to each foreign customer
4 identified under subparagraph (H), an assess-
5 ment by the intelligence community regarding
6 how the foreign customer is using the spyware,
7 including whether the foreign customer has tar-
8 getted personnel of the intelligence community.

9 “(J) With respect to the first report re-
10 quired under paragraph (1), a mitigation plan
11 to reduce the exposure of personnel of the intel-
12 ligence community to foreign commercial
13 spyware.

14 “(K) With respect to each report following
15 the first report required under paragraph (1),
16 details of steps taken by the intelligence com-
17 munity since the previous report to implement
18 measures to reduce the exposure of personnel of
19 the intelligence community to foreign commer-
20 cial spyware.

21 “(3) CLASSIFIED ANNEX.—In submitting the
22 report under subsection (2), the Director shall also
23 include an accompanying but separate classified
24 annex, providing a watchlist of companies selling,
25 leasing, or otherwise providing foreign commercial

1 spyware that the Director determines are engaged in
2 activities that pose a counterintelligence risk to per-
3 sonnel of the intelligence community.

4 “(4) FORM.—Each report under paragraph (1)
5 shall be submitted in classified form.

6 “(5) DISSEMINATION.—The Director of Na-
7 tional Intelligence shall separately distribute each re-
8 port under paragraph (1) and each annex under
9 paragraph (3) to the President, the heads of all ele-
10 ments of the intelligence community, the Secretary
11 of State, the Attorney General, the Secretary of
12 Commerce, the Secretary of Homeland Security, the
13 National Cyber Director, and the heads of any other
14 departments or agencies the Director of National In-
15 telligence determines appropriate.

16 “(c) AUTHORITY TO PROHIBIT PURCHASE OR USE
17 BY INTELLIGENCE COMMUNITY.—

18 “(1) FOREIGN COMMERCIAL SPYWARE.—

19 “(A) IN GENERAL.—The Director of Na-
20 tional Intelligence may prohibit any element of
21 the intelligence community from procuring,
22 leasing, or otherwise acquiring on the commer-
23 cial market, or extending or renewing a con-
24 tract to procure, lease, or otherwise acquire,
25 foreign commercial spyware.

1 “(B) CONSIDERATIONS.—In determining
2 whether and how to exercise the authority
3 under subparagraph (A), the Director of Na-
4 tional Intelligence shall consider—

5 “(i) the assessment of the intelligence
6 community of the counterintelligence
7 threats or other risks to the United States
8 posed by foreign commercial spyware;

9 “(ii) the assessment of the intelligence
10 community of whether the foreign commer-
11 cial spyware has been used to target
12 United States Government personnel.

13 “(iii) whether the original owner or
14 developer retains any of the physical prop-
15 erty or intellectual property associated with
16 the foreign commercial spyware;

17 “(iv) whether the original owner or
18 developer has verifiably destroyed all copies
19 of the data collected by or associated with
20 the foreign commercial spyware;

21 “(v) whether the personnel of the
22 original owner or developer retain any ac-
23 cess to data collected by or associated with
24 the foreign commercial spyware;

1 “(vi) whether the use of the foreign
2 commercial spyware requires the user to
3 connect to an information system of the
4 original owner or developer or information
5 system of a foreign government; and

6 “(vii) whether the foreign commercial
7 spyware poses a counterintelligence risk to
8 the United States or any other threat to
9 the national security of the United States.

10 “(2) COMPANY THAT HAS ACQUIRED FOREIGN
11 COMMERCIAL SPYWARE.—

12 “(A) AUTHORITY.—The Director of Na-
13 tional Intelligence may prohibit any element of
14 the intelligence community from entering into
15 any contract or other agreement for any pur-
16 pose with a company that has acquired, in
17 whole or in part, any foreign commercial
18 spyware.

19 “(B) CONSIDERATIONS.—In considering
20 whether and how to exercise the authority
21 under subparagraph (A), the Director of Na-
22 tional Intelligence shall consider—

23 “(i) whether the original owner or de-
24 veloper of the foreign commercial spyware
25 retains any of the physical property or in-

1 intellectual property associated with the
2 spyware;

3 “(ii) whether the original owner or de-
4 veloper of the foreign commercial spyware
5 has verifiably destroyed all data, and any
6 copies thereof, collected by or associated
7 with the spyware;

8 “(iii) whether the personnel of the
9 original owner or developer of the foreign
10 commercial spyware retain any access to
11 data collected by or associated with the
12 foreign commercial spyware;

13 “(iv) whether the use of the foreign
14 commercial spyware requires the user to
15 connect to an information system of the
16 original owner or developer or information
17 system of a foreign government; and

18 “(v) whether the foreign commercial
19 spyware poses a counterintelligence risk to
20 the United States or any other threat to
21 the national security of the United States.

22 “(3) NOTIFICATIONS OF PROHIBITION.—Not
23 later than 30 days after the date on which the Di-
24 rector of National Intelligence exercises the author-
25 ity to issue a prohibition under subsection (c), the

1 Director of National Intelligence shall notify the
2 congressional intelligence committees of such exer-
3 cise of authority. Such notice shall include—

4 “(A) a description of the circumstances
5 under which the prohibition was issued;

6 “(B) an identification of the company or
7 product covered by the prohibition;

8 “(C) any information that contributed to
9 the decision of the Director of National Intel-
10 ligence to exercise the authority, including any
11 information relating to counterintelligence or
12 other risks to the national security of the
13 United States posed by the company or prod-
14 uct, as assessed by the intelligence community;
15 and

16 “(D) an identification of each element of
17 the intelligence community to which the prohibi-
18 tion has been applied.

19 “(4) WAIVER AUTHORITY.—

20 “(A) IN GENERAL.—The head of an ele-
21 ment of the intelligence community may request
22 from the Director of National Intelligence the
23 waiver of a prohibition made under paragraph
24 (1) or (2).

1 “(B) DIRECTOR OF NATIONAL INTEL-
2 LIGENCE DETERMINATION.—The Director of
3 National Intelligence, upon receiving the waiver
4 request in subparagraph (A), may issue a waiv-
5 er for a period not to exceed one year in re-
6 sponse to the request from the head of an ele-
7 ment of the intelligence community if such
8 waiver is in the national security interest of the
9 United States.

10 “(C) NOTICE.—Not later than 30 days
11 after approving a waiver request pursuant to
12 subparagraph (B), the Director of National In-
13 telligence shall submit to the congressional in-
14 telligence committees, the Subcommittee on De-
15 fense of the Committee on Appropriations of
16 the Senate, and the Subcommittee on Defense
17 of the Committee on Appropriations of the
18 House of Representatives a written notification.
19 The notification shall include—

20 “(i) an identification of the head of
21 the element of the intelligence community
22 that requested the waiver;

23 “(ii) the details of the waiver request,
24 including the national security interests of
25 the United States;

1 “(iii) the rationale and basis for the
2 determination that the waiver is in the na-
3 tional security interests of the United
4 States;

5 “(iv) the considerations that informed
6 the ultimate determination of the Director
7 of National Intelligence to issue the wavier;
8 and

9 “(v) and any other considerations con-
10 tributing to the determination, made by
11 the Director of National Intelligence.

12 “(D) WAIVER TERMINATION.—The Direc-
13 tor of National Intelligence may revoke a pre-
14 viously granted waiver at any time. Upon rev-
15 ocation of a waiver, the Director of National In-
16 telligence shall submit a written notification to
17 the congressional intelligence committees, the
18 Subcommittee on Defense of the Committee on
19 Appropriations of the Senate, and the Sub-
20 committee on Defense of the Committee on Ap-
21 propriations of the House of Representatives
22 not later than 30 days after making a revoca-
23 tion determination.

24 “(5) TERMINATION OF PROHIBITION.—The Di-
25 rector of National Intelligence may terminate a pro-

1 hibition made under paragraph (1) or (2) at any
2 time. Upon termination of a prohibition, the Direc-
3 tor of National Intelligence shall submit a notifica-
4 tion of the termination to the congressional intel-
5 ligence committees, the Subcommittee on Defense of
6 the Committee on Appropriations of the Senate, and
7 the Subcommittee on Defense of the Committee on
8 Appropriations of the House of Representatives not
9 later than 30 days after terminating a prohibition,
10 detailing the basis for the termination, including any
11 United States national security interests that may
12 be affected by such termination.”.

13 (d) PROTECTION OF COVERED DEVICES.—

14 (1) REQUIREMENT.—Not later than 120 days
15 after the date of the enactment of this Act, the Di-
16 rector of National Intelligence shall—

17 (A) issue standards, guidance, best prac-
18 tices, and policies for elements of the intel-
19 ligence community to protect covered devices
20 from being compromised by foreign commercial
21 spyware;

22 (B) survey elements of the intelligence
23 community regarding the processes used by the
24 elements to routinely monitor covered devices

1 for indicators of compromise associated with
2 foreign commercial spyware; and

3 (C) submit to the congressional intelligence
4 committees a report on the sufficiency of the
5 measures in place to routinely monitor covered
6 devices for indicators of compromise associated
7 with foreign commercial spyware.

8 (2) FORM.—The report under paragraph (1)(C)
9 may be submitted in classified form.

10 (3) COUNTERINTELLIGENCE NOTIFICATIONS.—
11 Not later than 30 days after the date on which an
12 element of the intelligence community becomes
13 aware that a covered device was targeted or com-
14 promised by foreign commercial spyware, the Direc-
15 tor of National Intelligence, in coordination with the
16 Director of the Federal Bureau of Investigation,
17 shall notify the congressional intelligence commit-
18 tees, the Subcommittee on Defense of the Committee
19 on Appropriations of the Senate, and the Sub-
20 committee on Defense of the Committee on Appro-
21 priations of the House of Representatives of such
22 determination, including—

23 (A) the component of the element and the
24 location of the personnel whose covered device
25 was targeted or compromised;

1 (B) the number of covered devices com-
2 promised or targeted;

3 (C) an assessment by the intelligence com-
4 munity of the damage to national security of
5 the United States resulting from any loss of
6 data or sensitive information;

7 (D) an assessment by the intelligence com-
8 munity of any foreign government, or foreign
9 organization or entity, and, to the extent pos-
10 sible, the foreign individuals, who directed and
11 benefitted from any information acquired from
12 the targeting or compromise; and

13 (E) as appropriate, an assessment by the
14 intelligence community of the capacity and will
15 of such governments or individuals to continue
16 targeting personnel of the United States Gov-
17 ernment.

18 (4) PRIVATE SECTOR PARTNERSHIPS.—Section
19 904(d)(7) of the Counterintelligence Enhancement
20 Act of 2002 (50 U.S.C. 3383(d)(7)) is amended by
21 adding at the end the following new paragraph:

22 “(E) VULNERABILITIES FROM FOREIGN
23 COMMERCIAL SPYWARE.—

24 “(i) CONSULTATION.—In carrying out
25 efforts to secure covered devices, to consult

1 with the private sector of the United
2 States and reputable third-party research-
3 ers to identify vulnerabilities from foreign
4 commercial spyware (as defined in section
5 1102A(a) of the National Security Act of
6 1947) and maintain effective security
7 measures for such devices.

8 “(ii) COVERED DEVICE DEFINED.—In
9 this subparagraph, the term ‘covered de-
10 vice’ means any electronic mobile device in-
11 cluding smartphones, tablet computing de-
12 vices, or laptop computing devices, that is
13 issued by an element of the intelligence
14 community for official use.”.

15 (e) NO ENHANCED AUTHORITIES.—Nothing in this
16 section or an amendment made by this section shall be
17 construed as enhancing, or otherwise changing, the au-
18 thorities of the intelligence community to target, collect,
19 process, or disseminate information regarding United
20 States Government personnel.

21 (f) REPORT ON HARMONIZATION AMONG ALLIED
22 COUNTRIES.—

23 (1) REQUIREMENT.—Not later than 30 days
24 after the date of the enactment of this Act, the Di-
25 rector of National Intelligence shall submit to the

1 congressional intelligence committees, the Sub-
2 committee on Defense of the Committee on Appro-
3 priations of the Senate, and the Subcommittee on
4 Defense of the Committee on Appropriations of the
5 House of Representatives a report on the potential
6 for the United States to lead an effort to devise and
7 implement a common approach with allied countries
8 as the Director determines appropriate, including
9 the Five Eyes Partnership, to mitigate the counter-
10 intelligence risks posed by the proliferation of for-
11 eign commercial spyware, including by seeking com-
12 mitments to implement measures similar to the re-
13 quirements under this section and section 1102A of
14 the National Security Act of 1947 (50 U.S.C. 3231
15 et seq.), as added by this section.

16 (2) FORM.—The report under paragraph (1)
17 shall be submitted in unclassified form, but may
18 contain a classified annex, consistent with the pro-
19 tection of intelligence sources and methods.

20 **SEC. 6319. PERSONNEL VETTING PERFORMANCE MEAS-**
21 **URES.**

22 (a) DEFINITIONS OF CONTINUING VETTING; COUN-
23 CIL; SECURITY EXECUTIVE AGENT.—In this section, the
24 terms “continuous vetting”, “Council”, and “Security Ex-
25 ecutive Agent” have the meanings given those terms in

1 section 6601 of the Damon Paul Nelson and Matthew
2 Young Pollard Intelligence Authorization Act for Fiscal
3 Years 2018, 2019, and 2020 (50 U.S.C. 3352).

4 (b) MEASURES.—Not later than 180 days after the
5 date of the enactment of this Act and consistent with sec-
6 tion 807 of the Intelligence Authorization Act for Fiscal
7 Year 2022 (Public Law 117–103), the Director of Na-
8 tional Intelligence, acting as the Security Executive Agent,
9 and in coordination with the Chair and other principals
10 of the Council, shall develop performance measures to as-
11 sess the vetting of personnel, including measures to assess
12 continuous vetting and the quality of each phase of the
13 personnel vetting process, including the initiation, inves-
14 tigation, and adjudication phases.

15 (c) REPORT.—

16 (1) REQUIREMENT.—Not later than 180 days
17 after the date of the enactment of this Act, the Di-
18 rector of National Intelligence shall submit to Con-
19 gress a report describing the performance measures
20 developed under subsection (b).

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

23 (A) A description of how departments and
24 agencies of the United States Government have
25 implemented Security Executive Agent Direc-

1 tive 6 titled “Continuous Evaluation” and re-
2 lated personnel vetting performance measures
3 to ensure that implementation is efficient and
4 effective, including the resources expended by
5 each department or agency for continuous vet-
6 ting and whether departments and agencies are
7 identifying security-relevant information in a
8 timely manner.

9 (B) A description of the performance
10 measures the Director of National Intelligence
11 and the Secretary of Defense use to assess the
12 quality of each phase of the personnel vetting
13 process, including initiation, investigation, adju-
14 dication, reinvestigation, and continuous vet-
15 ting.

16 (C) How such performance measures meet
17 key attributes for successful performance meas-
18 ures as described in the report of the Comp-
19 troller General of the United States titled “Per-
20 sonnel Vetting: Actions Needed to Implement
21 Reforms, Address Challenges, and Improve
22 Planning” (GAO-22-104093).

23 (D) Any impediments or constraints relat-
24 ing to the implementation of Security Executive
25 Agent Directive 6 or the development of such

1 performance measures to assess the quality of
2 the personnel vetting process.

3 **SEC. 6320. PROACTIVE CYBERSECURITY.**

4 (a) SURVEY OF ELEMENTS.—Pursuant to section
5 103G(b)(1) of the National Security Act (50 U.S.C.
6 3032(b)(1)), not later than 1 year after the date of the
7 enactment of this Act, the Chief Information Officer of
8 the Intelligence Community shall conduct a survey of each
9 element of the intelligence community on the use by that
10 element of proactive cybersecurity initiatives, continuous
11 activity security testing, and active defense techniques.

12 (b) REPORT BY CHIEF INFORMATION OFFICER.—

13 (1) REPORT.—Not later than 1 year after the
14 date of the completion of the survey under sub-
15 section (a), the Chief Information Officer of the In-
16 telligence Community shall submit to the congres-
17 sional intelligence committees, the Subcommittee on
18 Defense of the Committee on Appropriations of the
19 Senate, and the Subcommittee on Defense of the
20 Committee on Appropriations of the House of Rep-
21 resentatives a report on proactive cybersecurity ini-
22 tiatives, continuous activity security testing, and ac-
23 tive defense techniques. Such report shall include the
24 following:

1 (A) The results of the survey of each ele-
2 ment of the intelligence community conducted
3 under subsection (a), including—

4 (i) examples of any successes against
5 attackers who breached an information
6 system of an element of the intelligence
7 community; and

8 (ii) concerns, limitations, and associ-
9 ated recommendations relating to innova-
10 tive uses of proactive cybersecurity initia-
11 tives.

12 (B) An analysis of the feasibility, costs,
13 and benefits of consolidating oversight and im-
14 plementation of such methods within the intel-
15 ligence community, including whether such con-
16 solidation would significantly enhance defense.

17 (C) An analysis of any statutory or policy
18 limitations on the ability of the Director of Na-
19 tional Intelligence, or the head of any element
20 of the intelligence community, to carry out such
21 methods on behalf of an element of the intel-
22 ligence community or multiple such elements.

23 (D) An analysis of the relationships be-
24 tween and among the intelligence community,
25 the Department of Defense, the Cybersecurity

1 and Infrastructure Security Agency of the De-
2 partment of Homeland Security, national lab-
3 oratories, and the private sector, and whether
4 such relationships should be enhanced to pro-
5 tect national security systems of the intelligence
6 community through proactive cybersecurity
7 measures.

8 (E) With respect to active defense tech-
9 niques, a discussion of the effectiveness of such
10 techniques to protect the information systems
11 of the elements of the intelligence community,
12 any constraints that hinder such techniques,
13 and associated recommendations.

14 (F) With respect to continuous activity se-
15 curity testing, a discussion of—

16 (i) how an information system oper-
17 ates under normal and intended use, com-
18 pared to how such system operates under
19 a variety of adverse conditions and sce-
20 narios; and

21 (ii) the feasibility of the adoption of
22 continuous activity security testing among
23 the intelligence community.

24 (G) Recommendations for legislative action
25 and further resources relating to the successful

1 use of proactive cybersecurity initiatives, decep-
2 tion environments, and continuous activity secu-
3 rity testing.

4 (2) FORM.—The report under paragraph (1)
5 may be submitted in classified form.

6 (c) DEFINITIONS.—In this section:

7 (1) ACTIVE DEFENSE TECHNIQUE.—The term
8 “active defense technique” means an action taken on
9 an information system of an element of the intel-
10 ligence community to increase the security of such
11 system against an attacker, including—

12 (A) the use of a deception technology or
13 other purposeful feeding of false or misleading
14 information to an attacker accessing such sys-
15 tem; or

16 (B) proportional action taken in response
17 to an unlawful breach.

18 (2) CONTINUOUS ACTIVITY SECURITY TEST-
19 ING.—The term “continuous activity security test-
20 ing” means continuous experimentation conducted
21 by an element of the intelligence community on an
22 information system of such element to evaluate the
23 resilience of such system against a malicious attack
24 or condition that could compromise such system for

1 the purpose of improving design, resilience, and inci-
2 dent response with respect to such system.

3 (3) DECEPTION TECHNOLOGY.—The term “de-
4 ception technology” means an isolated digital envi-
5 ronment, system, or platform containing a replica-
6 tion of an active information system with realistic
7 data flows to attract, mislead, and observe an
8 attacker.

9 (4) INTELLIGENCE COMMUNITY INFORMATION
10 ENVIRONMENT.—The term “intelligence community
11 information environment” has the meaning given the
12 term in Intelligence Community Directive 121, or
13 any successor document.

14 (5) NATIONAL LABORATORY.—The term “na-
15 tional laboratory” has the meaning given that term
16 in section 2 of the Energy Policy Act of 2005 (42
17 U.S.C. 15801).

18 (6) NATIONAL MANAGER FOR NATIONAL SECUR-
19 ITY SYSTEMS.—The term “National Manager for
20 National Security Systems” means the Director of
21 National Security, or successor official, serving as
22 the National Manager for National Security Systems
23 pursuant to National Security Directive 42, or any
24 successor document.

1 (7) NATIONAL SECURITY SYSTEM.—The term
2 “national security system” has the meaning given
3 that term in section 3552 of title 44, United States
4 Code.

5 (8) PROACTIVE CYBERSECURITY INITIATIVES.—
6 The term “proactive cybersecurity initiatives” means
7 actions performed periodically and continuously
8 within an organization, focused on identifying and
9 eliminating vulnerabilities within the network infra-
10 structure, preventing security breaches, and evalu-
11 ating the effectiveness of the business security pos-
12 ture in real-time, including threat hunting, endpoint
13 and network monitoring, and cybersecurity aware-
14 ness and training.

15 **TITLE LXIV—MATTERS RELAT-**
16 **ING TO ELEMENTS OF THE IN-**
17 **TELLIGENCE COMMUNITY**

18 **Subtitle A—Office of the Director**
19 **of National Intelligence**

20 **SEC. 6401. MODIFICATIONS TO RESPONSIBILITIES AND AU-**
21 **THORITIES OF DIRECTOR OF NATIONAL IN-**
22 **TELLIGENCE.**

23 Section 102A of the National Security Act of 1947
24 (50 U.S.C. 3024), as amended by section 6314, is further
25 amended—

1 (1) in subsection (c)(5)(C), by striking “may”
2 and inserting “shall”;

3 (2) in subsection (h)—

4 (A) in paragraph (1)(A)—

5 (i) by striking “encourage” and in-
6 serting “require”; and

7 (ii) by inserting “, independent of po-
8 litical considerations,” after “tradecraft”;
9 and

10 (B) by amending paragraph (3) to read as
11 follows;

12 “(3) ensure that substantial differences in ana-
13 lytic judgment are fully considered, brought to the
14 attention of policymakers, and documented in ana-
15 lytic products; and”;

16 (3) in subsection (i)—

17 (A) in paragraph (1), by inserting “, and
18 shall establish and enforce policies to protect,”
19 after “protect”;

20 (B) in paragraph (2), by striking “guide-
21 lines” and inserting “requirements”; and

22 (C) by adding at the end the following new
23 paragraph:

24 “(4)(A) Each head of an element of the intelligence
25 community shall ensure that any congressionally man-

1 dated report submitted to Congress by the head, other
2 than such a report submitted solely to the congressional
3 intelligence committees, shall be consistent with the pro-
4 tection of intelligence sources and methods in accordance
5 with the policies established by the Director under para-
6 graph (1), regardless of whether the provision of law man-
7 dating the report explicitly requires such protection.

8 “(B) Nothing in this paragraph shall be construed
9 to alter any congressional leadership’s or congressional
10 committee’s jurisdiction or access to information from any
11 element of the intelligence community under the rules of
12 either chamber of Congress.”; and

13 (4) in subsection (x), in the matter preceding
14 paragraph (1), by striking “the head of each depart-
15 ment of the Federal Government that contains an
16 element of the intelligence community and the Direc-
17 tor of the Central Intelligence Agency” and inserting
18 “the heads of the elements of the intelligence com-
19 munity”.

20 **SEC. 6402. ANNUAL SUBMISSION TO CONGRESS OF NA-**
21 **TIONAL INTELLIGENCE PRIORITIES FRAME-**
22 **WORK.**

23 Section 102A(p) of the National Security Act of 1947
24 (50 U.S.C. 3024(p)) is amended by inserting at the end
25 the following new paragraph:

1 “(3) Not later than October 1 of each year, the Presi-
2 dent, acting through the Director of National Intelligence,
3 shall submit to the congressional intelligence committees,
4 the Subcommittee on Defense of the Committee on Appro-
5 priations of the Senate, and the Subcommittee on Defense
6 of the Committee on Appropriations of the House of Rep-
7 resentatives a copy of the most recently updated National
8 Intelligence Priorities Framework of the Office of the Di-
9 rector of National Intelligence (or any such successor
10 mechanism).”.

11 **SEC. 6403. DISPOSITION OF RECORDS OF OFFICE OF THE**
12 **DIRECTOR OF NATIONAL INTELLIGENCE.**

13 Section 1096(a) of the Intelligence Reform and Ter-
14 rorism Prevention Act of 2004 (Public Law 108–458; 50
15 U.S.C. 3001 note) is amended—

16 (1) by inserting “(1)” before “Upon”;

17 (2) by adding at the end the following new sen-
18 tence: “Any records of the Office of the Director of
19 National Intelligence that are maintained by the
20 agency as a service for the Office of the Director of
21 National Intelligence under section 1535 of title 31,
22 United States Code, (popularly known as the ‘Econ-
23 omy Act’) may be treated as the records of the agen-
24 cy when dispositioned as required by law, and any
25 disclosure of such records between the two agencies

1 shall not be subject to any otherwise applicable legal
2 consent requirements or disclosure accounting re-
3 quirements.”; and

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

6 “(2) The records of the Office of the Director of Na-
7 tional Intelligence may not be dispositioned pursuant to
8 paragraph (1) without the authorization of the Director
9 of National Intelligence.”.

10 **Subtitle B—Central Intelligence** 11 **Agency**

12 **SEC. 6411. CLARIFICATION REGARDING PROTECTION OF** 13 **CENTRAL INTELLIGENCE AGENCY FUNC-** 14 **TIONS.**

15 Section 6 of the Central Intelligence Agency Act of
16 1949 (50 U.S.C. 3507) is amended by striking “, func-
17 tions” and inserting “or functions of the Agency, or of
18 the”.

19 **SEC. 6412. EXPANSION OF REPORTING REQUIREMENTS RE-** 20 **LATING TO AUTHORITY TO PAY PERSONNEL** 21 **OF CENTRAL INTELLIGENCE AGENCY FOR** 22 **CERTAIN INJURIES TO THE BRAIN.**

23 Section 2(d)(1) of the Helping American Victims Af-
24 flicted by Neurological Attacks Act of 2021 (Public Law
25 117–46) is amended—

1 (1) in subparagraph (A), by inserting “and not
2 less frequently than once each year thereafter for 5
3 years” after “Not later than 365 days after the date
4 of the enactment of this Act”;

5 (2) in subparagraph (B), by adding at the end
6 the following:

7 “(iv) Detailed information about the
8 number of covered employees, covered indi-
9 viduals, and covered dependents who re-
10 ported experiencing vestibular, neuro-
11 logical, or related injuries, including those
12 broadly termed ‘anomalous health inci-
13 dents’.

14 “(v) The number of individuals who
15 have sought benefits under any provision
16 of section 19A of the Central Intelligence
17 Agency Act of 1949 (50 U.S.C. 3519b).

18 “(vi) The number of covered employ-
19 ees, covered individuals, and covered de-
20 pendents who are unable to perform all or
21 part of their professional duties as a result
22 of injuries described in clause (iv).

23 “(vii) An updated analytic assessment
24 coordinated by the National Intelligence
25 Council regarding the potential causes and

1 perpetrators of anomalous health incidents,
2 as well as any and all dissenting views
3 within the intelligence community, which
4 shall be included as appendices to the as-
5 sessment.”; and

6 (3) in subparagraph (C), by striking “The” and
7 inserting “Each”.

8 **SEC. 6413. HISTORICAL ADVISORY PANEL OF CENTRAL IN-**
9 **TELLIGENCE AGENCY.**

10 (a) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that Congress expresses its appreciation—

12 (1) to the Director of the Central Intelligence
13 Agency for reconstituting the Historical Advisory
14 Panel; and

15 (2) for the important work of the Historical Ad-
16 visory Panel, especially for—

17 (A) the efforts of the Panel to aid with the
18 declassification of materials that enrich the his-
19 torical national security record; and

20 (B) the assistance of the Panel in liaison
21 with the scholarly community.

22 (b) REPORTING REQUIREMENT.—The Historical Ad-
23 visory Panel shall report directly to the Director of the
24 Central Intelligence Agency.

1 (c) HISTORICAL ADVISORY PANEL DEFINED.—The
2 term “Historical Advisory Panel” means the panel of the
3 Central Intelligence Agency, regardless of the name of the
4 panel, that assists in conducting declassification reviews
5 and providing other assistance with respect to matters of
6 historical interest.

7 **SEC. 6414. AUTHORITY OF CENTRAL INTELLIGENCE AGEN-**
8 **CY TO PROVIDE PROTECTION FOR CERTAIN**
9 **PERSONNEL.**

10 (a) AUTHORITY.—Paragraph (4) of section 5(a) of
11 the Central Intelligence Agency Act of 1949 (50 U.S.C.
12 3506(a)), as amended by section 6303, is further amended
13 to read as follows:

14 “(4) Authorize personnel designated by the Director
15 to carry firearms to the extent necessary for the perform-
16 ance of the Agency’s authorized functions, except that,
17 within the United States, such authority shall be limited
18 to the purposes of—

19 “(A) the training of Agency personnel and
20 other authorized persons in the use of firearms;

21 “(B) the protection of classified materials and
22 information;

23 “(C) the protection of installations and property
24 of the Agency;

25 “(D) the protection of—

1 “(i) current and former Agency personnel
2 and their immediate families;

3 “(ii) individuals nominated by the Presi-
4 dent to the position of Director (including with
5 respect to an individual whom a President-elect
6 (as defined in section 3(c) of the Presidential
7 Transition Act of 1963 (3 U.S.C. 102 note) has
8 declared an intent to nominate) and their im-
9 mediate families; and

10 “(iii) defectors and their immediate fami-
11 lies, and other persons in the United States
12 under Agency auspices; and

13 “(E) with respect to the Office of the Director
14 of National Intelligence, the protection of—

15 “(i) installations and property of the Office
16 of the Director of National Intelligence;

17 “(ii) the Director of National Intelligence
18 and the immediate family of the Director;

19 “(iii) current and former personnel of the
20 Office of the Director of National Intelligence
21 and their immediate families as the Director of
22 National Intelligence may designate; and

23 “(iv) individuals nominated by the Presi-
24 dent to the position of Director of National In-
25 telligence (including with respect to an indi-

1 vidual whom a President-elect has declared an
2 intent to nominate) and their immediate fami-
3 lies;”.

4 (b) CONFORMING AMENDMENT.—Section 15(d)(1) of
5 such Act (50 U.S.C. 3515(d)(1)) is amended by striking
6 “designated by the Director under section 5(a)(4) to carry
7 firearms for the protection of current or former Agency
8 personnel and their immediate families, defectors and
9 their immediate families, and other persons in the United
10 States under Agency auspices,” and inserting the fol-
11 lowing: “designated by the Director to carry firearms
12 under subparagraph (D) or (E) of section 5(a)(4),”.

13 (c) TECHNICAL AMENDMENT.—Paragraphs (7) and
14 (8) of section 5(a) of such Act (50 U.S.C. 3506(a)) are
15 amended by adjusting the margins to conform with the
16 other paragraphs in such section.

17 **SEC. 6415. NOTIFICATION OF USE OF CERTAIN EXPENDI-**
18 **TURE AUTHORITIES.**

19 (a) CIA.—Section 8 of the Central Intelligence Agen-
20 cy Act of 1949 (50 U.S.C. 3510) is amended by adding
21 at the end the following new subsection:

22 “(c) NOTIFICATION.—Not later than 30 days after
23 the date on which the Director makes a novel and signifi-
24 cant expenditure pursuant to subsection (a), the Director
25 shall notify the Permanent Select Committee on Intel-

1 lidence of the House of Representatives, the Select Com-
2 mittee on Intelligence of the Senate, the Subcommittee on
3 Defense of the Committee on Appropriations of the Sen-
4 ate, and the Subcommittee on Defense of the Committee
5 on Appropriations of the House of Representatives of such
6 expenditure.”.

7 (b) OTHER ELEMENTS.—Section 102A of the Na-
8 tional Security Act of 1947 (50 U.S.C. 3024), as amended
9 by section 6402, is further amended—

10 (1) in subsection (m)(1), by inserting before the
11 period at the end the following: “, including with re-
12 spect to the notification requirement under section
13 8(c) of such Act (50 U.S.C. 3510(c))”; and

14 (2) in subsection (n), by adding at the end the
15 following new paragraph:

16 “(5) Any authority provided to the Director of Na-
17 tional Intelligence or the head of an element of the intel-
18 ligence community pursuant to this subsection to make an
19 expenditure referred to in subsection (a) of section 8 of
20 the Central Intelligence Agency Act of 1949 (50 U.S.C.
21 3510) is subject to the notification requirement under sub-
22 section (c) of such section. If the Director of National In-
23 telligence is required to make a notification for a specific
24 expenditure pursuant to both this paragraph and para-

1 graph (4)(G), the Director may make a single notifica-
2 tion.”.

3 **SEC. 6416. OFFICE SUPPORTING CENTRAL INTELLIGENCE**
4 **AGENCY WORKFORCE WELLBEING.**

5 (a) ESTABLISHMENT.—The Central Intelligence
6 Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended
7 by adding at the end the following new section:

8 **“SEC. 29. OFFICE OF WELLNESS AND WORKFORCE SUP-**
9 **PORT.**

10 “(a) ESTABLISHMENT.—The Director shall establish
11 within the Agency an office (in this section referred to as
12 the ‘Office’) to provide support for the physical health,
13 mental health, and wellbeing of eligible individuals under
14 subsection (d).

15 “(b) CHIEF WELLBEING OFFICER; ASSIGNED
16 STAFF.—

17 “(1) CHIEF WELLBEING OFFICER.—The head
18 of the Office is the Chief Wellbeing Officer, who
19 shall provide to the Director regular updates on the
20 operations of the Office.

21 “(2) ASSIGNED STAFF.—To assist in per-
22 forming the functions under subsection (c), the Di-
23 rector shall assign to the Office a sufficient number
24 of individuals, who shall have no official duties other
25 than duties related to the Office while so assigned.

1 “(c) FUNCTIONS OF OFFICE.—

2 “(1) FUNCTIONS.—The Director shall establish
3 the functions and role of the Office, which shall in-
4 clude the following:

5 “(A) Providing to eligible individuals under
6 subsection (d) advice and assistance on health
7 and wellbeing, including with respect to—

8 “(i) physical health and access to
9 physical health care;

10 “(ii) mental health and access to men-
11 tal health care; and

12 “(iii) other related programs and ben-
13 efits for which the individual may be eligi-
14 ble.

15 “(B) In providing advice and assistance to
16 individuals under subparagraph (A), assisting
17 such individuals who are applying for, and navi-
18 gating the process to obtain, benefits furnished
19 by the United States Government for which the
20 individual is eligible, including, at a minimum—

21 “(i) health care and benefits described
22 in such subparagraph; and

23 “(ii) benefits furnished pursuant to
24 section 19A.

1 “(C) Maintaining, and making available to
2 eligible individuals under subsection (d), the fol-
3 lowing:

4 “(i) A list of physicians and mental
5 health care providers (including from the
6 private sector, as applicable), who have ex-
7 perience with the physical and mental
8 health care needs of the Agency workforce.

9 “(ii) A list of chaplains and religious
10 counselors who have experience with the
11 needs of the Agency workforce, including
12 information regarding access to the Chap-
13 lain Corps established under section 26.

14 “(iii) Information regarding how to
15 select and retain private attorneys who
16 have experience with the legal needs of the
17 Agency workforce, including detailed infor-
18 mation on the process for the appropriate
19 sharing of information with retained pri-
20 vate attorneys.

21 “(D) Any other functions the Director de-
22 termines appropriate.

23 “(2) RULE OF CONSTRUCTION.—The inclusion
24 of any person on a list maintained or made available
25 pursuant to paragraph (1)(C) shall not be construed

1 as an endorsement of such person (or any service
2 furnished by such person), and the Director shall
3 not be liable, as a result of such inclusion, for any
4 portion of compensable injury, loss, or damage at-
5 tributable to such person or service.

6 “(3) CONFIDENTIALITY.—

7 “(A) REQUIREMENT.—The Director shall
8 ensure that, to the extent permitted by law, the
9 advice and assistance provided by the Office to
10 eligible individuals under subsection (d) is pro-
11 vided in a confidential manner.

12 “(B) REGULATIONS.—The Director may
13 prescribe regulations regarding the requirement
14 for confidentiality under this paragraph. The
15 Director shall submit to the congressional intel-
16 ligence committees (as defined in section 3 of
17 the National Security Act of 1947 (50 U.S.C.
18 3003)), the Subcommittee on Defense of the
19 Committee on Appropriations of the Senate,
20 and the Subcommittee on Defense of the Com-
21 mittee on Appropriations of the House of Rep-
22 resentatives any such regulations not later than
23 30 days after prescribing such regulations.

24 “(d) ELIGIBILITY.—

1 “(1) IN GENERAL.—An individual described in
2 paragraph (2) may receive a service under the Office
3 at the election of the individual.

4 “(2) INDIVIDUALS DESCRIBED.—An individual
5 described in this paragraph is—

6 “(A) a current or former officer or em-
7 ployee of the Agency; or

8 “(B) an individual affiliated with the
9 Agency, as determined by the Director.”.

10 (b) DEADLINE FOR ESTABLISHMENT.—The Director
11 of the Central Intelligence Agency shall establish the Of-
12 fice under section 29 of the Central Intelligence Agency
13 Act of 1949 (as added by subsection (a)) (in this section
14 referred to as the “Office”) by not later than 120 days
15 after the date of the enactment of this Act.

16 (c) BIENNIAL BRIEFINGS.—On a biennial basis dur-
17 ing the three-year period beginning on the date of the es-
18 tablishment of the Office, the Director shall provide to the
19 congressional intelligence committees, the Subcommittee
20 on Defense of the Committee on Appropriations of the
21 Senate, and the Subcommittee on Defense of the Com-
22 mittee on Appropriations of the House of Representatives
23 a briefing on the status of the Office, including on—

24 (1) the number of individuals assigned to the
25 Office pursuant to subsection (b)(2) of section 29 of

1 the Central Intelligence Agency Act of 1949 (as
2 added by subsection (a)); and

3 (2) the number of eligible individuals under
4 subsection (d) of such section 29 who have received
5 services under the Office, and the type of services so
6 received.

7 **Subtitle C—Elements of the** 8 **Defense Intelligence Enterprise**

9 **SEC. 6421. INCLUSION OF SPACE FORCE AS ELEMENT OF** 10 **INTELLIGENCE COMMUNITY.**

11 Section 3(4)(H) of the National Security Act of 1947
12 (50 U.S.C. 3003(4)(H)) is amended by inserting “the
13 Space Force,” after “the Marine Corps,”.

14 **SEC. 6422. OVERSIGHT OF DEFENSE INTELLIGENCE AGEN-** 15 **CY CULTURE.**

16 (a) DEFINITIONS.—In this section:

17 (1) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—The term “appropriate committees of Con-
19 gress” means—

20 (A) the congressional intelligence commit-
21 tees;

22 (B) the Committee on Armed Services of
23 the Senate;

24 (C) the Subcommittee on Defense of the
25 Committee on Appropriations of the Senate;

1 (D) the Committee on Armed Services of
2 the House of Representatives; and

3 (E) the Subcommittee on Defense of the
4 Committee on Appropriations of the House of
5 Representatives.

6 (2) WORKFORCE CLIMATE SURVEY.—The term
7 “workforce climate survey”—

8 (A) means a workforce engagement or cli-
9 mate survey conducted at the agency, direc-
10 torate, career field, or integrated intelligence
11 center level, without regard to whether the sur-
12 vey is conducted on an annual or ad-hoc basis;
13 and

14 (B) does not include an exit survey speci-
15 fied in subsection (c).

16 (b) FINDINGS.—Congress finds that the Defense In-
17 telligence Agency has committed to improving Agency cul-
18 ture and leadership; however, actions taken by the Agency
19 as of the date of the enactment of this Act have not en-
20 abled a full assessment of the extent of workforce culture
21 issues and potential management abuses, and require ad-
22 ditional Congressional oversight to ensure concerns are
23 both understood and addressed.

24 (c) MANDATORY PROVISION OF EXIT SURVEY OR
25 INTERVIEW.—

1 (1) IN GENERAL.—The Director of the Defense
2 Intelligence Agency shall ensure that each employee
3 of such Agency who leaves employment with such
4 Agency (but not including any detail assignment)
5 completes an exit survey or exit interview prior to
6 such departure, to the extent practicable.

7 (2) ANNUAL SUBMISSIONS TO CONGRESS.—On
8 an annual basis during the 3-year period beginning
9 on the date of the enactment of this Act, the Direc-
10 tor of the Defense Intelligence Agency shall submit
11 to the appropriate committees of Congress a written
12 analysis of the results of the exit surveys or exit
13 interviews completed pursuant to paragraph (1) dur-
14 ing the year covered by the report together with a
15 plan of the Director to address any issues identified
16 pursuant to such results to improve retention and
17 culture.

18 (d) CONGRESSIONAL OVERSIGHT RELATING TO
19 WORKFORCE CLIMATE SURVEYS.—

20 (1) NOTIFICATIONS OF AD-HOC WORKFORCE
21 CLIMATE SURVEYS.—Not later than 14 days after
22 the date on which the Director of the Defense Intel-
23 ligence Agency conducts an ad-hoc workforce climate
24 survey (including in response to a specific incident

1 or concern), the Director shall notify the appropriate
2 committees of Congress.

3 (2) REPORTS ON FINAL RESULTS.—Not later
4 than 90 days after the date on which the Director
5 of the Defense Intelligence Agency concludes the
6 conduct of any workforce climate survey, the Direc-
7 tor shall submit to the appropriate committees of
8 Congress a report containing the final results of
9 such workforce climate survey. Such report shall in-
10 clude the following:

11 (A) The topic of the workforce climate sur-
12 vey, and the workforce level surveyed.

13 (B) The rationale for conducting the work-
14 force climate survey.

15 (C) The measures in place to ensure the
16 accessibility of the workforce climate survey.

17 (D) The lead official or entity conducting
18 the workforce climate survey.

19 (E) Any actions the Director intends to
20 take, or is considering, in response to the re-
21 sults of the workforce climate survey.

22 (3) ACCESSIBILITY OF WORKFORCE CLIMATE
23 SURVEYS.—The Director of the Defense Intelligence
24 Agency shall ensure that, to the extent practicable,
25 and consistent with the protection of intelligence

1 sources and methods, workforce climate surveys are
2 accessible to employees of such Agency on classified
3 and unclassified systems.

4 (e) FEASIBILITY REPORT.—Not later than 270 days
5 after the date of enactment of this Act, the Director of
6 the Defense Intelligence Agency shall submit to the appro-
7 priate committees of Congress a report containing an
8 analysis of the feasibility (including the anticipated cost,
9 personnel requirements, necessary authorities, and such
10 other matters as may be determined appropriate by the
11 Director for purposes of analyzing feasibility) of—

12 (1) conducting 360-degree performance reviews
13 among employees of the Defense Intelligence Agen-
14 cy; and

15 (2) including leadership suitability assessments
16 (including personality evaluations, communication
17 style assessments, and emotional intelligence apti-
18 tude assessments) for promotions of such employees
19 to a position within grade GS–14 or above of the
20 General Schedule.

21 **Subtitle D—Other Elements**

22 **SEC. 6431. MODIFICATION OF ADVISORY BOARD IN NA-** 23 **TIONAL RECONNAISSANCE OFFICE.**

24 Section 106A(d) of the National Security Act of 1947
25 (50 U.S.C. 3041a(d)) is amended—

1 (1) in paragraph (3)(A)(i), by inserting “, in
2 consultation with the Director of National Intel-
3 ligence and the Secretary of Defense,” after “Direc-
4 tor”;

5 (2) in paragraph (7), by striking “the date that
6 is 3 years after the date of the first meeting of the
7 Board” and inserting “September 30, 2024”.

8 **SEC. 6432. ESTABLISHMENT OF ADVISORY BOARD FOR NA-**
9 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
10 **CY.**

11 (a) ESTABLISHMENT.—There is established in the
12 National Geospatial-Intelligence Agency an advisory board
13 (in this section referred to as the “Board”).

14 (b) DUTIES.—The Board shall—

15 (1) study matters relating to the mission of the
16 National Geospatial-Intelligence Agency, including
17 with respect to integration of commercial capabili-
18 ties, promoting innovation, advice on next generation
19 tasking, collection, processing, exploitation, and dis-
20 semination capabilities, strengthening functional
21 management, acquisition, and such other matters as
22 the Director of the National Geospatial-Intelligence
23 Agency considers appropriate; and

24 (2) advise and report directly to the Director
25 with respect to such matters.

1 (c) MEMBERS.—

2 (1) NUMBER AND APPOINTMENT.—

3 (A) IN GENERAL.—The Board shall be
4 composed of 6 members appointed by the Direc-
5 tor from among individuals with demonstrated
6 academic, government, business, or other exper-
7 tise relevant to the mission and functions of the
8 Agency.

9 (B) NOTIFICATION.—Not later than 30
10 days after the date on which the Director ap-
11 points a member to the Board, the Director
12 shall notify the congressional intelligence com-
13 mittees and the congressional defense commit-
14 tees (as defined in section 101(a) of title 10,
15 United States Code) of such appointment.

16 (C) INITIAL APPOINTMENTS.—Not later
17 than 180 days after the date of the enactment
18 of this Act, the Director shall appoint the initial
19 6 members to the Board.

20 (2) TERMS.—Each member shall be appointed
21 for a term of 3 years.

22 (3) VACANCY.—Any member appointed to fill a
23 vacancy occurring before the expiration of the term
24 for which the member's predecessor was appointed

1 shall be appointed only for the remainder of that
2 term.

3 (4) CHAIR.—The Board shall have a Chair, who
4 shall be appointed by the Director from among the
5 members.

6 (5) TRAVEL EXPENSES.—Each member shall
7 receive travel expenses, including per diem in lieu of
8 subsistence, in accordance with applicable provisions
9 under subchapter I of chapter 57 of title 5, United
10 States Code.

11 (6) EXECUTIVE SECRETARY.—The Director
12 may appoint an executive secretary, who shall be an
13 employee of the Agency, to support the Board.

14 (d) MEETINGS.—The Board shall meet not less than
15 quarterly, but may meet more frequently at the call of the
16 Director.

17 (e) REPORTS.—Not later than March 31 of each
18 year, the Board shall submit to the Director and to the
19 congressional intelligence committees, the Committee on
20 Appropriations of the Senate, and the Committee on Ap-
21 propriations of the House of Representatives a report on
22 the activities and significant findings of the Board during
23 the preceding year.

1 (f) NONAPPLICABILITY OF CERTAIN REQUIRE-
2 MENTS.—The Federal Advisory Committee Act (5 U.S.C.
3 App.) shall not apply to the Board.

4 (g) TERMINATION.—The Board shall terminate on
5 the date that is 5 years after the date of the first meeting
6 of the Board.

7 **SEC. 6433. ELEVATION OF THE COMMERCIAL AND BUSI-**
8 **NESS OPERATIONS OFFICE OF THE NA-**
9 **TIONAL GEOSPATIAL-INTELLIGENCE AGEN-**
10 **CY.**

11 Beginning not later than 90 days after the date of
12 the enactment of this Act, the head of the commercial and
13 business operations office of the National Geospatial-Intel-
14 ligence Agency shall report directly to the Director of the
15 National Geospatial-Intelligence Agency.

16 **SEC. 6435. STUDY ON PERSONNEL UNDER STRATEGIC IN-**
17 **TELLIGENCE PARTNERSHIP PROGRAM.**

18 (a) STUDY.—The Director of National Intelligence
19 and the Director of the Office of Intelligence and Counter-
20 intelligence of the Department of Energy, in consultation
21 with the National Laboratories Directors' Council and in
22 coordination with such other entities, agencies, and de-
23 partments as the Directors consider appropriate, shall
24 jointly conduct a study of the skills, recruitment, and re-
25 tention of the personnel at the national laboratories who

1 carry out projects under the Strategic Intelligence Part-
2 nership Program.

3 (b) ELEMENTS.—The study under subsection (a)
4 shall address the following:

5 (1) The degree to which the personnel at the
6 national laboratories who carry out projects under
7 the Strategic Intelligence Partnership Program have
8 the requisite training, skillsets, or expertise in crit-
9 ical science, technology, and engineering areas to
10 support ongoing and anticipated projects under such
11 Program, and the sufficiency of such personnel.

12 (2) Whether such personnel have compensation,
13 benefits, and pay scales that are competitive with
14 comparable roles in the private sector in the geo-
15 graphic market in which the relevant national lab-
16 oratory is located.

17 (3) Any challenges associated with the retention
18 of such personnel.

19 (4) The talent composition of such personnel,
20 broken down by career phase and degree status, to
21 include any relevant exit survey data.

22 (5) A description of current or previous pro-
23 grams to enabling such personnel to rotate between
24 elements of the intelligence community and the na-
25 tional laboratories, including the number of per-

1 sonnel on nonreimbursable or reimbursable assign-
2 ment to an element of the intelligence community.

3 (6) The degree to which such projects and per-
4 sonnel support or augment other ongoing mission
5 areas and capacities at the national laboratories.

6 (c) RECOMMENDATIONS.—Upon completing the
7 study under subsection (a), the Directors shall jointly de-
8 velop findings and recommendations based on the results
9 of the study regarding the recruitment and retention of
10 personnel at the national laboratories who carry out
11 projects under the Strategic Intelligence Partnership Pro-
12 gram, including with respect to the following:

13 (1) New or alternative business models, spon-
14 sorship arrangements, or work scope agreements.

15 (2) Extending eligibility for existing, or estab-
16 lishing new, recruitment, retention, or other career
17 incentive programs, including student loan repay-
18 ment and forgiveness programs, to such personnel.

19 (3) Initiating geographically flexible or remote
20 work arrangements for such personnel.

21 (4) Enabling such personnel to participate in
22 training at elements of the intelligence community,
23 or obtain academic training at the National Intel-
24 ligence University.

1 (5) Establishing new, or enhancing existing, op-
2 portunities for detailee or rotational programs
3 among the intelligence community and the national
4 laboratories.

5 (6) Using a compensation system modeled on
6 the Cyber Talent Management System of the De-
7 partment of Homeland Security for such personnel.

8 (7) Any other recommendations the Directors
9 determine relevant.

10 (d) REPORT.—

11 (1) REQUIREMENT.—Not later than 1 year
12 after the date of the enactment of this Act, the Di-
13 rectors shall jointly submit to the congressional in-
14 telligence committees, the Subcommittee on Defense
15 of the Committee on Appropriations of the Senate,
16 and the Subcommittee on Defense of the Committee
17 on Appropriations of the House of Representatives a
18 report containing the study under subsection (a) and
19 the recommendations under subsection (c).

20 (2) FORM.—The report under paragraph (1)
21 shall be submitted in unclassified form, but may in-
22 clude a classified annex.

23 (e) NATIONAL LABORATORIES DEFINED.—In this
24 section, the term “national laboratories” means—

1 (1) each national security laboratory (as defined
2 in section 3281(1) of the National Nuclear Security
3 Administration Act (50 U.S.C. 2471(1))); and

4 (2) each national laboratory of the Department
5 of Energy.

6 **SEC. 6436. BRIEFING ON COORDINATION BETWEEN INTEL-**
7 **LIGENCE COMMUNITY AND BUREAU OF IN-**
8 **DUSTRY AND SECURITY.**

9 (a) DEFINITION OF APPROPRIATE CONGRESSIONAL
10 COMMITTEES.—In this section, the term “appropriate
11 congressional committees” means—

12 (1) the congressional intelligence committees;

13 (2) the Committee on Foreign Relations, the
14 Committee on Armed Services, the Committee on
15 Banking, Housing, and Urban Affairs, the Com-
16 mittee on Commerce, Science, and Transportation,
17 and the Subcommittee on Defense of the Committee
18 on Appropriations of the Senate; and

19 (3) the Committee on Foreign Affairs, the
20 Committee on Armed Services, the Committee on Fi-
21 nancial Services, the Committee on Energy and
22 Commerce, and the Subcommittee on Defense of the
23 Committee on Appropriations of the House of Rep-
24 resentatives.

1 (b) CLASSIFIED BRIEFING.—Not later than 90 days
2 after the date of the enactment of this Act, the Director
3 of National Intelligence and the Secretary of Commerce,
4 or their designees, shall jointly provide a classified briefing
5 to the appropriate congressional committees regarding—

6 (1) coordination between the intelligence com-
7 munity and the Bureau of Industry and Security of
8 the Department of Commerce;

9 (2) existing processes of the Bureau for the ac-
10 cess to, storage of, transmission of, and use of infor-
11 mation provided to the Bureau by an element of the
12 intelligence community; and

13 (3) such recommendations as the Director and
14 the Secretary may have to enhance such access, stor-
15 age, transmission, and use.

16 **TITLE LXV—MATTERS RELATING**
17 **TO FOREIGN COUNTRIES**

18 **Subtitle A—Intelligence Matters**
19 **Relating to the People’s Repub-**
20 **lic of China**

21 **SEC. 6501. REPORT ON WEALTH AND CORRUPT ACTIVITIES**
22 **OF THE LEADERSHIP OF THE CHINESE COM-**
23 **MUNIST PARTY.**

24 Not later than 1 year after the date of the enactment
25 of this Act, the Director of National Intelligence, in con-

1 sultation with the Secretary of State, shall make available
2 to the public an unclassified report on the wealth and cor-
3 rupt activities of the leadership of the Chinese Communist
4 Party, including the General Secretary of the Chinese
5 Communist Party and senior leadership officials in the
6 Central Committee, the Politburo, the Politburo Standing
7 Committee, and any other regional Party Secretaries.

8 **SEC. 6502. IDENTIFICATION AND THREAT ASSESSMENT OF**
9 **COMPANIES WITH INVESTMENTS BY THE**
10 **PEOPLE'S REPUBLIC OF CHINA.**

11 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
12 CONGRESS.—In this section, the term “appropriate com-
13 mittees of Congress” means—

- 14 (1) the congressional intelligence committees;
15 (2) the Committee on Commerce, Science, and
16 Transportation and the Subcommittee on Defense of
17 the Committee on Appropriations of the Senate; and
18 (3) the Committee on Energy and Commerce
19 and the Subcommittee on Defense of the Committee
20 on Appropriations of the House of Representatives.

21 (b) IN GENERAL.—Not later than 120 days after the
22 date of the enactment of this Act, the Director of National
23 Intelligence, in consultation with such heads of elements
24 of the intelligence community as the Director considers
25 appropriate, the Chairperson of the Federal Communica-

1 tion Commission, and the Administrator of the National
2 Telecommunications and Information Administration,
3 shall provide to the appropriate committees of Congress
4 a report on the risk to national security of the use of—

5 (1) telecommunications companies with a 10%
6 or greater direct or indirect foreign investment by an
7 entity or person owned or controlled by, or subject
8 to the jurisdiction or direction of, the People's Re-
9 public of China that is operating in the United
10 States or providing services to affiliates and per-
11 sonnel of the intelligence community; and

12 (2) hospitality and conveyance companies with
13 substantial investment by the People's Republic of
14 China by affiliates and personnel of the intelligence
15 community for travel on behalf of the United States
16 Government.

17 **SEC. 6503. INTELLIGENCE COMMUNITY WORKING GROUP**
18 **FOR MONITORING THE ECONOMIC AND**
19 **TECHNOLOGICAL CAPABILITIES OF THE PEO-**
20 **PLE'S REPUBLIC OF CHINA.**

21 (a) IN GENERAL.—The Director of National Intel-
22 ligence, in consultation with such heads of elements of the
23 intelligence community as the Director considers appro-
24 priate, shall establish a cross-intelligence community ana-
25 lytical working group (in this section referred to as the

1 “working group”) on the economic and technological capa-
2 bilities of the People’s Republic of China.

3 (b) MONITORING AND ANALYSIS.—The working
4 group shall monitor and analyze—

5 (1) the economic and technological capabilities
6 of the People’s Republic of China;

7 (2) the extent to which those capabilities rely
8 on exports, financing, or services from the United
9 States and other foreign countries;

10 (3) the links of those capabilities to the mili-
11 tary-industrial complex of the People’s Republic of
12 China; and

13 (4) the threats those capabilities pose to the na-
14 tional security and values of the United States.

15 (c) ANNUAL ASSESSMENT.—

16 (1) DEFINITION OF APPROPRIATE COMMITTEES
17 OF CONGRESS.—In this subsection, the term “appro-
18 priate committees of Congress” means—

19 (A) the congressional intelligence commit-
20 tees;

21 (B) the Committee on Foreign Relations,
22 the Committee on Banking, Housing, and
23 Urban Affairs, the Committee on Armed Serv-
24 ices, the Committee on Homeland Security and
25 Governmental Affairs, the Committee on Com-

1 merce, Science, and Transportation, and the
2 Committee on Appropriations of the Senate;
3 and

4 (C) the Committee on Foreign Affairs, the
5 Committee on Financial Services, the Com-
6 mittee on Armed Services, the Committee on
7 Homeland Security, the Committee on Energy
8 and Commerce, the Committee on Ways and
9 Means, and the Committee on Appropriations
10 of the House of Representatives.

11 (2) IN GENERAL.—Not less frequently than
12 once each year, the working group shall submit to
13 the appropriate committees of Congress an assess-
14 ment of the economic and technological strategy, ef-
15 forts, and progress of the People’s Republic of China
16 to become the dominant military, technological, and
17 economic power in the world and undermine the
18 rules-based world order.

19 (3) ELEMENTS.—Each assessment required by
20 paragraph (2) shall include the following:

21 (A) An unclassified overview of the major
22 goals, strategies, and policies of the People’s
23 Republic of China to control, shape, or develop
24 self-sufficiency in key technologies and control

1 related supply chains and ecosystems, includ-
2 ing—

3 (i) efforts to acquire United States
4 and other foreign technology and recruit
5 foreign talent in technology sectors of the
6 People's Republic of China, including the
7 extent to which those efforts relate to the
8 military-industrial complex of the People's
9 Republic of China;

10 (ii) efforts related to incentivizing
11 offshoring of United States and foreign
12 manufacturing to China, influencing global
13 supply chains, and creating supply chain
14 vulnerabilities for the United States, in-
15 cluding China's financing or potential fi-
16 nancing in foreign countries to create mo-
17 nopolies in the processing and exporting of
18 rare earth and other critical materials nec-
19 essary for renewable energy, including co-
20 balt, lithium, and nickel;

21 (iii) related tools and market access
22 restrictions or distortions imposed by the
23 People's Republic of China on foreign
24 firms and laws and regulations of the Peo-
25 ple's Republic of China that discriminate

1 against United States and other foreign
2 firms; and

3 (iv) efforts of the People's Republic of
4 China to attract or restrict financing from
5 the United States and other foreign coun-
6 tries to build self-sufficient national de-
7 fense capabilities, an evaluation of the rel-
8 ative contribution of foreign financing to
9 China's economic support for such capa-
10 bilities, and the type of capital flows from
11 the United States into China's national de-
12 fense capabilities from the specific actions
13 taken by the Government of the People's
14 Republic of China to attract or restrict fi-
15 nancing to the outcome of such efforts for
16 entities and persons of the People's Repub-
17 lic of China.

18 (B) An unclassified assessment of the
19 progress of the People's Republic of China to
20 achieve its goals, disaggregated by economic
21 sector.

22 (C) An unclassified assessment of the im-
23 pact of the transfer of capital, technology, data,
24 talent, and technical expertise from the United
25 States to China on the economic, technological,

1 and military capabilities of the People's Repub-
2 lic of China.

3 (D) An unclassified list of the top 200
4 businesses, academic and research institutions,
5 or other entities of the People's Republic of
6 China that are—

7 (i) developing, producing, or exporting
8 to other countries the technologies that are
9 strategically important to the People's Re-
10 public of China or supporting entities of
11 the People's Republic of China that are
12 subject to sanctions imposed by the United
13 States;

14 (ii) supporting the military-civil fusion
15 program or the military industrial complex
16 of the People's Republic of China; or

17 (iii) otherwise supporting the goals
18 and efforts of the Chinese Communist
19 Party and Chinese government entities, in-
20 cluding the Ministry of State Security, the
21 Ministry of Public Security, and the Peo-
22 ple's Liberation Army.

23 (E) An unclassified list of the top 100 de-
24 velopment, infrastructure, or other strategic

1 projects that the People’s Republic of China is
2 financing abroad that—

3 (i) advance the technology goals and
4 strategies of the Chinese Communist
5 Party; or

6 (ii) evade financial sanctions, export
7 controls, or import restrictions imposed by
8 the United States.

9 (F) An unclassified list of the top 100
10 businesses, research institutions, or other enti-
11 ties of the People’s Republic of China that are
12 developing surveillance, smart cities, or related
13 technologies that are—

14 (i) exported to other countries, under-
15 mining democracy worldwide; or

16 (ii) provided to the security services of
17 the People’s Republic of China, enabling
18 them to commit severe human rights
19 abuses in China.

20 (G) An unclassified list of the top 100
21 businesses or other entities of the People’s Re-
22 public of China that are—

23 (i) operating in the genocide zone in
24 Xinjiang; or

1 (ii) supporting the Xinjiang Public
2 Security Bureau, the Xinjiang Bureau of
3 the Ministry of State Security, the People's
4 Armed Police, or the Xinjiang Production
5 and Construction Corps.

6 (H) A list of investment funds, public com-
7 panies, or private or early-stage firms of the
8 People's Republic of China that have received
9 more than \$100,000,000 in capital flows from
10 the United States during the 10-year period
11 preceding the date on which the assessment is
12 submitted.

13 (4) PREPARATION OF ASSESSMENTS.—In pre-
14 paring each assessment required by paragraph (2),
15 the working group shall use open source documents
16 in Chinese language and commercial databases.

17 (5) FORMAT.—An assessment required by para-
18 graph (2) may be submitted in the format of a Na-
19 tional Intelligence Estimate.

20 (6) FORM.—Each assessment required by para-
21 graph (2) shall be submitted in unclassified form,
22 but may include a classified annex.

23 (7) PUBLICATION.—The unclassified portion of
24 each assessment required by paragraph (2) shall be

1 published on the publicly accessible website of the
2 Director of National Intelligence.

3 (d) BRIEFINGS TO CONGRESS.—Not less frequently
4 than quarterly, the working group shall provide to Con-
5 gress a classified briefing on the economic and techno-
6 logical goals, strategies, and progress of the People’s Re-
7 public of China, especially on the information that cannot
8 be disclosed in the unclassified portion of an assessment
9 required by subsection (c)(2).

10 (e) CLASSIFIED ANALYSES.—Each classified annex
11 to an assessment required by subsection (c)(2) or cor-
12 responding briefing provided under subsection (d) shall in-
13 clude an analysis of—

14 (1) the vulnerabilities of the People’s Republic
15 of China, disaggregated by economic sector, indus-
16 try, and entity; and

17 (2) the technological or supply chain
18 chokepoints of the People’s Republic of China that
19 provide leverage to the United States.

20 (f) SUNSET.—This section shall cease to be effective
21 on the date that is 5 years after the date of the enactment
22 of this Act.

1 **SEC. 6504. ANNUAL REPORT ON CONCENTRATED REEDUCA-**
2 **TION CAMPS IN THE XINJIANG UYGHUR AU-**
3 **TONOMOUS REGION OF THE PEOPLE'S RE-**
4 **PUBLIC OF CHINA.**

5 (a) DEFINITIONS.—In this section:

6 (1) APPROPRIATE COMMITTEES OF CON-
7 GRESS.—The term “appropriate committees of Con-
8 gress” means—

9 (A) the congressional intelligence commit-
10 tees;

11 (B) the Committee on Foreign Relations,
12 the Committee on Banking, Housing, and
13 Urban Affairs, and the Committee on Appro-
14 priations of the Senate; and

15 (C) the Committee on Foreign Affairs, the
16 Committee on Financial Services, and the Com-
17 mittee on Appropriations of the House of Rep-
18 resentatives.

19 (2) COVERED CAMP.—The term “covered
20 camp” means a detention camp, prison, forced labor
21 camp, or forced labor factory located in the Xinjiang
22 Uyghur Autonomous Region of the People’s Repub-
23 lic of China, referred to by the Government of the
24 People’s Republic of China as “concentrated reedu-
25 cation camps” or “vocational training centers”.

1 (b) ANNUAL REPORT REQUIRED.—Not later than
2 120 days after the date of the enactment of this Act, and
3 annually thereafter for 5 years, the Director of National
4 Intelligence, in consultation with such heads of elements
5 of the intelligence community as the Director considers
6 appropriate, shall submit to the appropriate committees
7 of Congress a report on the status of covered camps.

8 (c) ELEMENTS.—Each report required by subsection
9 (b) shall include the following:

10 (1) An identification of the number and geo-
11 graphic location of covered camps and an estimate
12 of the number of victims detained in covered camps.

13 (2) A description of—

14 (A) the types of personnel and equipment
15 in covered camps;

16 (B) the funding received by covered camps
17 from the Government of the People’s Republic
18 of China; and

19 (C) the role of the security services of the
20 People’s Republic of China and the Xinjiang
21 Production and Construction Corps in enforcing
22 atrocities at covered camps.

23 (3) A comprehensive list of—

24 (A) the entities of the Xinjiang Production
25 and Construction Corps, including subsidiaries

1 and affiliated businesses, with respect to which
2 sanctions have been imposed by the United
3 States;

4 (B) commercial activities of those entities
5 outside of the People’s Republic of China; and

6 (C) other Chinese businesses, including in
7 the artificial intelligence, biotechnology, and
8 surveillance technology sectors, that are in-
9 volved with the atrocities in Xinjiang or sup-
10 porting the policies of the People’s Republic of
11 China in the region.

12 (d) FORM.—Each report required by subsection (b)
13 shall be submitted in unclassified form, but may include
14 a classified annex.

15 (e) PUBLICATION.—The unclassified portion of each
16 report required by subsection (b) shall be published on the
17 publicly accessible website of the Office of the Director
18 of National Intelligence.

19 **SEC. 6505. ASSESSMENTS OF PRODUCTION OF SEMI-**
20 **CONDUCTORS BY THE PEOPLE’S REPUBLIC**
21 **OF CHINA.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the congressional intelligence commit-
2 tees;

3 (B) the Committee on Armed Services, the
4 Committee on Foreign Relations, the Com-
5 mittee on Banking, Housing, and Urban Af-
6 fairs, the Committee on Commerce, Science,
7 and Transportation, the Committee on Home-
8 land Security and Governmental Affairs, and
9 the Committee on Appropriations of the Senate;
10 and

11 (C) the Committee on Armed Services, the
12 Committee on Foreign Affairs, the Committee
13 on Financial Services, the Committee on
14 Science, Space, and Technology, the Committee
15 on Energy and Commerce, the Committee on
16 Homeland Security, and the Committee on Ap-
17 propriations of the House of Representatives.

18 (2) LEGACY SEMICONDUCTOR.—The term “leg-
19 acy semiconductor” has the meaning given such
20 term in section 9902(a)(6)(A) of the William M.
21 (Mae) Thornberry National Defense Authorization
22 Act for Fiscal Year 2021 (15 U.S.C.
23 4652(a)(6)(A)).

24 (b) IN GENERAL.—Not later than 60 days after the
25 date of the enactment of this Act, and annually thereafter

1 for 3 years, the Director of National Intelligence shall sub-
2 mit to the appropriate committees of Congress an assess-
3 ment of progress by the People's Republic of China in
4 global competitiveness in the production of semiconductors
5 by Chinese firms, including any subsidiary, affiliate, or
6 successor of such firms.

7 (c) CONSULTATION.—In carrying out subsection (b),
8 the Director shall consult with the Secretary of Commerce
9 and the heads of such other Federal agencies as the Direc-
10 tor considers appropriate.

11 (d) ELEMENTS.—Each assessment submitted under
12 subsection (b) shall include the following:

13 (1) The progress of the People's Republic of
14 China toward self-sufficiency in the supply of semi-
15 conductors, including globally competitive Chinese
16 firms competing in the fields of artificial intelligence,
17 cloud computing, autonomous vehicles, next-genera-
18 tion and renewable energy, advanced life sciences
19 and biotechnology, and high-performance computing.

20 (2) The progress of the People's Republic of
21 China in developing indigenously or accessing for-
22 eign sources of intellectual property critical to the
23 design and manufacturing of leading edge process
24 nodes, including electronic design automation tech-
25 nology.

1 (3) Activity of Chinese firms with respect to the
2 production of semiconductors that are not legacy
3 semiconductors, including any identified export di-
4 version to evade export controls.

5 (4) Any observed stockpiling efforts by Chinese
6 firms with respect to semiconductor manufacturing
7 equipment, substrate materials, silicon wafers, or
8 other necessary inputs for semiconductor production.

9 (5) An analysis of the relative market share of
10 different Chinese semiconductor manufacturers at
11 different process nodes and the estimated increase
12 or decrease of market share by that manufacturer in
13 each product category during the preceding year.

14 (6) A comprehensive summary of recruitment
15 activity of the People's Republic of China targeting
16 semiconductor manufacturing engineers and man-
17 agers from non-Chinese firms.

18 (7) An analysis of the capability of the work-
19 force of the People's Republic of China to design,
20 produce, and manufacture of semiconductors that
21 are not legacy semiconductors and relevant equip-
22 ment.

23 (e) FORM OF ASSESSMENTS.—Each assessment sub-
24 mitted under subsection (b) shall be submitted in unclassi-
25 fied form and include a classified annex.

1 (f) ADDITIONAL REPORTING.—Each assessment sub-
2 mitted under subsection (b) shall also be transmitted to
3 the Secretary of Commerce, to inform, among other activi-
4 ties of the Department of Commerce, implementation of
5 section 103 of the CHIPS Act of 2022 (Public Law 117–
6 167) and title XCIX of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (15 U.S.C. 4651 et seq.).

9 **Subtitle B—Miscellaneous Authori-**
10 **ties, Requirements, and Limita-**
11 **tions**

12 **SEC. 6511. NOTICE OF DEPLOYMENT OR TRANSFER OF**
13 **CONTAINERIZED MISSILE SYSTEMS BY RUS-**
14 **SIA, CHINA, OR IRAN.**

15 Section 501 of the Intelligence Authorization Act for
16 Fiscal Year 2016 (division M of Public Law 114–113; 129
17 Stat. 2923) is amended—

18 (1) by striking “the Russian Federation” each
19 place it appears and inserting “a covered country”;

20 (2) by striking “Club–K container missile sys-
21 tem” each place it appears and inserting “missile
22 launcher disguised as or concealed in a shipping con-
23 tainer”;

24 (3) in subsection (a)(1)—

1 (A) by striking “deploy, the” and inserting
2 “deploy, a”; and

3 (B) by striking “the Russian military” and
4 inserting “the military of the covered country”;

5 (4) by striking subsection (c) and inserting the
6 following new subsection:

7 “(c) DEFINITIONS.—In this section:

8 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
9 TEES.—The term ‘appropriate congressional com-
10 mittees’ means the following:

11 “(A) The congressional intelligence com-
12 mittees.

13 “(B) The Committees on Armed Services
14 of the House of Representatives and the Sen-
15 ate.

16 “(C) The Committee on Foreign Affairs of
17 the House of Representatives and the Com-
18 mittee on Foreign Relations of the Senate.

19 “(D) The Subcommittee on Defense of the
20 Committee on Appropriations of the House of
21 Representatives and the Subcommittee on De-
22 fense of the Committee on Appropriations of
23 the Senate.

24 “(2) COVERED COUNTRY.—The term ‘covered
25 country’ means the following:

1 “(A) Russia.

2 “(B) China.

3 “(C) Iran.

4 “(D) North Korea.”; and

5 (5) in the heading, by striking “**CLUB-K CON-**
6 **TAINER MISSILE SYSTEM BY THE RUSSIAN**
7 **FEDERATION**” and inserting “**CONTAINERIZED**
8 **MISSILE SYSTEM BY RUSSIA OR CERTAIN**
9 **OTHER COUNTRIES**”.

10 **SEC. 6512. INTELLIGENCE COMMUNITY COORDINATOR FOR**
11 **RUSSIAN ATROCITIES ACCOUNTABILITY.**

12 (a) DEFINITIONS.—In this section:

13 (1) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the congressional intelligence commit-
17 tees;

18 (B) the Subcommittee on Defense of the
19 Committee on Appropriations of the Senate;
20 and

21 (C) the Subcommittee on Defense of the
22 Committee on Appropriations of the House of
23 Representatives.

24 (2) ATROCITY.—The term “atrocities” means a
25 war crime, crime against humanity, or genocide.

1 (3) COMMIT.—The term “commit”, with respect
2 to an atrocity, includes the planning, committing,
3 aiding, and abetting of such atrocity.

4 (4) FOREIGN PERSON.—The term “foreign per-
5 son” means a person that is not a United States
6 person.

7 (5) RUSSIAN ATROCITY.—The term “Russian
8 atrocity” means an atrocity that is committed by an
9 individual who is—

10 (A) a member of the armed forces, or the
11 security or other defense services, of the Rus-
12 sian Federation;

13 (B) an employee of any other element of
14 the Russian Government; or

15 (C) an agent or contractor of an individual
16 specified in subparagraph (A) or (B).

17 (6) UNITED STATES PERSON.—The term
18 “United States person” has the meaning given that
19 term in section 105A(c) of the National Security Act
20 of 1947 (50 U.S.C. 3039).

21 (b) INTELLIGENCE COMMUNITY COORDINATOR FOR
22 RUSSIAN ATROCITIES ACCOUNTABILITY.—

23 (1) DESIGNATION.—Not later than 30 days
24 after the date of the enactment of this Act, the Di-
25 rector of National Intelligence shall designate a sen-

1 ior official of the Office of the Director of National
2 Intelligence to serve as the intelligence community
3 coordinator for Russian atrocities accountability (in
4 this section referred to as the “Coordinator”).

5 (2) DUTIES.—The Coordinator shall oversee the
6 efforts of the intelligence community relating to the
7 following:

8 (A) Identifying, and (as appropriate) dis-
9 seminating within the United States Govern-
10 ment, intelligence relating to the identification,
11 location, or activities of foreign persons sus-
12 pected of playing a role in committing Russian
13 atrocities in Ukraine.

14 (B) Identifying analytic and other intel-
15 ligence needs and priorities of the intelligence
16 community with respect to the commitment of
17 such Russian atrocities.

18 (C) Addressing any gaps in intelligence
19 collection relating to the commitment of such
20 Russian atrocities and developing recommenda-
21 tions to address any gaps so identified, includ-
22 ing by recommending the modification of the
23 priorities of the intelligence community with re-
24 spect to intelligence collection.

1 (D) Collaborating with appropriate coun-
2 terparts across the intelligence community to
3 ensure appropriate coordination on, and inte-
4 gration of the analysis of, the commitment of
5 such Russian atrocities.

6 (E) Identifying intelligence and other in-
7 formation that may be relevant to preserve evi-
8 dence of potential war crimes by Russia, con-
9 sistent with the public commitments of the
10 United States to support investigations into the
11 conduct of Russia.

12 (F) Ensuring the Atrocities Early Warning
13 Task Force and other relevant departments and
14 agencies of the United States Government re-
15 ceive appropriate support from the intelligence
16 community with respect to the collection, anal-
17 ysis, preservation, and, as appropriate, dissemi-
18 nation, of intelligence related to Russian atroc-
19 ities in Ukraine.

20 (3) PLAN REQUIRED.—Not later than 30 days
21 after the date of enactment of this Act, the Director
22 of National Intelligence shall submit to the appro-
23 priate committees of Congress—

24 (A) the name of the official designated as
25 the Coordinator pursuant to paragraph (1); and

1 (B) the strategy of the intelligence commu-
2 nity for the collection of intelligence related to
3 Russian atrocities in Ukraine, including a de-
4 tailed description of how the Coordinator shall
5 support, and assist in facilitating the implemen-
6 tation of, such strategy.

7 (4) ANNUAL REPORT TO CONGRESS.—

8 (A) REPORTS REQUIRED.—Not later than
9 May 1, 2023, and annually thereafter until May
10 1, 2026, the Director of National Intelligence
11 shall submit to the appropriate committees of
12 Congress a report detailing, for the year cov-
13 ered by the report—

14 (i) the analytical findings and activi-
15 ties of the intelligence community with re-
16 spect to Russian atrocities in Ukraine; and

17 (ii) the recipients of information
18 shared pursuant to this section for the
19 purpose of ensuring accountability for such
20 Russian atrocities, and the date of any
21 such sharing.

22 (B) FORM.—Each report submitted under
23 subparagraph (A) may be submitted in classi-
24 fied form, consistent with the protection of in-
25 telligence sources and methods.

1 (C) SUPPLEMENT.—The Director of Na-
2 tional Intelligence may supplement an existing
3 reporting requirement with the information re-
4 quired under subparagraph (A) on an annual
5 basis to satisfy that requirement with prior no-
6 tification of intent to do so to the appropriate
7 committees of Congress.

8 (e) SUNSET.—This section shall cease to have effect
9 on the date that is 4 years after the date of the enactment
10 of this Act.

11 **SEC. 6513. LEAD INTELLIGENCE COMMUNITY COORDI-**
12 **NATOR FOR COUNTERING AND NEUTRAL-**
13 **IZING PROLIFERATION OF IRAN-ORIGIN UN-**
14 **MANNED AIRCRAFT SYSTEMS.**

15 (a) DEFINITIONS.—In this section:

16 (1) APPROPRIATE COMMITTEES OF CON-
17 GRESS.—The term “appropriate committees of Con-
18 gress” means—

19 (A) the congressional intelligence commit-
20 tees;

21 (B) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Sub-
23 committee on Defense of the Committee on Ap-
24 propriations of the Senate; and

1 (C) the Committee on Armed Services, the
2 Committee on Foreign Affairs, and the Sub-
3 committee on Defense of the Committee on Ap-
4 propriations of the House of Representatives.

5 (2) FIVE EYES PARTNERSHIP.—The term “Five
6 Eyes Partnership” means the intelligence alliance
7 comprising Australia, Canada, New Zealand, the
8 United Kingdom, and the United States.

9 (3) UNMANNED AIRCRAFT SYSTEM.—The term
10 “unmanned aircraft system” includes an unmanned
11 powered aircraft (including communication links and
12 the components that control the unmanned aircraft),
13 that—

14 (A) does not carry a human operator;

15 (B) may fly autonomously or be piloted re-
16 motely;

17 (C) may be expendable or recoverable; and

18 (D) may carry a lethal payload or explode
19 upon reaching a designated location.

20 (b) COORDINATOR.—

21 (1) DESIGNATION.—Not later than 30 days
22 after the date of enactment of this Act, the Director
23 of National Intelligence shall designate an official
24 from an element of the intelligence community to
25 serve as the lead intelligence community coordinator

1 for countering and neutralizing the proliferation of
2 Iran-origin unmanned aircraft systems (in this sec-
3 tion referred to as the “Coordinator”).

4 (2) PLAN.—Not later than 120 days after the
5 date on which the Coordinator is designated under
6 paragraph (1), the Coordinator shall—

7 (A) develop a comprehensive plan of ac-
8 tion, driven by intelligence information, for
9 countering and neutralizing the threats posed
10 by the proliferation of Iran-origin unmanned
11 aircraft systems; and

12 (B) provide to appropriate committees of
13 Congress a briefing on such plan of action.

14 (3) FINAL REPORT.—

15 (A) SUBMISSION.—Not later than January
16 1, 2024, the Director of National Intelligence
17 shall submit to the appropriate committees of
18 Congress a final report on the activities and
19 findings of the Coordinator.

20 (B) MATTERS.—The report under sub-
21 paragraph (A) shall include the following:

22 (i) An assessment of the threats posed
23 by Iran-origin unmanned aircraft systems,
24 including the threat to facilities and per-
25 sonnel of the United States Government in

1 the greater Middle East, particularly in the
2 areas of such region that are located with-
3 in the area of responsibility of the Com-
4 mander of the United States Central Com-
5 mand.

6 (ii) A detailed description of intel-
7 ligence sharing efforts, as well as other
8 joint efforts driven by intelligence informa-
9 tion, with allies and partners of the United
10 States, to assist in countering and neutral-
11 izing of such threats.

12 (iii) Recommendations for any
13 changes in United States policy or legisla-
14 tive authorities to improve the capacity of
15 the intelligence community to assist in
16 countering and neutralizing such threats.

17 (C) FORM.—The report under subpara-
18 graph (A) may be submitted in classified form.

19 (D) ANNEX.—In submitting the report
20 under subparagraph (A) to the congressional
21 intelligence committees, the Director shall also
22 include an accompanying annex, which shall be
23 classified, that separately details all efforts sup-
24 ported exclusively by National Intelligence Pro-
25 gram funds.

1 (c) COLLABORATION WITH FIVE EYES PARTNERSHIP
2 AND ISRAEL.—Taking into account the findings of the
3 final report under subsection (b)(3), the Director of Na-
4 tional Intelligence shall seek to—

5 (1) develop and implement a common approach
6 among the Five Eyes Partnership toward countering
7 the threats posed by Iran-origin unmanned aircraft
8 systems, including by leveraging the unique intel-
9 ligence capabilities and information of the members
10 of the Five Eyes Partnership; and

11 (2) intensify cooperation with Israel for the
12 purpose of countering Iran-origin unmanned aircraft
13 systems, including by strengthening and expanding
14 existing cooperative efforts conducted pursuant to
15 section 1278 of the National Defense Authorization
16 Act for Fiscal Year 2020 (Public Law 116–92; 133
17 Stat. 1702; 22 U.S.C. 8606 note).

18 (d) SUNSET.—This section shall cease to have effect
19 on the date on which the final report is submitted under
20 subsection (b)(3).

21 **SEC. 6514. COLLABORATION BETWEEN INTELLIGENCE**
22 **COMMUNITY AND DEPARTMENT OF COM-**
23 **MERCE TO COUNTER FOREIGN COMMERCIAL**
24 **THREATS.**

25 (a) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the congressional intelligence commit-
5 tees;

6 (B) the Committee on Commerce, Science,
7 and Transportation, the Committee on Armed
8 Services, the Committee on Foreign Relations,
9 and the Committee on Appropriations of the
10 Senate; and

11 (C) the Committee on Energy and Com-
12 merce, the Committee on Armed Services, the
13 Committee on Foreign Affairs, and the Com-
14 mittee on Appropriations of the House of Rep-
15 resentatives.

16 (2) FOREIGN COMMERCIAL THREAT.—

17 (A) IN GENERAL.—The term “foreign com-
18 mercial threat” means a rare commercial item
19 or service that is produced by, offered by, sold
20 by, licensed by, or otherwise distributed under
21 the control of a strategic competitor or foreign
22 adversary in a manner that may provide the
23 strategic competitor or foreign adversary lever-
24 age over an intended recipient.

1 (B) DETERMINATIONS BY WORKING
2 GROUP.—In determining whether an item or
3 service is a foreign commercial threat, the
4 Working Group shall consider whether the stra-
5 tegic competitor or foreign adversary could—

6 (i) withhold, or threaten to withhold,
7 the rare commercial item or service;

8 (ii) create reliance on the rare com-
9 mercial item or service as essential to the
10 safety, health, or economic wellbeing of the
11 intended recipient; or

12 (iii) have its rare commercial item or
13 service easily replaced by a United States
14 entity or an entity of an ally or partner of
15 the United States.

16 (3) RARE COMMERCIAL ITEM OR SERVICE.—
17 The term “rare commercial item or service” means
18 a good, service, or intellectual property that is not
19 widely available for distribution.

20 (b) WORKING GROUP.—

21 (1) ESTABLISHMENT.—Unless the Director of
22 National Intelligence and the Secretary of Commerce
23 make the joint determination specified in subsection
24 (c), the Director and the Secretary, in consultation
25 with the Secretary of State, shall jointly establish a

1 working group to counter foreign commercial threats
2 (in this section referred to as the “Working
3 Group”).

4 (2) MEMBERSHIP.—The composition of the
5 Working Group may include any officer or employee
6 of a department or agency of the United States Gov-
7 ernment determined appropriate by the Director or
8 the Secretary.

9 (3) DUTIES.—The duties of the Working Group
10 shall be the following:

11 (A) To identify current foreign commercial
12 threats.

13 (B) To identify probable future foreign
14 commercial threats.

15 (C) To identify goods, services, or intellec-
16 tual property that, if produced by entities with-
17 in the United States, or allies or partners of the
18 United States, would mitigate foreign commer-
19 cial threats.

20 (4) MEETINGS.—Not later than 30 days after
21 the date of the enactment of this Act, and on a reg-
22 ular basis that is not less frequently than quarterly
23 thereafter until the date of termination under para-
24 graph (5), the Working Group shall meet.

1 (5) TERMINATION.—Beginning on the date that
2 is 2 years after the date of the establishment under
3 paragraph (1), the Working Group may be termi-
4 nated upon the Director of National Intelligence and
5 the Secretary of Commerce jointly—

6 (A) determining that termination of the
7 Working Group is appropriate; and

8 (B) submitting to the appropriate congres-
9 sional committees a notification of such deter-
10 mination (including a description of the jus-
11 tification for such determination).

12 (6) REPORTS.—

13 (A) SUBMISSION TO CONGRESS.—Not later
14 than 60 days after the date of the enactment of
15 this Act, and biannually thereafter until the
16 date of termination under paragraph (5), the
17 Working Group shall submit to the appropriate
18 congressional committees a report on the activi-
19 ties of the Working Group.

20 (B) MATTERS.—Each report under sub-
21 paragraph (A) shall include a description of the
22 following:

23 (i) Any current or future foreign com-
24 mercial threats identified by the Working
25 Group.

1 (ii) The strategy of the United States
2 Government, if any, to mitigate any cur-
3 rent foreign commercial threats or future
4 foreign commercial threats so identified.

5 (iii) The plan of the intelligence com-
6 munity to provide to the Department of
7 Commerce and other nontraditional cus-
8 tomers of the intelligence community sup-
9 port in addressing foreign commercial
10 threats.

11 (iv) Any other significant activity of
12 the Working Group.

13 (c) OPTION TO DISCHARGE OBLIGATION THROUGH
14 OTHER MEANS.—If the Director of National Intelligence
15 and the Secretary of Commerce make a joint determina-
16 tion that the requirements of the Working Group under
17 subsection (b) (including the duties under paragraph (3)
18 and the reporting requirement under paragraph (6) of
19 such subsection) may be appropriately filled by an existing
20 entity or structure, and submit to the congressional intel-
21 ligence committees a notification of such determination
22 (including a description of the justification for such deter-
23 mination), the Director and Secretary may task such enti-
24 ty or structure with such requirements in lieu of estab-
25 lishing the Working Group.

1 **SEC. 6515. INTELLIGENCE ASSESSMENT ON FOREIGN**
2 **WEAPONIZATION OF ADVERTISEMENT TECH-**
3 **NOLOGY DATA.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADVERTISEMENT TECHNOLOGY DATA.—The
6 term “advertisement technology data” means com-
7 mercially available data derived from advertisement
8 technology that is used, or can be used, to geolocate
9 individuals or gain other targeting information on
10 individuals.

11 (2) APPROPRIATE COMMITTEES OF CON-
12 GRESS.—The term “appropriate committees of Con-
13 gress” means—

14 (A) the congressional intelligence commit-
15 tees;

16 (B) the Committee on Armed Services of
17 the Senate;

18 (C) the Subcommittee on Defense of the
19 Committee on Appropriations of the Senate;

20 (D) the Committee on Armed Services of
21 the House of Representatives; and

22 (E) the Subcommittee on Defense of the
23 Committee on Appropriations of the House of
24 Representatives.

25 (b) ASSESSMENT.—The Director of National Intel-
26 ligence shall conduct an intelligence assessment of the

1 counterintelligence risks of, and the exposure of intel-
2 ligence community and Department of Defense personnel
3 and activities to, tracking by foreign adversaries through
4 advertisement technology data.

5 (c) REPORT.—Not later than 60 days after the date
6 of the enactment of this Act, the Director shall submit
7 to the appropriate committees of Congress a report on the
8 intelligence assessment under subsection (b).

9 **SEC. 6516. INTELLIGENCE COMMUNITY ASSESSMENT RE-**
10 **GARDING RUSSIAN GRAY ZONE ASSETS.**

11 (a) DEFINITIONS.—In this section:

12 (1) APPROPRIATE COMMITTEES OF CON-
13 GRESS.—The term “appropriate committees of Con-
14 gress” means—

15 (A) the congressional intelligence commit-
16 tees;

17 (B) the Committee on Armed Services of
18 the Senate;

19 (C) the Subcommittee on Defense of the
20 Committee on Appropriations of the Senate;

21 (D) the Committee on Armed Services of
22 the House of Representatives; and

23 (E) the Subcommittee on Defense of the
24 Committee on Appropriations of the House of
25 Representatives.

1 (2) GRAY ZONE ACTIVITY.—The term “gray
2 zone activity” has the meaning given that term in
3 section 825 of the Intelligence Authorization Act for
4 Fiscal Year 2022 (Public Law 117–103).

5 (3) GRAY ZONE ASSET.—The term “gray zone
6 asset”—

7 (A) means an entity or proxy that is con-
8 trolled, in whole or in part, by a foreign adver-
9 sary of the United States and is used by such
10 foreign adversary in connection with a gray
11 zone activity; and

12 (B) includes a state-owned enterprise of a
13 foreign adversary that is so used.

14 (b) INTELLIGENCE COMMUNITY ASSESSMENT RE-
15 GARDING RUSSIAN GRAY ZONE ASSETS.—

16 (1) INTELLIGENCE COMMUNITY ASSESSMENT.—
17 The Director of National Intelligence, acting
18 through the National Intelligence Council, shall
19 produce an intelligence community assessment that
20 contains—

21 (A) a description of the gray zone assets of
22 Russia;

23 (B) an identification of any opportunities
24 to hold such gray zone assets at risk, as a

1 method of influencing the behavior of Russia;
2 and

3 (C) an assessment of the risks and poten-
4 tial benefits, with respect to the interests of the
5 United States, that may result from the seizure
6 of such gray zone assets to hold the assets at
7 risk.

8 (2) CONSIDERATIONS.—In identifying opportu-
9 nities to hold a gray zone asset of Russia at risk
10 under paragraph (1)(B), the National Intelligence
11 Council shall consider the following:

12 (A) The effect on civilians of holding the
13 gray zone asset at risk.

14 (B) The extent to which the gray zone
15 asset is substantially state-owned or substan-
16 tially controlled by Russia.

17 (C) The likelihood that holding the gray
18 zone asset at risk will influence the behavior of
19 Russia.

20 (D) The likelihood that holding the gray
21 asset at risk, or degrading the asset, will affect
22 any attempt of Russia to use force to change
23 existing borders or undermine the political inde-
24 pendence or territorial integrity of any state, in-
25 cluding Ukraine.

1 (E) Such other factors as the National In-
2 telligence Council may determine appropriate.

3 (3) APPENDIX.—The intelligence community
4 assessment under paragraph (1) shall include an ap-
5 pendix that contains a list of the categories of gray
6 zone assets of Russia, with specific examples of—

7 (A) gray zone assets in each category; and

8 (B) for each such gray zone asset listed,
9 the ways in which Russia uses the asset to ad-
10 vance its gray zone activities.

11 (4) SUBMISSION.—The Director, consistent
12 with the protection of sources and methods, shall
13 submit to the appropriate committees of Congress
14 the intelligence community assessment under para-
15 graph (1).

16 (5) FORM.—The intelligence community assess-
17 ment under paragraph (1) shall be submitted in un-
18 classified form, but may contain a classified annex.

19 **Subtitle C—Reports and Other** 20 **Matters**

21 **SEC. 6521. REPORT ON ASSESSING WILL TO FIGHT.**

22 (a) DEFINITIONS.—In this section:

23 (1) APPROPRIATE CONGRESSIONAL COMMIT-
24 TEES.—The term “appropriate congressional com-
25 mittees” means the following:

1 (A) The congressional intelligence commit-
2 tees.

3 (B) The Committee on Foreign Relations,
4 the Committee on Armed Services, and the
5 Subcommittee on Defense of the Committee on
6 Appropriations of the Senate.

7 (C) The Committee on Foreign Affairs, the
8 Committee on Armed Services, and the Sub-
9 committee on Defense of the Committee on Ap-
10 propriations of the House of Representatives.

11 (2) MILITARY WILL TO FIGHT.—The term
12 “military will to fight” means, with respect to the
13 military of a country, the disposition and decision to
14 fight, act, or persevere as needed.

15 (3) NATIONAL WILL TO FIGHT.—The term “na-
16 tional will to fight” means, with respect to the gov-
17 ernment of a country, the resolve to conduct sus-
18 tained military and other operations for an objective
19 even when the expectation of success decreases or
20 the need for significant political, economic, and mili-
21 tary sacrifices increases.

22 (b) FINDINGS.—Congress finds the following:

23 (1) According to a study by the RAND corpora-
24 tion, “will to fight” is poorly analyzed and the least
25 understood aspect of war.

1 (2) In testimony before the Select Committee
2 on Intelligence of the Senate in May 2022, top intel-
3 ligence officials of the United States indicated that
4 although the intelligence community accurately an-
5 ticipated Russia's invasion of Ukraine, the intel-
6 ligence community did not accurately assess the will
7 of Ukrainian forces to fight in opposition to a Rus-
8 sian invasion or that the Ukrainian forces would
9 succeed in averting a rapid Russian military occupa-
10 tion of Kyiv.

11 (3) According to the RAND corporation, the in-
12 telligence community estimated that the Afghan gov-
13 ernment's forces could hold out against the Taliban
14 for as long as 2 years if all ground forces of the
15 United States were withdrawn. This estimate was
16 revised in June 2021 to reflect an intelligence com-
17 munity view that Afghanistan's military collapse
18 could come in 6 to 12 months. In August 2021, the
19 Afghan government fell within days after the ground
20 forces of the United States were withdrawn.

21 (4) Similarly, the rapid advance of the Islamic
22 State in Iraq and Syria and near-total collapse of
23 the Iraqi Security Forces in 2014 appeared to take
24 the policymakers of the United States by surprise.

1 (5) The apparent gaps in these analyses had
2 important implications for policy decisions of the
3 United States toward Russia and Afghanistan, and
4 suggest a need for further examination of how the
5 intelligence community assesses a foreign military's
6 will to fight.

7 (c) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Director of National In-
9 telligence, acting through the National Intelligence Coun-
10 cil and in coordination with the heads of the elements of
11 the intelligence community that the Director determines
12 appropriate, shall submit to the appropriate congressional
13 committees a report examining the extent to which anal-
14 yses of the military will to fight and the national will to
15 fight informed the all-source analyses of the intelligence
16 community regarding how the armed forces and govern-
17 ments of Ukraine, Afghanistan, and Iraq would perform
18 at key junctures.

19 (d) ELEMENTS.—The report under subsection (c)
20 shall include the following:

21 (1) The methodology of the intelligence commu-
22 nity for measuring the military will to fight and the
23 national will to fight of a foreign country.

24 (2) The extent to which analysts of the intel-
25 ligence community applied such methodology when

1 assessing the military will to fight and the national
2 will to fight of—

3 (A) Afghanistan following the April 2021
4 announcement of the full withdrawal of the
5 United States Armed Forces;

6 (B) Iraq in the face of the rapid emergence
7 and advancement in 2014 of Islamic State in
8 Iraq and Syria; and

9 (C) Ukraine and Russia during the initial
10 phase of the invasion and march toward Kyiv
11 by Russia in February 2022.

12 (3) The extent to which—

13 (A) the assessments described in para-
14 graph (2) depended on the observations of per-
15 sonnel of the United States Armed Forces who
16 had trained Afghan, Iraqi, and Ukrainian
17 armed forces; and

18 (B) such observations reflected any stand-
19 ardized, objective methodology.

20 (4) Whether shortcomings in assessing the mili-
21 tary will to fight and the national will to fight may
22 have affected the capacity of the intelligence commu-
23 nity to provide “early warning” about the collapse of
24 government forces in Iraq and Afghanistan.

1 (5) The extent to which “red teaming” was
2 used to test the assessments described in paragraph
3 (2).

4 (6) The extent to which dissenting opinions of
5 intelligence analysts were highlighted in final written
6 products presented to senior policymakers of the
7 United States.

8 (7) The extent to which analysts and super-
9 visors adhered to the policies, procedures, directives,
10 and best practices of the intelligence community.

11 (8) Recommendations for analyses by the intel-
12 ligence community going forward to incorporate les-
13 sons learned and enhance the quality of future ana-
14 lytical products to more accurately reflect the mili-
15 tary will to fight and the national will to fight and
16 improve the capacity of the intelligence community
17 to accurately predict the success or failure of the
18 armed forces of a foreign country.

19 (e) ANNEX.—In submitting the report under sub-
20 section (c) to the congressional intelligence committees,
21 the Subcommittee on Defense of the Committee on Appro-
22 priations of the Senate, and the Subcommittee on Defense
23 of the Committee on Appropriations of the House of Rep-
24 resentatives, the Director shall also include an accom-

1 panying annex, which shall be classified, providing an in-
2 ventory of the following:

3 (1) Collection gaps and challenges that may
4 have affected the analysis of the collapse of govern-
5 ment forces in Iraq and Afghanistan.

6 (2) Actions that the Director of National Intel-
7 ligence has taken to mitigate such gaps and chal-
8 lenges.

9 (f) FORM.—The report under subsection (c) may be
10 submitted in classified form, but if so submitted, shall in-
11 clude an unclassified summary of key findings, consistent
12 with the protection of intelligence sources and methods.

13 **SEC. 6522. REPORT ON THREAT FROM HYPERSONIC WEAP-**
14 **ONS.**

15 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
16 CONGRESS.—In this section, the term “appropriate com-
17 mittees of Congress” means—

18 (1) the congressional intelligence committees;

19 (2) the Committee on Armed Services, the
20 Committee on Foreign Relations, and the Sub-
21 committee on Defense of the Committee on Appro-
22 priations of the Senate; and

23 (3) the Committee on Armed Services, the
24 Committee on Foreign Affairs, and the Sub-

1 committee on Defense of the Committee on Appro-
2 priations of the House of Representatives.

3 (b) REPORT.—Not later than 180 days after the date
4 of the enactment of this Act, the Director of National In-
5 telligence shall submit to the appropriate committees of
6 Congress a report containing an assessment of the threat
7 to the United States, and to allies and partners of the
8 United States, from hypersonic weapons in light of the
9 use of such weapons by Russia in Ukraine.

10 (c) ELEMENTS.—The assessment under subsection
11 (b) shall include the following:

12 (1) The information learned by the United
13 States regarding the hypersonic weapons capabilities
14 of Russia.

15 (2) Insights into the doctrine of Russia regard-
16 ing the use of hypersonic weapons.

17 (3) An assessment of how allies and partners of
18 the United States view the threat of hypersonic
19 weapons.

20 (4) An assessment of the degree to which the
21 development of missiles with similar capabilities as
22 hypersonic weapons used by Russia would enhance
23 or reduce the ability of the United States to deter
24 Russia from threatening the national security of the
25 United States.

1 (d) FORM.—The report under subsection (b) may be
2 submitted in classified form.

3 **SEC. 6523. REPORT ON ORDNANCE OF RUSSIA AND CHINA.**

4 (a) REQUIREMENT.—Not later than 180 days after
5 the date of the enactment of this Act, the Director of the
6 Defense Intelligence Agency shall submit to the congres-
7 sional intelligence committees and the congressional de-
8 fense committees a report on ordnance of Russia and
9 China, including the technical specificity required for the
10 safe handling and disposal of such ordnance.

11 (b) COORDINATION.—The Director shall carry out
12 subsection (a) in coordination with the head of any ele-
13 ment of the Defense Intelligence Enterprise that the Di-
14 rector determines appropriate.

15 (c) DEFINITIONS.—In this section:

16 (1) CONGRESSIONAL DEFENSE COMMITTEES.—
17 The term “congressional defense committees” has
18 the meaning given that term in section 101(a) of
19 title 10, United States Code.

20 (2) DEFENSE INTELLIGENCE ENTERPRISE.—
21 The term “Defense Intelligence Enterprise” has the
22 meaning given that term in section 426(b) of title
23 10, United States Code.

1 **SEC. 6524. REPORT ON ACTIVITIES OF CHINA AND RUSSIA**
2 **TARGETING LATIN AMERICA AND THE CARIB-**
3 **BEAN.**

4 (a) DEFINITIONS.—In this section:

5 (1) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

8 (A) the congressional intelligence commit-
9 tees;

10 (B) the Committee on Foreign Relations,
11 the Committee on Armed Services, and the
12 Subcommittee on Defense of the Committee on
13 Appropriations of the Senate; and

14 (C) the Committee on Foreign Affairs, the
15 Committee on Armed Services, and the Sub-
16 committee on Defense of the Committee on Ap-
17 propriations of the House of Representatives.

18 (2) FOREIGN MALIGN INFLUENCE.—The term
19 “foreign malign influence” means any hostile effort
20 undertaken by, at the direction of, or on behalf of
21 or with the substantial support of, the government
22 of a foreign country with the objective of influ-
23 encing, through overt or covert means—

24 (A) the political, military, economic, or
25 other policies or activities of the government of
26 the country that is the target of the hostile ef-

1 fort, including any election within such target
2 country; or

3 (B) the public opinion within such target
4 country.

5 (3) LATIN AMERICA AND THE CARIBBEAN.—
6 The term “Latin America and the Caribbean”
7 means the countries and non-United States terri-
8 tories of South America, Central America, the Carib-
9 bean, and Mexico.

10 (b) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Director of National In-
12 telligence, acting through the National Intelligence Coun-
13 cil and in coordination with the Secretary of State, shall
14 submit to the appropriate committees of Congress a report
15 on activities undertaken by China and Russia in Latin
16 America and the Caribbean that are intended to increase
17 the influence of China and Russia, respectively, therein.
18 Such report shall include a description of the following:

19 (1) Foreign malign influence campaigns by
20 China and Russia targeting Latin America and the
21 Caribbean.

22 (2) Financial investments intended to increase
23 Chinese or Russian influence in Latin America and
24 the Caribbean.

1 (3) Efforts by China and Russia to expand dip-
2 lomatic, military, or other ties to Latin America and
3 the Caribbean.

4 (4) Any other activities determined appropriate
5 by the Director.

6 (c) MATTERS.—With respect to the description of
7 foreign malign influence campaigns under subsection (b),
8 the report shall include an assessment of the following:

9 (1) The objectives of any such campaign.

10 (2) The themes and messaging used in any
11 such campaign.

12 (3) The scale and nature of the threat posed by
13 any such campaign.

14 (4) The effect of such threat on the national se-
15 curity, diplomatic, military, or economic interests of
16 the United States.

17 (d) FORM.—The report under subsection (b) shall be
18 submitted in unclassified form, but may include a classi-
19 fied annex.

20 **SEC. 6525. REPORT ON SUPPORT PROVIDED BY CHINA TO**
21 **RUSSIA.**

22 (a) DEFINITION OF APPROPRIATE CONGRESSIONAL
23 COMMITTEES.—In this section, the term “appropriate
24 congressional committees” means—

25 (1) the congressional intelligence committees;

1 (2) the Committee on Foreign Relations, the
2 Committee on Banking, Housing, and Urban Af-
3 fairs, the Committee on Armed Services, and the
4 Subcommittee on Defense of the Committee on Ap-
5 propriations of the Senate; and

6 (3) the Committee on Foreign Affairs, the
7 Committee on Financial Services, the Committee on
8 Armed Services, the Committee on Ways and Means,
9 and the Subcommittee on Defense of the Committee
10 on Appropriations of the House of Representatives.

11 (b) REQUIREMENT.—Not later than 90 days after the
12 date of the enactment of this Act, and every 180 days
13 thereafter, consistent with the protection of intelligence
14 sources and methods, the Director of National Intel-
15 ligence, in consultation with the heads of elements of the
16 intelligence community that the Director determines ap-
17 propriate, shall submit to the appropriate congressional
18 committees a report on whether and how China, including
19 with respect to the Government of the People’s Republic
20 of China, the Chinese Communist Party, any Chinese
21 state-owned enterprise, and any other Chinese entity, has
22 provided support to Russia with respect to the unprovoked
23 invasion of and full-scale war by Russia against Ukraine.

1 (c) MATTERS INCLUDED.—The report under sub-
2 section (b) shall include a discussion of support provided
3 by China to Russia with respect to—

4 (1) helping the Government of Russia or Rus-
5 sian entities evade or circumvent sanctions by the
6 United States or multilateral sanctions and export
7 controls;

8 (2) deliberately inhibiting onsite United States
9 Government export control end-use checks, including
10 interviews and investigations, in China;

11 (3) providing Russia with any technology, in-
12 cluding semiconductors classified as EAR99, that
13 supports Russian intelligence or military capabilities;

14 (4) establishing economic or financial arrange-
15 ments that will have the effect of alleviating the ef-
16 fect of sanctions by the United States or multilateral
17 sanctions; and

18 (5) providing any material, technical, or
19 logistical support, including to Russian military or
20 intelligence agencies and state-owned or state-linked
21 enterprises.

22 (d) FORM.—The report under subsection (c) shall be
23 submitted in unclassified form, but may contain a classi-
24 fied annex.

1 (e) SUNSET.—The requirement to submit the report
2 under subsection (b) shall terminate on the earlier of—

3 (1) the date on which the Director of National
4 Intelligence determines the conflict in Ukraine has
5 ended; or

6 (2) the date that is 2 years after the date of the
7 enactment of this Act.

8 **SEC. 6526. REPORT ON GLOBAL CCP FINANCING OF PORT**
9 **INFRASTRUCTURE.**

10 (a) DEFINITION OF APPROPRIATE CONGRESSIONAL
11 COMMITTEES.—In this section, the term “appropriate
12 congressional committees” means—

13 (1) the congressional intelligence committees;

14 (2) the Committee on Armed Services, the
15 Committee on Foreign Relations, and the Sub-
16 committee on Defense of the Committee on Appro-
17 priations of the Senate; and

18 (3) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Sub-
20 committee on Defense of the Committee on Appro-
21 priations of the House of Representatives.

22 (b) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, the Director of National
24 Intelligence, in consultation with the Secretary of State
25 and the Secretary of Defense, shall submit to the appro-

1 priate congressional committees a report documenting all
2 Chinese financing of port infrastructure globally, during
3 the period beginning on January 1, 2012, and ending on
4 the date of the submission of the report, and the commer-
5 cial and economic implications of such investments. The
6 report shall also include the following:

7 (1) A review of existing and potential or
8 planned future Chinese financing, including financ-
9 ing by government entities, and state-owned enter-
10 prises, in port infrastructure at such ports.

11 (2) Any known Chinese interest in establishing
12 a military or intelligence presence at or near such
13 ports.

14 (3) An assessment of China's current and po-
15 tential future ability to leverage commercial ports
16 for military or intelligence collection purposes and
17 the implications of such ability for the national secu-
18 rity of the United States and allies and partners of
19 the United States.

20 (4) A description of activities undertaken by the
21 United States and allies and partners of the United
22 States to help identify and provide alternatives to
23 Chinese investments in port infrastructure.

24 (c) FORM.—The report required by subsection (b)
25 shall be submitted in unclassified form but may include

1 a classified annex produced consistent with the protection
2 of sources and methods.

3 **SEC. 6527. SENSE OF CONGRESS ON PROVISION OF SUP-**
4 **PORT BY INTELLIGENCE COMMUNITY FOR**
5 **ATROCITY PREVENTION AND ACCOUNT-**
6 **ABILITY.**

7 (a) DEFINITIONS.—In this section:

8 (1) ATROCITIES.—The term “atrocities” has
9 the meaning given that term in section 6 of the Elie
10 Wiesel Genocide and Atrocities Prevention Act of
11 2018 (Public Law 115–441; 132 Stat. 5586).

12 (2) ATROCITY CRIME SCENE.—The term
13 “atrocity crime scene” means 1 or more locations
14 that are relevant to the investigation of an atrocity,
15 including buildings or locations (including bodies of
16 water) where physical evidence may be collected re-
17 lating to the perpetrators, victims, and events of the
18 atrocity, such as mass graves and other sites con-
19 taining deceased individuals.

20 (b) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that the efforts of the United States Government
22 regarding atrocity prevention and response through inter-
23 agency coordination, such as the Atrocity Warning Task
24 Force, are critically important and that the Director of
25 National Intelligence and the Secretary of Defense should,

1 as appropriate and in compliance with the American
2 Servicemembers' Protection Act of 2002 (22 U.S.C. 7421
3 et seq.), do the following:

4 (1) Require each element of the intelligence
5 community to support the Atrocity Warning Task
6 Force in its mission to prevent genocide and atroc-
7 ities through policy formulation and program devel-
8 opment by—

9 (A) collecting and analyzing intelligence
10 identified as an atrocity, as defined in the Elie
11 Wiesel Genocide and Atrocities Prevention Act
12 of 2018 (Public Law 115–441; 132 Stat.
13 5586);

14 (B) preparing unclassified intelligence data
15 and geospatial imagery products for coordina-
16 tion with appropriate domestic, foreign, and
17 international courts and tribunals prosecuting
18 persons responsible for crimes for which such
19 imagery and intelligence may provide evidence
20 (including genocide, crimes against humanity,
21 and war crimes, including with respect to miss-
22 ing persons and suspected atrocity crime
23 scenes); and

24 (C) reassessing archived geospatial im-
25 agery containing indicators of war crimes, other

1 atrocities, forced disappearances, and atrocity
2 crime scenes.

3 (2) Continue to make available inputs to the
4 Atrocity Warning Task Force for the development of
5 the Department of State Atrocity Early Warning
6 Assessment and share open-source data to support
7 pre-atrocity and genocide indicators and warnings to
8 the Atrocity Warning Task Force.

9 (3) Provide the President and Congress with
10 recommendations to improve policies, programs, re-
11 sources, and tools relating to atrocity intelligence
12 collection and interagency coordination.

13 (4) Regularly consult and participate with des-
14 ignated interagency representatives of relevant agen-
15 cies and departments of the United States Govern-
16 ment.

17 (5) Ensure resources are made available for the
18 policies, programs, and tools relating to atrocity in-
19 telligence collection and coordination with the Atroc-
20 ity Warning Task Force.

1 **TITLE LXVI—INTELLIGENCE**
2 **COMMUNITY WORKFORCE**
3 **MATTERS**

4 **SEC. 6601. IMPROVING ONBOARDING OF PERSONNEL IN IN-**
5 **TELLIGENCE COMMUNITY.**

6 (a) DEFINITION OF ONBOARD PERIOD.—In this sec-
7 tion, the term “onboard period” means the period begin-
8 ning on the date on which an individual submits an appli-
9 cation for employment and ending on—

10 (1) the date on which the individual is offered
11 one or more entrance on duty dates; or

12 (2) the date on which the individual enters on
13 duty.

14 (b) POLICY GUIDANCE.—The Director of National
15 Intelligence shall establish policy guidance appropriate for
16 all elements of the intelligence community that can be
17 used to measure, consistently and reliably, the onboard pe-
18 riod.

19 (c) REPORT.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, the Director
22 shall submit to the congressional intelligence com-
23 mittees, the Committee on Appropriations of the
24 Senate, and the Committee on Appropriations of the
25 House of Representatives a report on the time it

1 takes to onboard personnel in the intelligence com-
2 munity.

3 (2) ELEMENTS.—The report submitted under
4 paragraph (1) shall cover the mean and median time
5 it takes to onboard personnel in the intelligence com-
6 munity, disaggregated by mode of onboarding and
7 element of the intelligence community.

8 (d) PLAN.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Di-
11 rector, in coordination with the heads of the ele-
12 ments of the intelligence community, shall submit to
13 the congressional intelligence committees, the Com-
14 mittee on Appropriations of the Senate, and the
15 Committee on Appropriations of the House of Rep-
16 resentatives a plan to reduce the onboard period for
17 personnel in the intelligence community, for ele-
18 ments of the intelligence community that currently
19 have median onboarding times that exceed 180 days.

20 (2) ELEMENTS.—The plan submitted under
21 paragraph (1) shall include milestones to achieve
22 certain specific goals with respect to the mean, me-
23 dian, and mode time it takes to onboard personnel
24 in the elements of the intelligence community de-

1 scribed in such paragraph, disaggregated by element
2 of the intelligence community.

3 (e) IMPLEMENTATION.—The heads of the elements of
4 the intelligence community, including the Director of the
5 Central Intelligence Agency, shall implement the plan sub-
6 mitted under subsection (d) and take all such actions each
7 head considers appropriate and necessary to ensure that
8 by December 31, 2023, the median duration of the on-
9 board period for new employees at each element of the
10 intelligence community is equal to less than 180 days.

11 **SEC. 6602. REPORT ON LEGISLATIVE ACTION REQUIRED TO**
12 **IMPLEMENT TRUSTED WORKFORCE 2.0 INI-**
13 **TIATIVE.**

14 (a) REPORT REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Deputy
16 Director for Management of the Office of Management
17 and Budget shall, in the Deputy Director's capacity as the
18 Chair of the Security, Suitability, and Credentialing Per-
19 formance Accountability Council pursuant to section 2.4
20 of Executive Order 13467 (50 U.S.C. 3161 note; relating
21 to reforming processes related to suitability for Govern-
22 ment employment, fitness for contractor employees, and
23 eligibility for access to classified national security informa-
24 tion), submit to Congress a report on the legislative action

1 required to implement the Trusted Workforce 2.0 initia-
2 tive.

3 (b) CONTENTS.—The report submitted under sub-
4 section (a) shall include the following:

5 (1) Specification of the statutes that require
6 amendment in order to implement the initiative de-
7 scribed in subsection (a).

8 (2) For each statute specified under paragraph
9 (1), an indication of the priority for enactment of an
10 amendment.

11 (3) For each statute specified under paragraph
12 (1), a description of the consequences if the statute
13 is not amended.

14 **SEC. 6603. INSPECTOR GENERAL OF THE INTELLIGENCE**
15 **COMMUNITY ASSESSMENT OF ADMINISTRA-**
16 **TION OF POLYGRAPHS IN INTELLIGENCE**
17 **COMMUNITY.**

18 (a) ASSESSMENT REQUIRED.—The Inspector General
19 of the Intelligence Community shall conduct an assess-
20 ment of the administration of polygraph evaluations that
21 are needed in the intelligence community to meet current
22 annual personnel hiring requirements.

23 (b) ELEMENTS.—The assessment completed under
24 subsection (a) shall include the following:

1 (1) Identification of the number of polygraphers
2 currently available at each element of the intel-
3 ligence community to meet the requirements de-
4 scribed in subsection (a).

5 (2) If the demand described in subsection (a)
6 cannot be met, an identification of the number of
7 polygraphers that would need to be hired and cer-
8 tified to meet it.

9 (3) A review of the effectiveness of alternatives
10 to the polygraph, including methods being re-
11 searched by the National Center for Credibility As-
12 sessment.

13 (c) BRIEFING.—Not later than 180 days after the
14 date of the enactment of this Act, the Inspector General
15 of the Intelligence Community shall brief the congressional
16 intelligence committees, the Committee on Appropriations
17 of the Senate, and the Committee on Appropriations of
18 the House of Representatives on the preliminary findings
19 of the Inspector General with respect to the assessment
20 conducted pursuant to subsection (a).

21 (d) REPORT.—Not later than one year after the date
22 of the enactment of this Act, the Inspector General of the
23 Intelligence Community shall submit to the committees de-
24 scribed in subsection (c) a report on the findings of the

1 Inspector General with respect to the assessment con-
2 ducted pursuant to subsection (a).

3 **SEC. 6604. TIMELINESS IN THE ADMINISTRATION OF POLY-**
4 **GRAPHS.**

5 (a) STANDARDS REQUIRED.—

6 (1) IN GENERAL.—Not later than 180 days
7 after the date of the enactment of this Act, the Di-
8 rector of National Intelligence shall, in the Direc-
9 tor's capacity as the Security Executive Agent pur-
10 suant to section 803(a) of the National Security Act
11 of 1947 (50 U.S.C. 3162a(a)), issue standards for
12 timeliness for Federal agencies to administer poly-
13 graphs conducted for the purpose of—

14 (A) adjudicating decisions regarding eligi-
15 bility for access to classified information (as de-
16 fined in the procedures established pursuant to
17 section 801(a) of the National Security Act of
18 1947 (50 U.S.C. 3161(a))); and

19 (B) granting reciprocity pursuant to Secu-
20 rity Executive Agent Directive 2, or successor
21 directive.

22 (2) PUBLICATION.—The Director shall publish
23 the standards issued under paragraph (1) in the
24 Federal Register or such other venue as the Director
25 considers appropriate.

1 (b) REPORT REQUIRED.—Not later than 180 days
2 after the date of the enactment of this Act, the Director
3 shall submit to Congress a report on how Federal agencies
4 will comply with the standards issued under subsection
5 (a). Such plan shall specify the resources required by Fed-
6 eral agencies to comply with such standards and the
7 timeline for doing so.

8 **SEC. 6605. POLICY ON SUBMITTAL OF APPLICATIONS FOR**
9 **ACCESS TO CLASSIFIED INFORMATION FOR**
10 **CERTAIN PERSONNEL.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Director of National Intelligence
13 shall, in the Director's capacity as the Security Executive
14 Agent pursuant to section 803(a) of the National Security
15 Act of 1947 (50 U.S.C. 3162a(a)), issue a policy that al-
16 lows a private person to submit a certain number or pro-
17 portion of applications, on a nonreimbursable basis, for
18 employee access to classified information for personnel
19 who perform key management and oversight functions who
20 may not merit an application due to their work under any
21 one contract.

1 **SEC. 6606. TECHNICAL CORRECTION REGARDING FEDERAL**
2 **POLICY ON SHARING OF COVERED INSIDER**
3 **THREAT INFORMATION.**

4 Section 806(b) of the Intelligence Authorization Act
5 for Fiscal Year 2022 (Public Law 117–103) is amended
6 by striking “contracting agency” and inserting “con-
7 tractor that employs the contractor employee”.

8 **SEC. 6607. INSPECTOR GENERAL OF THE INTELLIGENCE**
9 **COMMUNITY REPORT ON USE OF SPACE CER-**
10 **TIFIED AS SENSITIVE COMPARTMENTED IN-**
11 **FORMATION FACILITIES.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Inspector General of the Intelligence
14 Community shall submit to the congressional intelligence
15 committees a report on the utilization of space owned or
16 sponsored by an element of the intelligence community,
17 located in the continental United States, that is certified
18 as a sensitive compartmented information facility under
19 intelligence community or Department of Defense policy.

20 **SEC. 6608. IMPROVING PROHIBITION OF CERTAIN PER-**
21 **SONNEL PRACTICES IN INTELLIGENCE COM-**
22 **MUNITY WITH RESPECT TO CONTRACTOR EM-**
23 **PLOYEES.**

24 Section 1104(c)(1)(A) of the National Security Act
25 of 1947 (50 U.S.C. 3234(c)(1)(A)) is amended—

1 (1) by striking “a supervisor of the contracting
2 agency” and inserting “a supervisor of the employ-
3 ing or contracting agency or employing contractor”;

4 (2) by striking “contracting agency (or an em-
5 ployee designated by the head of that agency for
6 such purpose)” and inserting “employing or con-
7 tracting agency (or an employee designated by the
8 head of that agency for that purpose) or employing
9 contractor”; and

10 (3) by striking “appropriate inspector general
11 of the contracting agency” and inserting “appro-
12 priate inspector general of the employing or con-
13 tracting agency”.

14 **SEC. 6609. DEFINITIONS REGARDING WHISTLEBLOWER**
15 **COMPLAINTS AND INFORMATION OF URGENT**
16 **CONCERN RECEIVED BY INSPECTORS GEN-**
17 **ERAL OF THE INTELLIGENCE COMMUNITY.**

18 (a) NATIONAL SECURITY ACT OF 1947.—Section
19 103H(k)(5)(G)(i)(I) of the National Security Act of 1947
20 (50 U.S.C. 3033(k)(5)(G)(i)(I)) is amended by striking
21 “within the” and all that follows through “policy mat-
22 ters.” and inserting the following: “of the Federal Govern-
23 ment that is—

24 “(aa) a matter of national
25 security; and

1 “(bb) not a difference of
2 opinion concerning public policy
3 matters.”.

4 (b) INSPECTOR GENERAL ACT OF 1978.—Section
5 8H(h)(1)(A)(i) of the Inspector General Act of 1978 (5
6 U.S.C. App.) is amended by striking “involving” and all
7 that follows through “policy matters.” and inserting the
8 following: “of the Federal Government that is—

9 “(I) a matter of national secu-
10 rity; and

11 “(II) not a difference of opinion
12 concerning public policy matters.”.

13 (c) CENTRAL INTELLIGENCE AGENCY ACT OF
14 1949.—Section 17(d)(5)(G)(i)(I)(aa) of the Central Intel-
15 ligence Agency Act of 1949 (50 U.S.C.
16 3517(d)(5)(G)(i)(I)(aa)) is amended by striking “involv-
17 ing” and all that follows through “policy matters.” and
18 inserting the following: “of the Federal Government that
19 is—

20 “(AA) a matter of na-
21 tional security; and

22 “(BB) not a difference
23 of opinion concerning public
24 policy matters.”.

1 **TITLE LXVII—MATTERS RELAT-**
2 **ING TO EMERGING TECH-**
3 **NOLOGIES**

4 **Subtitle A—General Matters**

5 **SEC. 6701. DEFINITIONS.**

6 In this title:

7 (1) **ARTIFICIAL INTELLIGENCE.**—The term “ar-
8 tificial intelligence” has the meaning given that term
9 in section 5002 of the National Artificial Intelligence
10 Initiative Act of 2020 (15 U.S.C. 9401).

11 (2) **AUTHORIZATION TO OPERATE.**—The term
12 “authorization to operate” has the meaning given
13 that term in Circular Number A-130 of the Office
14 of Management and Budget, “Managing Information
15 as a Strategic Resource”, or any successor docu-
16 ment.

17 (3) **CODE-FREE ARTIFICIAL INTELLIGENCE**
18 **ENABLEMENT TOOLS.**—The term “code-free artifi-
19 cial intelligence enablement tools” means software
20 that provides an environment in which visual drag-
21 and-drop applications, or similar tools, allow one or
22 more individuals to program applications without
23 linear coding.

1 (4) COMMERCIAL PRODUCT.—The term “com-
2 mercial product” has the meaning given that term in
3 section 103 of title 41, United States Code.

4 (5) COMMERCIAL SERVICE.—The term “com-
5 mercial service” has the meaning given that term in
6 section 103a of title 41, United States Code.

7 (6) COVERED ITEM OR SERVICE.—The term
8 “covered item or service” means a product, system,
9 or service that is not a commercially available off-
10 the-shelf item, a commercial service, or a non-
11 developmental item, as those terms are defined in
12 title 41, United States Code.

13 (7) COVERED PRODUCT.—The term “covered
14 product” means a commercial software product that
15 involves emerging technologies or artificial intel-
16 ligence.

17 (8) EMERGING TECHNOLOGY.—The term
18 “emerging technology” means—

19 (A) technology that is in a developmental
20 stage or that may be developed during the 10-
21 year period beginning on January 1, 2022; or

22 (B) any technology included in the Critical
23 and Emerging Technologies List published by
24 the White House in February 2022, or any suc-
25 cessor document.

1 **SEC. 6702. ADDITIONAL RESPONSIBILITIES OF DIRECTOR**
2 **OF NATIONAL INTELLIGENCE FOR ARTIFI-**
3 **CIAL INTELLIGENCE POLICIES, STANDARDS,**
4 **AND GUIDANCE FOR THE INTELLIGENCE**
5 **COMMUNITY.**

6 (a) RESPONSIBILITIES OF DIRECTOR OF NATIONAL
7 INTELLIGENCE.—The Director of National Intelligence, in
8 consultation with the heads of the elements of the intel-
9 ligence community or the officials designated under sub-
10 section (b), shall—

11 (1) establish, and periodically conduct reviews
12 of, policies, standards, and procedures relating to
13 the acquisition, adoption, development, use, coordi-
14 nation, and maintenance of artificial intelligence ca-
15 pabilities and associated data, frameworks, com-
16 puting environments, and other enablers by the in-
17 telligence community (including by incorporating
18 and updating such policies based on emerging tech-
19 nology capabilities), to accelerate and increase the
20 adoption of artificial intelligence capabilities within
21 the intelligence community;

22 (2) ensure policies established or updated pur-
23 suant to paragraph (1) are consistent with—

24 (A) the principles outlined in the guidance
25 of the Office of the Director of National Intel-
26 ligence titled “Principles of Artificial Intel-

1 intelligence Ethics for the Intelligence Community
2 and its Artificial Intelligence Ethics Framework
3 for the Intelligence Community”, or any suc-
4 cessor guidance; and

5 (B) any other principles developed by the
6 Director relating to the governance, documenta-
7 tion, auditability, or evaluation of artificial in-
8 telligence systems or the accurate, secure, eth-
9 ical, and reliable adoption or use of artificial in-
10 telligence; and

11 (3) provide to the heads of the elements of the
12 intelligence community guidance for developing the
13 National Intelligence Program budget pertaining to
14 such elements to facilitate the acquisition, adoption,
15 development, use, and maintenance of element-spe-
16 cific artificial intelligence capabilities, and to ensure
17 the associated data, frameworks, computing environ-
18 ments, and other enablers are appropriately
19 prioritized.

20 (b) DESIGNATED LEADS WITHIN EACH ELEMENT OF
21 THE INTELLIGENCE COMMUNITY.—Each head of an ele-
22 ment of the intelligence community, in coordination with
23 the Director of National Intelligence, shall identify a sen-
24 ior official within the element to serve as the designated
25 element lead responsible for overseeing and coordinating

1 efforts relating to artificial intelligence, including through
2 the integration of the acquisition, technology, human cap-
3 ital, and financial management aspects necessary for the
4 adoption of artificial intelligence solutions. Such des-
5 ignated element leads shall meet regularly to consult and
6 coordinate with the Director of National Intelligence re-
7 garding the implementation of this section and this title.

8 **SEC. 6703. DIRECTOR OF SCIENCE AND TECHNOLOGY.**

9 (a) **EMERGING TECHNOLOGY ADOPTION.**—The Di-
10 rector of Science and Technology may—

11 (1) conduct reviews of the policies, standards,
12 and procedures of the intelligence community that
13 relate to emerging technologies and, as appropriate,
14 recommend to the Director of National Intelligence
15 changes to such policies, standards, and procedures,
16 to accelerate and increase the adoption of emerging
17 technologies by the intelligence community;

18 (2) make recommendations, in coordination
19 with the heads of the elements of the intelligence
20 community, to the Director of National Intelligence
21 with respect to the budgets of such elements, to ac-
22 celerate and increase the adoption of emerging tech-
23 nologies by such elements; and

24 (3) coordinate with the Under Secretary of De-
25 fense for Research and Engineering on initiatives,

1 policies, and programs carried out jointly between
2 the intelligence community and the Department of
3 Defense to accelerate and increase the adoption of
4 emerging technologies.

5 (b) APPOINTMENT CRITERIA.—Section 103E(b) of
6 the National Security Act of 1947 (50 U.S.C. 3030(b))
7 is amended by adding at the end the following: “In making
8 such appointment, the Director of National Intelligence
9 may give preference to an individual with experience out-
10 side of the United States Government.”.

11 **SEC. 6704. INTELLIGENCE COMMUNITY CHIEF DATA OFFI-**
12 **CER.**

13 Title I of the National Security Act of 1947 (50
14 U.S.C. 3021 et seq.) is amended by inserting after section
15 103J the following new section (and conforming the table
16 of contents at the beginning of such Act accordingly):

17 **“SEC. 103K. INTELLIGENCE COMMUNITY CHIEF DATA OFFI-**
18 **CER.**

19 “(a) INTELLIGENCE COMMUNITY CHIEF DATA OFFI-
20 CER.—There is an Intelligence Community Chief Data Of-
21 ficer within the Office of the Director of National Intel-
22 ligence who shall be appointed by the Director of National
23 Intelligence.

24 “(b) REQUIREMENT RELATING TO APPOINTMENT.—
25 An individual appointed as the Intelligence Community

1 Chief Data Officer shall have a professional background
2 and experience appropriate for the duties of the Intel-
3 ligence Community Chief Data Officer. In making such
4 appointment, the Director of National Intelligence may
5 give preference to an individual with experience outside
6 of the United States Government.

7 “(c) DUTIES.—The Intelligence Community Chief
8 Data Officer shall—

9 “(1) act as the chief representative of the Di-
10 rector of National Intelligence for data issues within
11 the intelligence community;

12 “(2) coordinate, to the extent practicable and
13 advisable, with the Chief Data Officer of the Depart-
14 ment of Defense to ensure consistent data policies,
15 standards, and procedures between the intelligence
16 community and the Department of Defense;

17 “(3) assist the Director of National Intelligence
18 regarding data elements of the budget of the Office
19 of the Director of National Intelligence; and

20 “(4) perform other such duties as may be pre-
21 scribed by the Director of National Intelligence or
22 specified in law.”.

1 **Subtitle B—Improvements Relating**
2 **to Procurement**

3 **SEC. 6711. ADDITIONAL TRANSACTION AUTHORITY.**

4 (a) ANNUAL REPORTS; FEASIBILITY AND ADVIS-
5 ABILITY STUDY.—

6 (1) REPORTS.—Not later than 1 year after the
7 date of the enactment of this Act, and annually
8 thereafter for 5 years, the Director of National In-
9 telligence shall submit to the congressional intel-
10 ligence committees, the Committee on Appropria-
11 tions of the Senate, and the Committee on Appro-
12 priations of the House of Representatives a report
13 on the use of the authority under paragraph (5) of
14 section 102A(n) of the National Security Act of
15 1947 (50 U.S.C. 3024(n)), as added by subsection
16 (b).

17 (2) FEASIBILITY AND ADVISABILITY STUDY.—

18 (A) STUDY.—The Director of National In-
19 telligence shall conduct a feasibility and advis-
20 ability study on whether to provide to the heads
21 of the elements of the intelligence community
22 an additional transaction authority that is not
23 restricted only to basic, applied, and advanced
24 research projects and prototype projects (simi-
25 lar to such less restrictive additional transaction

1 authorities of the Transportation Security Ad-
2 ministration and the National Aeronautics and
3 Space Administration).

4 (B) SUBMISSION.—Not later than 1 year
5 after the date of the enactment of this Act, the
6 Director shall submit to the congressional intel-
7 ligence committees, the Committee on Appro-
8 priations of the Senate, and the Committee on
9 Appropriations of the House of Representatives
10 the findings of the study conducted under sub-
11 paragraph (A), including, if the Director deter-
12 mines a less restrictive additional transaction
13 authority is advisable pursuant to such study,
14 an identification of any legislative solutions or
15 other actions necessary to implement such au-
16 thority.

17 (b) ADDITIONAL TRANSACTION AUTHORITY.—Sec-
18 tion 102A(n) of the National Security Act of 1947 (50
19 U.S.C. 3024(n)) is amended by adding at the end the fol-
20 lowing:

21 “(5) OTHER TRANSACTION AUTHORITY.—

22 “(A) IN GENERAL.—In addition to other acqui-
23 sition authorities, the Director of National Intel-
24 ligence may exercise the acquisition authorities re-
25 ferred to in sections 4021 and 4022 of title 10,

1 United States Code, subject to the provisions of this
2 paragraph.

3 “(B) DELEGATION.—(i) The Director shall del-
4 egate the authorities provided by subparagraph (A)
5 to the heads of elements of the intelligence commu-
6 nity.

7 “(ii) The heads of elements of the intelligence
8 community shall, to the maximum extent practicable,
9 delegate the authority delegated under clause (i) to
10 the official of the respective element of the intel-
11 ligence community responsible for decisions with re-
12 spect to basic, applied, or advanced research activi-
13 ties or the adoption of such activities within such
14 element.

15 “(C) INTELLIGENCE COMMUNITY AUTHOR-
16 ITY.—(i) For purposes of this paragraph, the limita-
17 tion in section 4022(a)(1) of title 10, United States
18 Code, shall not apply to elements of the intelligence
19 community.

20 “(ii) Subject to section 4022(a)(2) of such title,
21 the Director may enter into transactions and agree-
22 ments (other than contracts, cooperative agreements,
23 and grants) of amounts not to exceed \$75,000,000
24 under this paragraph to carry out basic, applied,

1 and advanced research projects and prototype
2 projects in support of intelligence activities.

3 “(iii) For purposes of this paragraph, the limi-
4 tations specified in section 4022(a)(2) of such title
5 shall apply to the intelligence community in lieu of
6 the Department of Defense, and the Director shall—

7 “(I) identify appropriate officials who can
8 make the determinations required in subpara-
9 graph (B)(i) of such section for the intelligence
10 community; and

11 “(II) brief the congressional intelligence
12 committees, the Subcommittee on Defense of
13 the Committee on Appropriations of the Senate,
14 and the Subcommittee on Defense of the Com-
15 mittee on Appropriations of the House of Rep-
16 resentatives in lieu of the congressional defense
17 committees, as specified in subparagraph (B)(ii)
18 of such section.

19 “(iv) For purposes of this paragraph, the limi-
20 tation in section 4022(a)(3) of such title shall not
21 apply to elements of the intelligence community.

22 “(v) In carrying out this paragraph, section
23 4022(d)(1) of such title shall be applied by sub-
24 stituting ‘Director of National Intelligence’ for ‘Sec-
25 retary of Defense’.

1 “(vi) For purposes of this paragraph, the limi-
2 tations in section 4022(d)(2) of such title shall not
3 apply to elements of the intelligence community.

4 “(vii) In addition to the follow-on production
5 contract criteria in section 4022(f)(2) of such title,
6 the following additional criteria shall apply:

7 “(I) The authorizing official of the relevant
8 element of the intelligence community deter-
9 mines that Government users of the proposed
10 production product or production service have
11 been consulted.

12 “(II) In the case of a proposed production
13 product that is software, there are mechanisms
14 in place for Government users to provide ongo-
15 ing feedback to participants to the follow-on
16 production contract.

17 “(III) In the case of a proposed production
18 product that is software, there are mechanisms
19 in place to promote the interoperability and ac-
20 cessibility with and between Government and
21 commercial software providers, including by the
22 promotion of open application programming
23 interfaces and requirement of appropriate soft-
24 ware documentation.

1 “(IV) The award follows a documented
2 market analysis as mandated by the Federal
3 Acquisition Regulations surveying available and
4 comparable products.

5 “(V) In the case of a proposed production
6 product that is software, the follow-on produc-
7 tion contract includes a requirement that, for
8 the duration of such contract (or such other pe-
9 riod of time as may be agreed to as a term of
10 such contract)—

11 “(aa) the participants provide the
12 most up-to-date version of the product that
13 is available in the commercial marketplace
14 and is consistent with security require-
15 ments;

16 “(bb) there are mechanisms in place
17 for the participants to provide timely up-
18 dates to the production product; and

19 “(cc) the authority specified in section
20 4022(f)(5) of such title shall be exercised
21 by the Director in lieu of the Secretary of
22 Defense.

23 “(D) IMPLEMENTATION POLICY.—The Director,
24 in consultation with the heads of the elements of the
25 intelligence community, shall—

1 “(i) not later than 180 days after the date
2 of the enactment of the Intelligence Authoriza-
3 tion Act for Fiscal Year 2023, establish and im-
4 plement an intelligence community-wide policy
5 prescribing the use and limitations of the au-
6 thority under this paragraph, particularly with
7 respect to the application of subparagraphs (B)
8 and (C);

9 “(ii) periodically review and update the
10 policy established under clause (i); and

11 “(iii) submit to the congressional intel-
12 ligence committees, the Committee on Appro-
13 priations of the Senate, and the Committee on
14 Appropriations of the House of Representatives
15 the policy when established under clause (i) or
16 updated under clause (ii).

17 “(E) ANNUAL REPORT.—

18 “(i) IN GENERAL.—Not less frequently
19 than annually, the Director shall submit to the
20 congressional intelligence committees, the Com-
21 mittee on Appropriations of the Senate, and the
22 Committee on Appropriations of the House of
23 Representatives a report detailing the use by
24 the intelligence community of the authority pro-
25 vided by this paragraph.

1 “(ii) ELEMENTS.—

2 “(I) REQUIRED ELEMENTS.—Each re-
3 port required by clause (i) shall detail the
4 following:

5 “(aa) The number of trans-
6 actions.

7 “(bb) The participants to such
8 transactions.

9 “(cc) The purpose of the trans-
10 action.

11 “(dd) The amount of each trans-
12 action.

13 “(ee) Concerns with the effi-
14 ciency of the policy.

15 “(ff) Any recommendations for
16 how to improve the process.

17 “(II) OTHER ELEMENTS.—Each re-
18 port required by clause (i) may describe
19 such transactions which have been awarded
20 follow-on production contracts either pur-
21 suant to the authority provided by this
22 paragraph or another acquisition authority
23 available to the intelligence community.”.

1 **SEC. 6712. IMPLEMENTATION PLAN AND ADVISABILITY**
2 **STUDY FOR OFFICES OF COMMERCIAL INTE-**
3 **GRATION.**

4 (a) PLAN AND STUDY.—

5 (1) SUBMISSION.—Not later than 1 year after
6 the date of the enactment of this Act, the Director
7 of National Intelligence, in coordination with the
8 heads of the elements of the intelligence community,
9 shall submit to the congressional intelligence com-
10 mittees, the Subcommittee on Defense of the Com-
11 mittee on Appropriations of the Senate, and the
12 Subcommittee on Defense of the Committee on Ap-
13 propriations of the House of Representatives—

14 (A) a plan for the establishment of a cen-
15 tralized office or offices within each appropriate
16 element of the intelligence community, to be
17 known as the “Office of Commercial Integra-
18 tion”, for the purpose of—

19 (i) assisting persons desiring to sub-
20 mit an offer for a contract with the intel-
21 ligence community; and

22 (ii) assisting with the procurement of
23 commercial products and commercial serv-
24 ices; and

25 (B) the findings of a study conducted by
26 the Director into the advisability of imple-

1 menting such plan, including an assessment
2 of—

3 (i) whether there should be a single
4 Office of Commercial Integration for the
5 intelligence community or whether each
6 element of the intelligence community shall
7 establish such an Office;

8 (ii) the costs and benefits of the im-
9 plementation of such plan; and

10 (iii) whether there is within any ele-
11 ment of the intelligence community an ex-
12 isting office or program similar to the pro-
13 posed Office of Commercial Integration.

14 (2) ELEMENTS.—The materials submitted
15 under paragraph (1) shall include the following:

16 (A) A recommendation by the Director,
17 based on the findings of the study under para-
18 graph (1)(B), on—

19 (i) how the plan under paragraph
20 (1)(A) compares to specific alternative ac-
21 tions of the intelligence community that
22 could be taken to assist persons desiring to
23 submit an offer for a contract with the in-
24 telligence community and assist with the

1 procurement of commercial products and
2 commercial services; and

3 (ii) whether to implement such plan.

4 (B) A proposal for the designation of a
5 senior official of the Office of the Director of
6 National Intelligence who would be responsible
7 for the coordination across the intelligence com-
8 munity or across the Offices of Commercial In-
9 tegration, depending on the findings of the
10 study under paragraph (1)(B).

11 (C) Draft guidelines that would require the
12 coordination and sharing of best practices and
13 other information across the intelligence com-
14 munity.

15 (D) A timeline of the steps that would be
16 necessary to establish each Office of Commer-
17 cial Integration by the date that is not later
18 than 2 years after the date of the enactment of
19 this Act.

20 (E) An assessment of the personnel re-
21 quirements, and any other resource require-
22 ments, that would be necessary to establish the
23 Office or Offices of Commercial Integration by
24 such date, including—

1 (i) the amount of personnel necessary
2 for the establishment of the Office or Of-
3 fices of Commercial Integration; and

4 (ii) the necessary qualifications of any
5 such personnel.

6 (F) Policies regarding the types of assist-
7 ance that, if an Office or Offices of Commercial
8 Integration were to be established, could be pro-
9 vided to contractors by the Director of such Of-
10 fice, taking into account the role of such assist-
11 ance as an incentive for emerging technology
12 companies to enter into contracts with the
13 heads of the elements of the intelligence com-
14 munity.

15 (G) Eligibility criteria for determining the
16 types of offerors or contractors that would be
17 eligible to receive assistance provided by each
18 Office of Commercial Integration.

19 (H) Policies regarding outreach efforts
20 that would be required to be conducted by the
21 Office or Offices of Commercial Integration
22 with respect to eligible contractors.

23 (I) Policies regarding how the intelligence
24 community would coordinate with the Director
25 of the Federal Bureau of Investigation to pro-

1 vide proactive counterintelligence risk analysis
2 and assistance to entities in the private sector.

3 (J) Draft guidelines that would require the
4 Office or Offices of Commercial Integration to
5 appoint and assign personnel with expertise in
6 a range of disciplines necessary for the acceler-
7 ated integration of commercial technologies into
8 the intelligence community (as determined by
9 the Office or Offices of Commercial Integra-
10 tion), including expertise in the following:

- 11 (i) Authorizations to operate.
- 12 (ii) Contracting.
- 13 (iii) Facility clearances.
- 14 (iv) Security clearances.

15 (K) Such other intelligence community-
16 wide policies as the Director of National Intel-
17 ligence may prescribe relating to the improve-
18 ment of commercial integration (and the coordi-
19 nation of such improvements) by and among
20 the elements of the intelligence community.

21 (b) PUBLIC WEBSITE ON COMMERCIAL INTEGRA-
22 TION.—

23 (1) ESTABLISHMENT.—Not later than 1 year
24 after the date of the date of enactment of this Act,
25 the Director of National Intelligence, in coordination

1 with the head of the relevant elements of the intel-
2 ligence community (as determined by the Director)
3 and the designated element leads under section
4 6702(b), shall establish a publicly accessible website
5 that includes relevant information necessary for
6 offerors or contractors to conduct business with each
7 element of the intelligence community.

8 (2) INCLUSION OF CERTAIN INFORMATION.—If
9 there is established an Office or Offices of Commer-
10 cial Integration in accordance with subsection (a),
11 the website under paragraph (1) shall include—

12 (A) information, as appropriate, on the ele-
13 ments under subsection (a)(2) relating to that
14 Office; and

15 (B) contact information for the relevant
16 senior officers of the Office or Offices.

17 **SEC. 6713. PILOT PROGRAM ON DESIGNATED EMERGING**
18 **TECHNOLOGY TRANSITION PROJECTS.**

19 (a) PILOT PROGRAM.—The Director of National In-
20 telligence shall carry out a pilot program to more effec-
21 tively transition promising prototypes or products in a de-
22 velopmental stage to a production stage, through desig-
23 nating eligible projects as “Emerging Technology Transi-
24 tion Projects”.

25 (b) DESIGNATION.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector of National Intelligence shall issue guidelines
4 to implement the pilot program under subsection
5 (a).

6 (2) REQUIREMENTS.—The guidelines issued
7 pursuant to paragraph (1) shall include the fol-
8 lowing requirements:

9 (A) Each head of an element of the intel-
10 lligence community shall submit to the Director
11 of National Intelligence a prioritized list of not
12 more than 10 eligible projects per year to be
13 considered for designation by the Director of
14 National Intelligence as Emerging Technology
15 Transition Projects during the budget formula-
16 tion process.

17 (B) The Director of National Intelligence
18 shall designate not more than 10 eligible
19 projects per year as Emerging Technology
20 Transition Projects.

21 (C) No eligible project may be designated
22 by the Director of National Intelligence as an
23 Emerging Technology Transition Project unless
24 the head of an element of the intelligence com-
25 munity includes the project in the prioritized

1 list under subparagraph (A) and submits to the
2 Director of National Intelligence, with respect
3 to the project, each of the following:

4 (i) A justification of why the product
5 was nominated for transition, including a
6 description of the importance of the pro-
7 posed product to the mission of the intel-
8 ligence community and the nominating
9 agency.

10 (ii) A certification that the project
11 provides new technologies or processes, or
12 new applications of existing technologies,
13 that shall enable more effective alternatives
14 to existing programs, systems, or initia-
15 tives of the intelligence community.

16 (iii) A certification that the project
17 provides future cost savings, significantly
18 reduces the time to deliver capabilities to
19 the intelligence community, or significantly
20 improves a capability of the intelligence
21 community.

22 (iv) A certification that funding is not
23 proposed for the project in the budget re-
24 quest of the respective covered element for
25 the fiscal year following the fiscal year in

1 which the project is submitted for consider-
2 ation.

3 (v) A certification in writing by the
4 nominating head that the project meets all
5 applicable criteria and requirements of the
6 respective covered element for transition to
7 production and that the nominating head
8 would fund the project if additional funds
9 were made available for such purpose.

10 (vi) A description of the means by
11 which the proposed production product
12 shall be incorporated into the activities and
13 long-term budget of the respective covered
14 element following such transition.

15 (vii) A description of steps taken to
16 ensure that the use of the product shall re-
17 flect commercial best practices, as applica-
18 ble.

19 (D) A clear description of the selection of
20 eligible projects, including specific criteria, that
21 shall include, at a minimum, the requirements
22 specified in subparagraph (C).

23 (E) The designation of an official respon-
24 sible for implementing this section and coordi-
25 nating with the heads of the elements of the in-

1 intelligence community with respect to the guide-
2 lines issued pursuant to paragraph (1) and
3 overseeing the awards of funds to Emerging
4 Technology Transition Projects with respect to
5 that element.

6 (3) REVOCATION OF DESIGNATION.—The des-
7 ignation of an Emerging Technology Transition
8 Project under subsection (b) may be revoked at any
9 time by—

10 (A) the Director of National Intelligence;

11 or

12 (B) the relevant head of a covered element
13 of the intelligence community that previously
14 submitted a project under subsection (b), in
15 consultation with the Director of National Intel-
16 ligence.

17 (c) BENEFITS OF DESIGNATION.—

18 (1) INCLUSION IN MULTIYEAR NATIONAL IN-
19 TELLIGENCE PROGRAM PLAN.—The Director of Na-
20 tional Intelligence shall include in the relevant
21 multiyear national intelligence program plan sub-
22 mitted to Congress under section 1403 of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 1991 (50 U.S.C. 3301) the planned expenditures, if

1 any, of each designated project during the period of
2 its designation.

3 (2) INCLUSION UNDER SEPARATE EXHIBIT.—

4 The heads of elements of the intelligence community
5 shall ensure that each designated project is included
6 in a separate budget exhibit in the relevant
7 multiyear national intelligence program plan sub-
8 mitted to Congress under such section 1403 of the
9 National Defense Authorization Act for Fiscal Year
10 1991 (50 U.S.C. 3301) for the period of the des-
11 ignation of such project.

12 (3) CONSIDERATION IN PROGRAMMING AND
13 BUDGETING.—Each designated project shall be
14 taken into consideration by the nominating head in
15 the programming and budgeting phases of the intel-
16 ligence planning, programming, budgeting, and eval-
17 uation process during the period of its designation.

18 (d) REPORTS TO CONGRESS.—

19 (1) ANNUAL REPORTS.—On an annual basis for
20 each fiscal year during which the pilot program
21 under subsection (a) is carried out, concurrently
22 with the submission of the budget of the President
23 for that fiscal year under section 1105(a) of title 31,
24 United States Code, the Director of National Intel-
25 ligence shall submit to the congressional intelligence

1 committees and the Committees on Appropriations
2 of the House of Representatives and the Senate a
3 report that includes the following:

4 (A) A description of each designated
5 project.

6 (B) A summary of the potential of each
7 designated project, as specified in subsection
8 (b)(2)(C).

9 (C) For each designated project, a descrip-
10 tion of the progress made toward delivering on
11 such potential.

12 (D) A description of any funding proposed
13 for the designated project in the future-years
14 intelligence program, including by program, ap-
15 propriation account, expenditure center, and
16 project.

17 (E) Such other information on the status
18 of such pilot program as the Director considers
19 appropriate.

20 (2) FINAL REPORT.—In the final report sub-
21 mitted under paragraph (1) prior to the date of ter-
22 mination under subsection (e), the Director of Na-
23 tional Intelligence shall include a recommendation on
24 whether to extend the pilot program under sub-

1 section (a) and the appropriate duration of such ex-
2 tension, if any.

3 (e) **TERMINATION DATE.**—The authority to carry out
4 the pilot program under subsection (a) shall terminate on
5 December 31, 2027.

6 (f) **DEFINITION OF COVERED ELEMENT OF THE IN-**
7 **TELLIGENCE COMMUNITY.**—In this section, the term
8 “covered element of the intelligence community” means
9 the following:

10 (1) The Office of the Director of National Intel-
11 ligence.

12 (2) The Central Intelligence Agency.

13 (3) The National Security Agency.

14 (4) The National Geospatial-Intelligence Agen-
15 cy.

16 (5) The National Reconnaissance Office.

17 (6) The Defense Intelligence Agency.

18 **SEC. 6714. HARMONIZATION OF AUTHORIZATIONS TO OP-**
19 **ERATE.**

20 (a) **DEFINITION OF APPROPRIATE COMMITTEES OF**
21 **CONGRESS.**—In this section, the term “appropriate com-
22 mittees of Congress” means—

23 (1) the congressional intelligence committees;

24 (2) the Committee on Armed Services of the
25 Senate;

1 (3) the Committee on Appropriations of the
2 Senate;

3 (4) the Committee on Armed Services of the
4 House of Representatives; and

5 (5) the Committee on Appropriations of the
6 House of Representatives.

7 (b) **PROTOCOL.**—Not later than 180 days after the
8 date of the enactment of this Act, the Director of National
9 Intelligence, in coordination with the Secretary of Defense
10 and the heads of the elements of the intelligence commu-
11 nity, shall develop and submit to the appropriate commit-
12 tees of Congress a single protocol setting forth policies and
13 procedures relating to authorizations to operate for De-
14 partment of Defense or intelligence community systems
15 held by industry providers.

16 (c) **LIMITATION.**—The protocol under subsection (b)
17 shall be limited to authorizations to operate for Depart-
18 ment of Defense and intelligence community systems.

19 (d) **ELEMENTS.**—The protocol under subsection (b)
20 shall include, at a minimum, the following:

21 (1) A policy for reciprocal recognition, as ap-
22 propriate, among the elements of the intelligence
23 community and the Department of Defense of au-
24 thorizations to operate held by commercial providers.

25 Such reciprocal recognition shall be limited to au-

1 thorizations to operate for systems that collect, proc-
2 ess, maintain, use, share, disseminate, or dispose of
3 data classified at an equal or lower classification
4 level than the original authorization.

5 (2) Procedures under which, subject to such cri-
6 teria as may be prescribed by the Director of Na-
7 tional Intelligence jointly with the Secretary of De-
8 fense, a provider that holds an authorization to oper-
9 ate for a Department of Defense or intelligence com-
10 munity system may provide to the head of an ele-
11 ment of the intelligence community or the Depart-
12 ment of Defense the most recently updated version
13 of any software, data, or application for use on such
14 system without being required to submit an applica-
15 tion for new or renewed authorization.

16 (3) Procedures for the review, renewal, and rev-
17 ocation of authorizations to operate held by commer-
18 cial providers, including procedures for maintaining
19 continuous authorizations to operate, subject to such
20 conditions as may be prescribed by the Director of
21 National Intelligence, in coordination with the Sec-
22 retary of Defense. Such procedures may encourage
23 greater use of modern security practices already
24 being adopted by the Department of Defense and
25 other Federal agencies, such as continuous author-

1 ization with system security focused on continuous
2 monitoring of risk and security controls, active sys-
3 tem defense, and the use of an approved mechanism
4 for secure and continuous delivery of software (com-
5 monly referred to as “DevSecOps”).

6 (4) A policy for the harmonization of docu-
7 mentation requirements for commercial providers
8 submitting applications for authorizations to oper-
9 ate, with the goal of a uniform requirement across
10 the Department of Defense and the elements of the
11 intelligence community (subject to exceptions estab-
12 lished by the Director and the Secretary). Such pol-
13 icy shall include the following requirements:

14 (A) A requirement for the full disclosure of
15 evidence in the reciprocity process across the
16 Department of Defense and the elements of the
17 intelligence community.

18 (B) With respect to a system with an exist-
19 ing authorization to operate, a requirement for
20 approval by the Chief Information Officer or a
21 designated official (as the head of the respective
22 element of the intelligence community deter-
23 mines appropriate) for such system to operate
24 at an equal or higher level classification level, to
25 be granted prior to the performance of an addi-

1 tional security assessment with respect to such
2 system, and regardless of which element of the
3 intelligence community or Department of De-
4 fense granted the original authorization.

5 (5) A requirement to establish a joint secure
6 portal of the Office of the Director of National Intel-
7 ligence and the Department of Defense for the
8 maintenance of records, applications, and system re-
9 quirements for authorizations to operate.

10 (6) A plan to examine, and if necessary, ad-
11 dress, the shortage of intelligence community and
12 Department of Defense personnel authorized to sup-
13 port and grant an authorization to operate. Such
14 plan shall include—

15 (A) a report on the current average wait
16 times for authorizations to operate and back-
17 logs, disaggregated by each element of the intel-
18 ligence community and the Department of De-
19 fense;

20 (B) appropriate recommendations to in-
21 crease pay or implement other incentives to re-
22 cruit and retain such personnel; and

23 (C) a plan to leverage independent third-
24 party assessment organizations to support as-

1 assessments of applications for authorizations to
2 operate.

3 (7) Procedures to ensure data security and
4 safety with respect to the implementation of the pro-
5 tocol.

6 (8) A proposed timeline for the implementation
7 of the protocol by the deadline specified in sub-
8 section (g).

9 (e) COORDINATING OFFICIALS.—Not later than 60
10 days after the date of the enactment of this Act—

11 (1) the Director of National Intelligence shall
12 designate an official of the Office of the Director of
13 National Intelligence responsible for implementing
14 this section on behalf of the Director and leading co-
15 ordination across the intelligence community for
16 such implementation;

17 (2) the Secretary of Defense shall designate an
18 official of the Department of Defense responsible for
19 implementing this section on behalf of the Secretary
20 and leading coordination across the Department of
21 Defense for such implementation; and

22 (3) each head of an element of the intelligence
23 community shall designate an official of that element
24 responsible for implementing this section and over-

1 seeing implementation of the protocol under sub-
2 section (b) with respect to the element.

3 (f) DOCUMENTATION REQUIREMENTS.—Under the
4 protocol under subsection (b), no head of a Federal agency
5 may commence the operation of a system using an author-
6 ization to operate granted by another Federal agency with-
7 out possessing documentation of the original authorization
8 to operate.

9 (g) IMPLEMENTATION REQUIRED.—The protocol
10 under subsection (b) shall be implemented not later than
11 January 1, 2025.

12 **SEC. 6715. PLAN TO EXPAND SENSITIVE COMPARTMENTED**
13 **INFORMATION FACILITY ACCESS BY CERTAIN**
14 **CONTRACTORS; REPORTS ON EXPANSION OF**
15 **SECURITY CLEARANCES FOR CERTAIN CON-**
16 **TRACTORS.**

17 (a) PLAN; BRIEFING.—

18 (1) IN GENERAL.—Not later than 180 days
19 after the date of the date of enactment of this Act,
20 the Director of National Intelligence, in consultation
21 with the Secretary of Defense and the heads of such
22 other elements of the intelligence community as the
23 Director of National Intelligence may determine ap-
24 propriate, shall—

1 (A) develop a plan to expand access by
2 contractors of small emerging technology com-
3 panies to sensitive compartmented information
4 facilities for the purpose of providing such con-
5 tractors with a facility to securely perform
6 work; and

7 (B) provide to the congressional intel-
8 ligence committees, the Committee on Armed
9 Services and the Committee on Appropriations
10 of the Senate, and the Committee on Armed
11 Services and the Committee on Appropriations
12 of the House of Representatives a briefing on
13 such plan.

14 (2) MATTERS.—The plan under paragraph (1)
15 shall include the following:

16 (A) An overview of the existing sensitive
17 compartmented information facilities, if any,
18 that may be available for the purpose specified
19 in paragraph (1).

20 (B) An assessment of the feasibility of
21 building additional sensitive compartmented in-
22 formation facilities for such purpose.

23 (C) An assessment of the relative costs and
24 benefits of repurposing existing, or building ad-

1 ditional, sensitive compartmented information
2 facilities for such purpose.

3 (D) The eligibility criteria for determining
4 which contractors under this section may be
5 granted access to sensitive compartmented in-
6 formation facilities for such purpose.

7 (E) An estimate of the maximum number
8 of contractors that may be provided access to
9 sensitive compartmented information facilities
10 for such purpose, taking into account the mat-
11 ters specified in subparagraphs (A) and (B).

12 (F) Policies to ensure the efficient and
13 narrow use of sensitive compartmented informa-
14 tion facilities for such purpose, including a
15 timeline for the length of such use by a con-
16 tractor under this section and a detailed de-
17 scription of the process to terminate access to
18 the sensitive compartmented information facility
19 by such contractor upon—

20 (i) the expiration of the contract or
21 agreement of the contractor; or

22 (ii) a determination that the con-
23 tractor no longer has a need for such ac-
24 cess to fulfill the terms of such contract or
25 agreement.

1 (G) Pricing structures for the use of sen-
2 sitive compartmented information facilities by
3 contractors for the purpose specified in para-
4 graph (1). Such pricing structures—

5 (i) may include free use (for the pur-
6 pose of incentivizing future contracts),
7 with the potential for pricing to increase
8 dependent on the length of the contract or
9 agreement, the size of the contractor, and
10 the need for such use; and

11 (ii) shall ensure that the cumulative
12 cost for a contractor to rent and independ-
13 ently certify a sensitive compartmented in-
14 formation facility for such purpose does
15 not exceed the market average for the Di-
16 rector of National Intelligence or the Sec-
17 retary of Defense to build, certify, and
18 maintain a sensitive compartmented infor-
19 mation facility.

20 (H) A security plan for vetting each con-
21 tractor prior to the access of a sensitive com-
22 partmented information facility by the con-
23 tractor for the purpose specified in paragraph
24 (1), and an assessment of potential security
25 concerns regarding such access.

1 (I) A proposed timeline for the expansion
2 of access to sensitive compartmented informa-
3 tion facilities in accordance with paragraph (1).

4 (J) Such other matters as the Director of
5 National Intelligence or the Secretary of De-
6 fense considers relevant to such expansion.

7 (b) ELIGIBILITY CRITERIA FOR CONTRACTORS.—Un-
8 less the Director of National Intelligence determines the
9 source of the financing of a contractor poses a national
10 security risk, such source of financing may not be taken
11 into consideration in making a determination as to the eli-
12 gibility of the contractor in accordance with subsection
13 (a)(2)(D).

14 (c) REPORTS ON EXPANSION OF SECURITY CLEAR-
15 ANCES FOR CERTAIN CONTRACTORS.—

16 (1) REPORTS.—Not later than 180 days after
17 the date of the enactment of this Act, and annually
18 thereafter for 3 years, the Director of National In-
19 telligence and the Secretary of Defense shall jointly
20 submit to the congressional intelligence committees,
21 the Committee on Armed Services of the Senate, and
22 the Committee on Armed Services of the House of
23 Representatives a report on the extent to which se-
24 curity clearance requirements delay, limit, or other-
25 wise disincentivize emerging technology companies

1 from entering into contracts with the United States
2 Government.

3 (2) MATTERS.—Each report under paragraph
4 (1) shall include the following:

5 (A) Statistics on the periods of time be-
6 tween the submission of applications for secu-
7 rity clearances by employees of emerging tech-
8 nology companies and the grant of such secu-
9 rity clearances, disaggregated by the size of the
10 respective company.

11 (B) The number of security clearances
12 granted to employees of small emerging tech-
13 nology companies during the period covered by
14 the report.

15 (C) The number of applications for secu-
16 rity clearances submitted by employees of
17 emerging technology companies that have yet to
18 be adjudicated as of the date on which the re-
19 port is submitted.

20 (D) A projection, for the year following the
21 date on which the report is submitted, of the
22 number of security clearances necessary for em-
23 ployees of emerging technology companies to
24 perform work on behalf of the intelligence com-
25 munity during such year, and an assessment of

1 the capacity of the intelligence community to
2 meet such demand.

3 (E) An identification of each occurrence,
4 during the period covered by the report, in
5 which an emerging technology company with-
6 drew from or declined to accept a contract with
7 the United States Government on the sole basis
8 of delays, limitations, or other issues involving
9 security clearances, and a description of the
10 types of business the United States Government
11 has lost as a result of such occurrences.

12 (F) Recommendations for expediting the
13 grant of security clearances to employees of
14 emerging technology companies, including with
15 respect to any additional resources, authorities,
16 or personnel that the Director of National In-
17 telligence determines may be necessary for such
18 expedition.

19 (3) FORM.—Each report under paragraph (1)
20 may be submitted in classified form, but if so sub-
21 mitted shall include an unclassified executive sum-
22 mary.

23 (d) PROPOSAL CONCURRENT WITH BUDGET SUB-
24 MISSION.—At the time that the President submits to Con-
25 gress the budget for fiscal year 2024 pursuant to section

1 1105 of title 31, United States Code, the Director of Na-
2 tional Intelligence shall submit to the congressional intel-
3 ligence committees a proposal to improve the capacity of
4 the workforce responsible for the investigation and adju-
5 dication of security clearances, with the goal of reducing
6 the period of time specified in subsection (c)(2)(A) to
7 fewer than 60 days. Such proposal shall include an identi-
8 fication of any resources the Director of National Intel-
9 ligence determines necessary to expand the number of in-
10 dividuals authorized to conduct polygraphs on behalf of
11 the intelligence community, including by furnishing nec-
12 essary training to such individuals.

13 (e) APPLICABILITY.—The plan, briefing, reports, and
14 proposal required by this section shall apply only with re-
15 spect to the intelligence community and the Department
16 of Defense.

17 **SEC. 6716. COMPLIANCE BY INTELLIGENCE COMMUNITY**
18 **WITH REQUIREMENTS OF FEDERAL ACQUISSI-**
19 **TION REGULATION RELATING TO COMMER-**
20 **CIALY AVAILABLE OFF-THE-SHELF ITEMS**
21 **AND COMMERCIAL SERVICES.**

22 (a) COMPLIANCE POLICY.—

23 (1) REQUIREMENT.—Not later than 1 year
24 after the date of the enactment of this Act, the Di-
25 rector of National Intelligence shall implement a pol-

1 1cy to ensure that each element of the intelligence
2 community complies with parts 10 and 12 of the
3 Federal Acquisition Regulation with respect to any
4 Federal Acquisition Regulation-based procurements.

5 (2) ELEMENTS.—The policy under paragraph
6 (1) shall include the following:

7 (A) Written criteria for an element of the
8 intelligence community to evaluate when a pro-
9 curement of a covered item or service is permis-
10 sible, including—

11 (i) requiring the element to conduct
12 an independent market analysis to deter-
13 mine whether a commercially available off-
14 the-shelf item, nondevelopmental item, or
15 commercial service is viable; and

16 (ii) a description of the offeror for
17 such covered item or service and how the
18 covered item or service to be acquired will
19 be integrated into existing systems of the
20 intelligence community.

21 (B) A detailed set of performance meas-
22 ures for the acquisition personnel of the intel-
23 ligence community that—

1 (i) prioritizes adherence to parts 10
2 and 12 of the Federal Acquisition Regula-
3 tion;

4 (ii) encourages acquisition of commer-
5 cially available off-the-shelf items, non-
6 developmental items, or commercial serv-
7 ices; and

8 (iii) incentivizes such personnel of the
9 intelligence community that enter into con-
10 tracts for covered items or services only
11 when necessary.

12 (3) SUBMISSION.—Not later than 180 days
13 after the date of the enactment of this Act, the Di-
14 rector of National Intelligence shall submit to the
15 congressional intelligence committees, the Sub-
16 committee on Defense of the Committee on Appro-
17 priations of the Senate, and the Subcommittee on
18 Defense of the Committee on Appropriations of the
19 House of Representatives—

20 (A) the policy developed pursuant to para-
21 graph (1); and

22 (B) the plan to implement such policy by
23 not later than 1 year after the date of such en-
24 actment.

1 (4) MARKET ANALYSIS.—In carrying out the
2 independent market analysis pursuant to paragraph
3 (2)(A)(i), the Director may enter into a contract
4 with an independent market research group with
5 qualifications and expertise to find available com-
6 mercial products or commercial services to meet the
7 needs of the intelligence community.

8 (b) ANNUAL REPORTS.—

9 (1) REQUIREMENT.—Not later than 2 years
10 after the date of the enactment of this Act, and an-
11 nually thereafter for 3 years, the Director, in con-
12 sultation with the head of each element of the intel-
13 ligence community, shall submit to the congressional
14 intelligence committees, the Subcommittee on De-
15 fense of the Committee on Appropriations of the
16 Senate, and the Subcommittee on Defense of the
17 Committee on Appropriations of the House of Rep-
18 resentatives a report on the policy developed under
19 subsection (a).

20 (2) ELEMENTS.—Each report under paragraph
21 (1) shall include, with respect to the period covered
22 by the report, the following:

23 (A) An evaluation of the success of the pol-
24 icy, including with respect to the progress the

1 elements have made in complying with parts 10
2 and 12 of the Federal Acquisition Regulation.

3 (B) A description of how any market anal-
4 yses are conducted pursuant to subsection
5 (a)(2)(A)(i).

6 (C) Any recommendations to improve com-
7 pliance with such parts 10 and 12.

8 **SEC. 6717. POLICY ON REQUIRED USER ADOPTION**
9 **METRICS IN CERTAIN CONTRACTS FOR ARTI-**
10 **FICIAL INTELLIGENCE AND EMERGING TECH-**
11 **NOLOGY SOFTWARE PRODUCTS.**

12 (a) POLICY.—Not later than 180 days after the date
13 of the enactment of this Act, the Director of National In-
14 telligence shall establish a policy regarding user adoption
15 metrics for contracts and other agreements for the pro-
16 curement of covered products as follows:

17 (1) With respect to a contract or other agree-
18 ment entered into between the head of an element
19 of the intelligence community and a commercial pro-
20 vider for the procurement of a covered product for
21 users within the intelligence community, a require-
22 ment that each such contract or other agreement in-
23 clude, as a term of the contract or agreement, an
24 understanding of the anticipated use of the covered
25 product with a clear metric for success and for col-

1 lecting user adoption metrics, as appropriate, for as-
2 ssuming the adoption of the covered product by such
3 users.

4 (2) Such exceptions to the requirements under
5 paragraph (1) as may be determined appropriate
6 pursuant to guidance established by the Director of
7 National Intelligence.

8 (3) A requirement that prior to the procure-
9 ment of, or the continuation of the use of, any cov-
10 ered product procured by the head of an element of
11 the intelligence community, the head has determined
12 a method for assessing the success of the covered
13 product from user adoption metrics.

14 (b) SUBMISSION.—Not later than 60 days after the
15 date on which the policy under subsection (a) is estab-
16 lished, the Director of National Intelligence shall submit
17 to the congressional intelligence committees, the Sub-
18 committee on Defense of the Committee on Appropriations
19 of the Senate, and the Subcommittee on Defense of the
20 Committee on Appropriations of the House of Representa-
21 tives such policy.

22 **SEC. 6718. CERTIFICATION RELATING TO INFORMATION**
23 **TECHNOLOGY AND SOFTWARE SYSTEMS.**

24 (a) CERTIFICATIONS REQUIRED.—Prior to the date
25 on which the head of an element of the intelligence com-

1 munity enters into, renews, or extends a contract for the
2 acquisition of an information technology or software sys-
3 tem, the head shall certify to the Director of National In-
4 telligence the following:

5 (1) That the information technology or software
6 system is the most up-to-date version of the system
7 available or, if it is not, why a more out of date
8 version was chosen.

9 (2) That the information technology or software
10 system is compatible with integrating new and
11 emerging technologies, such as artificial intelligence.

12 (3) That the information technology or software
13 system was thoroughly reviewed and alternative
14 products are not superior to meet the requirements
15 of the element.

16 (b) EXEMPTION.—The Director of National Intel-
17 ligence may exempt elements of the intelligence commu-
18 nity, as appropriate, from the requirements under (a) if
19 meeting such requirements may pose security or oper-
20 ational risks.

21 (c) GUIDANCE.—The Director shall issue to the
22 heads of the elements of the intelligence community, and
23 submit to the congressional intelligence committees, the
24 Subcommittee on Defense of the Committee on Appropria-
25 tions of the Senate, and the Subcommittee on Defense of

1 the Committee on Appropriations of the House of Rep-
2 resentatives, guidance to—

3 (1) establish guidelines that the heads of the
4 relevant elements of the intelligence community shall
5 use to evaluate the criteria required for the certifi-
6 cations under subsection (a);

7 (2) incentivize each such head to adopt and in-
8 tegrate new and emerging technology within infor-
9 mation technology and software systems of the ele-
10 ment and to decommission and replace outdated sys-
11 tems, including through potential funding enhance-
12 ments; and

13 (3) incentivize, and hold accountable, personnel
14 of the intelligence community with respect to the in-
15 tegration of new and emerging technology within
16 such systems, including through the provision of ap-
17 propriate training programs and evaluations.

18 **Subtitle C—Reports**

19 **SEC. 6721. REPORTS ON INTEGRATION OF ARTIFICIAL IN-** 20 **TELLIGENCE WITHIN INTELLIGENCE COMMU-** 21 **NITY.**

22 (a) **REPORTS BY ELEMENTS OF INTELLIGENCE COM-**
23 **MUNITY.**—Not later than 180 days after the date of the
24 enactment of this Act, each senior official within an ele-
25 ment of the intelligence community identified as a des-

1 ignated element lead pursuant to section 6702(b) shall
2 submit to the congressional intelligence committees, the
3 Subcommittee on Defense of the Committee on Appropria-
4 tions of the Senate, and the Subcommittee on Defense of
5 the Committee on Appropriations of the House of Rep-
6 resentatives a report on the efforts of that element to de-
7 velop, acquire, adopt, and maintain artificial intelligence
8 to improve intelligence collection and analysis and opti-
9 mize internal work flows. Each such report shall include
10 the following:

11 (1) A description of the authorities of the ele-
12 ment relating to the use of artificial intelligence.

13 (2) A list of any resource or authority necessary
14 to accelerate the adoption by the element of artificial
15 intelligence solutions, including commercial products,
16 or personnel authorities.

17 (3) A description of the element's roles, respon-
18 sibilities, and authorities for accelerating the adop-
19 tion by the element of artificial intelligence solutions.

20 (4) The application of the policies and prin-
21 ciples described in section 6702(a)(2) to paragraphs
22 (1), (2), and (3).

23 (b) AUDITS BY INSPECTORS GENERAL.—

24 (1) AUDITS.—Not later than 2 years after the
25 date of the enactment of this Act, each inspector

1 general with oversight responsibility for an element
2 of the intelligence community shall conduct and
3 audit, and brief congressional intelligence commit-
4 tees, the Subcommittee on Defense of the Committee
5 on Appropriations of the Senate, and the Sub-
6 committee on Defense of the Committee on Appro-
7 priations of the House of Representatives the find-
8 ings of the audit, to evaluate the following:

9 (A) The efforts of such element to develop,
10 acquire, adopt, and maintain artificial intel-
11 ligence capabilities for the purpose of improving
12 intelligence collection and analysis in a timely
13 manner and the extent to which such efforts are
14 consistent with the policies and principles de-
15 scribed in section 6702(a)(2);

16 (B) The degree to which the element has
17 implemented each of the provisions of this title.

18 (C) Any administrative or technical bar-
19 riers to the accelerated adoption of artificial in-
20 telligence by such element.

21 (2) INPUT REQUIRED.—The results of each
22 audit under paragraph (1) shall be disaggregated by,
23 and include input from, organizational units of the
24 respective element of the intelligence community that
25 focus on the following:

- 1 (A) Acquisitions and contracting.
- 2 (B) Personnel and workforce matters.
- 3 (C) Financial management and budgeting.
- 4 (D) Operations and capabilities.

5 (3) AUDIT OF OFFICE OF DIRECTOR OF NA-
6 TIONAL INTELLIGENCE.—With respect to the audit
7 of the Office of the Director of National Intelligence
8 conducted by the Inspector General of the Intel-
9 ligence Community under paragraph (1), the Inspec-
10 tor General shall also audit the extent to which the
11 Director of National Intelligence coordinates across
12 the intelligence community for the purpose of ensur-
13 ing the adoption of best practices, the use of shared
14 contracting vehicles for products and services that
15 meet common requirements, the sharing of informa-
16 tion, and the efficient use of resources, relating to
17 artificial intelligence.

18 (c) ANNUAL REPORT BY DIRECTOR OF NATIONAL
19 INTELLIGENCE.—

20 (1) REPORTS.—Not later than 1 year after the
21 date of the enactment of this Act, and annually
22 thereafter for 3 years, the Director of National In-
23 telligence, in consultation with the heads of the ele-
24 ments of the intelligence community, shall submit to
25 the congressional intelligence committees, the Sub-

1 committee on Defense of the Committee on Appro-
2 priations of the Senate, and the Subcommittee on
3 Defense of the Committee on Appropriations of the
4 House of Representatives a report on the progress of
5 the adoption of artificial intelligence within the intel-
6 ligence community.

7 (2) MATTERS.—Each report under paragraph
8 (1) shall include, with respect to the year covered by
9 the report, the following:

10 (A) A detailed description of the progress
11 of each element of the intelligence community
12 in the adoption and maintenance of artificial in-
13 telligence during such year, including a detailed
14 description of any—

15 (i) artificial intelligence programs or
16 systems adopted by the element;

17 (ii) contracts entered into by the head
18 of the element with small- or medium-sized
19 emerging technology companies for com-
20 mercial products involving artificial intel-
21 ligence; and

22 (iii) relevant positions established or
23 filled within the element.

24 (B) A description of any policies of the in-
25 telligence community issued during such year

1 that relate to the adoption of artificial intel-
2 ligence within the intelligence community, in-
3 cluding an assessment of the compliance with
4 such policies by the elements of the intelligence
5 community.

6 (C) A list of recommendations for the effi-
7 cient, accelerated, and comprehensive adoption
8 of artificial intelligence across the intelligence
9 community during the year following the year
10 covered by the report, including any techno-
11 logical advances in artificial intelligence that
12 the intelligence community should leverage from
13 industry actors.

14 (D) An overview of the advances of foreign
15 adversaries in the field of artificial intelligence,
16 and steps that may be taken to ensure the
17 United States Government outpaces foreign ad-
18 versaries in such field.

19 (E) Any gaps in resource or authorities, or
20 other administrative or technical barriers, to
21 the adoption of artificial intelligence by the in-
22 telligence community.

23 (F) Such other matters as the Director
24 may determine appropriate.

1 (3) FORM.—Each report under paragraph (1)
2 may be submitted in classified form.

3 (4) ENTRY BY CHIEF DATA OFFICER.—Each re-
4 port under paragraph (1) shall include an entry by
5 the Intelligence Community Chief Data Officer that
6 addresses each of the matters specified in paragraph
7 (2) with respect to the organization of data for the
8 accelerated adoption of artificial intelligence solu-
9 tions.

10 **SEC. 6722. REPORT ON POTENTIAL BENEFITS OF ESTAB-**
11 **LISHMENT OF ICWERX.**

12 (a) REPORT.—Not later than 180 days after the date
13 of enactment of this Act, the Director of National Intel-
14 ligence, in coordination with the Director of the Central
15 Intelligence Agency and the Director of the National Secu-
16 rity Agency, shall submit to the congressional intelligence
17 committees, the Subcommittee on Defense of the Com-
18 mittee on Appropriations of the Senate, and the Sub-
19 committee on Defense of the Committee on Appropriations
20 of the House of Representatives an assessment of whether
21 the intelligence community would benefit from the estab-
22 lishment of a new organization to be known as
23 “ICWERX”, the mission and activities of which would in-
24 corporate lessons learned from AFWERX of the Air Force
25 (or such successor program), the Defense Innovation Unit

1 of the Department of Defense, In-Q-Tel, and other pro-
2 grams sponsored by the Federal Government with a focus
3 on accelerating the adoption of emerging technologies for
4 mission-relevant applications or innovation.

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

7 (1) A review of the existing avenues for small-
8 and medium-sized emerging technology companies to
9 provide to the intelligence community artificial intel-
10 ligence or other technology solutions, including an
11 identification, for each of the 5 years preceding the
12 year in which the report is submitted, of the annual
13 number of such companies that have provided the
14 intelligence community with such solutions.

15 (2) A review of the existing processes by which
16 the heads of the elements of the intelligence commu-
17 nity acquire and transition commercial research of
18 small- and medium-sized emerging technology com-
19 panies in a prototype or other early developmental
20 stage.

21 (3) An assessment of—

22 (A) whether the intelligence community is
23 currently postured to incorporate the techno-
24 logical innovations of emerging technology com-
25 panies, including in software and hardware; and

1 (B) any areas in which the intelligence
2 community lacks resources, authorities, per-
3 sonnel, expertise, or institutional mechanisms
4 necessary for such incorporation.

5 (4) An assessment of whether a potential
6 ICWERX would be positioned to—

7 (A) assist small emerging technology com-
8 panies, and potentially medium-sized emerging
9 technology companies, in accelerating the pro-
10 curement and fielding of innovative tech-
11 nologies; and

12 (B) provide the intelligence community
13 with greater access to innovative companies at
14 the forefront of emerging technologies.

15 (5) An assessment of the potential costs and
16 benefits associated with the establishment of
17 ICWERX in accordance with subsection (a).

18 **SEC. 6723. REQUIREMENTS AND REPORT ON WORKFORCE**
19 **NEEDS OF INTELLIGENCE COMMUNITY RE-**
20 **LATING TO SCIENCE, TECHNOLOGY, ENGI-**
21 **NEERING, AND MATH, AND RELATED AREAS.**

22 (a) REQUIREMENTS.—The Director of National In-
23 telligence, in coordination with the heads of human capital
24 from each element of the intelligence community, shall—

1 (1) develop a plan for the recruitment and re-
2 tention of personnel to positions the primary duties
3 of which involve the integration, maintenance, or use
4 of artificial intelligence (and the retention and train-
5 ing of personnel serving in such positions), including
6 with respect to the authorities and requirements
7 under section 6732(b);

8 (2) develop a plan for the review and evalua-
9 tion, on a continuous basis, of the expertise nec-
10 essary to accelerate the adoption of artificial intel-
11 ligence and other emerging technology solutions; and

12 (3) coordinate and share information and best
13 practices relating to such recruitment and retention
14 within the element and across the intelligence com-
15 munity.

16 (b) REPORT.—

17 (1) SUBMISSION.—Not later than January 1,
18 2024, the Director of National Intelligence, in co-
19 ordination with heads of human capital from each
20 element of the intelligence community, shall submit
21 to the congressional intelligence committees, the
22 Subcommittee on Defense of the Committee on Ap-
23 propriations of the Senate, and the Subcommittee on
24 Defense of the Committee on Appropriations of the
25 House of Representatives a single report on the

1 workforce needs of each element of the intelligence
2 community relating to emerging technologies, with a
3 specific focus on artificial intelligence.

4 (2) ELEMENTS.—The report under paragraph
5 (1) shall include, with respect to each element of the
6 intelligence community, the following:

7 (A) A description of the number and types
8 of personnel in work roles whose primary offi-
9 cial duties include artificial intelligence respon-
10 sibilities.

11 (B) A detailed description of the plans for
12 each element developed pursuant to subsection
13 (a).

14 (3) OTHER MATTERS.—The report under para-
15 graph (1) shall also include an assessment of the
16 quality and sustainability of the talent pipeline of
17 the intelligence community with respect to talent in
18 emerging technologies, including artificial intel-
19 ligence. Such assessment shall include the following:

20 (A) A description of the education, recruit-
21 ment, and retention programs (including skills-
22 based training and career and technical edu-
23 cational programs) available to personnel of the
24 intelligence community, regardless of whether
25 such programs are administered by the head of

1 an element of the intelligence community or the
2 head of another Federal department or agency,
3 and an analysis of how such programs support
4 the quality and sustainability of such talent
5 pipeline.

6 (B) A description of the relevant authori-
7 ties available to the heads of the elements of
8 the intelligence community to promote the qual-
9 ity and sustainability of such talent pipeline.

10 (C) An assessment of any gaps in authori-
11 ties, resources, recruitment or retention incen-
12 tives, skills-based training, or educational pro-
13 grams, that may negatively affect the quality or
14 sustainability of such talent pipeline.

15 (4) FORM.—The report under paragraph (1)
16 shall be submitted in classified or unclassified form,
17 as appropriate.

18 (c) INFORMATION ACCESS.—The heads of the ele-
19 ments of the intelligence community shall furnish to the
20 Director of National Intelligence such information as may
21 be necessary for the development of the report under sub-
22 section (b).

1 **Subtitle D—Talent, Education, and**
2 **Training**

3 **SEC. 6731. REPORT ON ESTABLISHMENT OF TECHNOLOGY**
4 **ACQUISITION CADRE.**

5 (a) REPORT.—Not later than 180 days after the date
6 of the enactment of this Act, the Director of National In-
7 telligence shall submit to the congressional intelligence
8 committees, the Subcommittee on Defense of the Com-
9 mittee on Appropriations of the Senate, and the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the House of Representatives a report containing a fea-
12 sibility and advisability study on establishing a cadre of
13 personnel who are experts in emerging technologies, soft-
14 ware development, systems integration, and acquisition, to
15 improve the adoption of commercial solutions for emerging
16 technologies across the intelligence community, particu-
17 larly as the technologies relate to artificial intelligence.

18 (b) ELEMENTS.—The study under subsection (a)
19 shall include the following:

20 (1) An examination regarding whether a cadre
21 of personnel described in subsection (a) would be an
22 effective and efficient means to substantially improve
23 and accelerate the adoption of commercial artificial
24 intelligence and other emerging technology products
25 and services in support of the missions of the intel-

1 intelligence community if the cadre has the capacity and
2 relevant expertise to—

3 (A) accelerate the adoption of emerging
4 technologies, including with respect to artificial
5 intelligence;

6 (B) assist with software development and
7 acquisition; and

8 (C) develop training requirements for ac-
9 quisition professionals within the elements of
10 the intelligence community.

11 (2) An assessment of—

12 (A) whether the establishment of the cadre
13 would require additional statutory authorities or
14 resources, including to recruit, hire, and retain
15 the talent and expertise needed to establish the
16 cadre;

17 (B) the benefits, costs, and risks associ-
18 ated with the establishment of a cadre;

19 (C) a recommendation on whether to es-
20 tablish the cadre; and

21 (D) if a recommendation to establish the
22 cadre is made, a plan for implementation of the
23 cadre, including the proposed size of the cadre,
24 how the cadre would be resourced, managed,
25 and organized, and whether the cadre should be

1 centrally managed or reside at individual ele-
2 ments of the intelligence community.

3 **SEC. 6732. EMERGING TECHNOLOGY EDUCATION AND**
4 **TRAINING.**

5 (a) TRAINING CURRICULUM.—

6 (1) REQUIREMENT.—No later than 270 days
7 after the date of the enactment of this Act, the Di-
8 rector of National Intelligence and the Secretary of
9 Defense, in consultation with the President of the
10 Defense Acquisition University and the heads of the
11 elements of the intelligence community that the Di-
12 rector and Secretary determine appropriate, shall
13 jointly establish a training curriculum for members
14 of the acquisition workforce in the Department of
15 Defense (as defined in section 101 of title 10,
16 United States Code) and the acquisition officials
17 within the intelligence community focused on im-
18 proving the understanding and awareness of con-
19 tracting authorities and procedures for the acqui-
20 sition of emerging technologies.

21 (2) PROVISION OF TRAINING.—The Director
22 shall ensure that the training curriculum under
23 paragraph (1) is made available to each element of
24 the intelligence community not later than 60 days
25 after the completion of the curriculum.

1 (3) REPORT.—Not later than January 1, 2024,
2 the Director and Secretary shall jointly submit to
3 the congressional intelligence committees, the Com-
4 mittee on Armed Services and the Subcommittee on
5 Defense of the Committee on Appropriations of the
6 Senate, and the Committee on Armed Services and
7 the Subcommittee on Defense of the Committee on
8 Appropriations of the House of Representatives a re-
9 port containing an update on the status of the cur-
10 riculum under paragraph (1).

11 (b) AGREEMENTS OFFICERS.—Not later than Octo-
12 ber 1, 2024, the Director of National Intelligence shall
13 ensure that at least 75 percent of the contracting staff
14 within the intelligence community whose primary respon-
15 sibilities include the acquisition of emerging technologies
16 shall have received the appropriate training to become
17 warranted as agreements officers who are given authority
18 to execute and administer the transactions authorized by
19 paragraph (5) of section 102A(n) of the National Security
20 Act of 1947 (50 U.S.C. 3024(n)), as added by section
21 6711. The training shall include—

22 (1) the appropriate courses offered by the De-
23 fense Acquisition University;

24 (2) the training curriculum established under
25 subsection (a); and

1 (3) best practices for monitoring, identifying,
2 and procuring emerging technologies with potential
3 benefit to the intelligence community, including com-
4 mercial services and products.

5 (c) ESTABLISHMENT OF EMERGING TECHNOLOGY
6 TRAINING ACTIVITIES.—

7 (1) REQUIREMENT.—Not later than January 1,
8 2024, the Director of National Intelligence, in co-
9 ordination with the heads of the elements of the in-
10 telligence community that the Director determines
11 relevant, shall establish and implement training ac-
12 tivities designed for appropriate mid-career and sen-
13 ior managers across the intelligence community to
14 train the managers on how to identify, acquire, im-
15 plement, and manage emerging technologies as such
16 technologies may be applied to the intelligence com-
17 munity.

18 (2) CERTIFICATION.—Not later than 2 years
19 after the date on which the Director establishes the
20 training activities under paragraph (1), each head of
21 an element of the intelligence community shall cer-
22 tify to the Director whether the managers of the ele-
23 ment described in paragraph (1) have successfully
24 completed the education activities.

1 (3) BRIEFING.—Not later than January 1,
2 2024, the Director of National Intelligence shall pro-
3 vide to the congressional intelligence committees, the
4 Subcommittee on Defense of the Committee on Ap-
5 propriations of the Senate, and the Subcommittee on
6 Defense of the Committee on Appropriations of the
7 House of Representatives a briefing regarding the
8 training activities established under paragraph (1),
9 including—

10 (A) an overview of—

11 (i) the managers described in para-
12 graph (1) who participated in the training
13 activities; and

14 (ii) what technologies were included in
15 the training activities; and

16 (B) an identification of other incentives,
17 activities, resources, or programs the Director
18 determines may be necessary to ensure the
19 managers are generally trained in the most
20 emerging technologies and able to retain and
21 incorporate such technologies across the intel-
22 ligence community.

1 **Subtitle E—Other Matters**

2 **SEC. 6741. IMPROVEMENTS TO USE OF COMMERCIAL SOFT-**
3 **WARE PRODUCTS.**

4 (a) POLICY REGARDING PROCUREMENT OF COMMER-
5 CIAL SOFTWARE PRODUCTS.—Not later than 1 year after
6 the date of the enactment of this Act, the Director of Na-
7 tional Intelligence, in consultation with the heads of the
8 elements of the intelligence community and appropriate
9 nongovernmental experts that the Director determines rel-
10 evant, shall issue an intelligence community-wide policy to
11 ensure the procurement of commercial software products
12 by the intelligence community is carried out—

13 (1) using, to the extent practicable, standard-
14 ized terminology; and

15 (2) in accordance with acquisition and oper-
16 ation best practices reflecting modern software as a
17 service capabilities.

18 (b) ELEMENTS.—The policy issued under subsection
19 (a) shall include the following:

20 (1) Guidelines for the heads of the elements of
21 the intelligence community to determine which con-
22 tracts for commercial software products are covered
23 by the policy, including with respect to agreements,
24 authorizations to operate, and other acquisition ac-
25 tivities.

1 (2) Guidelines for using standardized terms in
2 such contracts, modeled after commercial best prac-
3 tices, including common procedures and language re-
4 garding—

5 (A) terms for the responsible party and
6 timelines for system integration under the con-
7 tract;

8 (B) a mechanism included in each contract
9 to ensure the ability of the vendor to provide,
10 and the United States Government to receive,
11 continuous updates and version control for the
12 software, subject to appropriate security consid-
13 erations;

14 (C) automatic technological mechanisms
15 for security and data validation, including secu-
16 rity protocols that are predicated on commercial
17 best practices; and

18 (D) procedures to provide incentives, and a
19 technical framework, for system integration for
20 new commercial software solutions to fit within
21 existing workflows and information technology
22 infrastructure.

23 (3) Guidelines and a timeline for enforcing the
24 policy.

1 (c) REPORT.—Not later than January 1, 2025, and
2 annually thereafter through 2028, the Director of Na-
3 tional Intelligence, in coordination with the heads of the
4 elements of the intelligence community, shall submit to the
5 congressional intelligence committees, the Subcommittee
6 on Defense of the Committee on Appropriations of the
7 Senate, and the Subcommittee on Defense of the Com-
8 mittee on Appropriations of the House of Representatives
9 a report on the policy issued under subsection (a), includ-
10 ing the following with respect to the period covered by the
11 report:

12 (1) An evaluation of compliance with such pol-
13 icy by each of the elements of the intelligence com-
14 munity.

15 (2) Additional recommendations to better co-
16 ordinate system integration throughout the intel-
17 ligence community using best practices.

18 **SEC. 6742. CODE-FREE ARTIFICIAL INTELLIGENCE**
19 **ENABLEMENT TOOLS POLICY.**

20 (a) DRAFT POLICY.—Not later than 1 year after the
21 date of the enactment of this Act, the Director of National
22 Intelligence, in consultation with the Director of the Cen-
23 tral Intelligence Agency, the Director of the National Se-
24 curity Agency, the Director of the National Reconnaiss-
25 sance Office, the Director of the National Geospatial-In-

1 telligence Agency, and the Director of the Defense Intel-
2 ligence Agency, and any additional heads of the elements
3 of the intelligence community that the Director of Na-
4 tional Intelligence determines appropriate, shall draft a
5 potential policy to promote the intelligence community-
6 wide use of code-free artificial intelligence enablement
7 tools.

8 (b) ELEMENTS.—The draft policy under subsection
9 (a) shall include the following:

10 (1) The objective for the use by the intelligence
11 community of code-free artificial intelligence
12 enablement tools.

13 (2) A detailed set of incentives for using code-
14 free artificial intelligence enablement tools.

15 (3) A plan to ensure coordination throughout
16 the intelligence community, including consideration
17 of designating an official of each element of the in-
18 telligence community to oversee implementation of
19 the policy and such coordination.

20 (c) SUBMISSION.—Not later than 180 days after the
21 date of the enactment of this Act, the Director of National
22 Intelligence shall submit to the congressional intelligence
23 committees, the Subcommittee on Defense of the Com-
24 mittee on Appropriations of the Senate, and the Sub-

1 committee on Defense of the Committee on Appropriations
2 of the House of Representatives the following:

3 (1) The draft policy under subsection (a).

4 (2) A recommendation regarding the feasibility
5 and advisability of implementing the draft policy, in-
6 cluding an assessment of the costs and advantages
7 and disadvantages of such implementation.

8 (3) An assessment of whether any element of
9 the intelligence community already has a similar ex-
10 isting policy.

11 (4) A specific plan and timeline of the steps
12 that would be necessary to implement the draft pol-
13 icy.

14 (5) An assessment of the personnel require-
15 ments, budget requirements, and any other resource
16 requirements, that would be necessary to implement
17 the draft policy in the timeline identified in para-
18 graph (4).

19 **TITLE LXVIII—OTHER MATTERS**

20 **SEC. 6801. IMPROVEMENTS RELATING TO CONTINUITY OF** 21 **PRIVACY AND CIVIL LIBERTIES OVERSIGHT** 22 **BOARD MEMBERSHIP.**

23 Paragraph (4) of section 1061(h) of the Intelligence
24 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
25 2000ee(h)) is amended to read as follows:

1 “(4) TERM.—

2 “(A) COMMENCEMENT.—Each member of
3 the Board shall serve a term of 6 years, com-
4 mencing on the date of the appointment of the
5 member to the Board.

6 “(B) REAPPOINTMENT.—A member may
7 be reappointed to one or more additional terms.

8 “(C) VACANCY.—A vacancy on the Board
9 shall be filled in the manner in which the origi-
10 nal appointment was made.

11 “(D) EXTENSION.—Upon the expiration of
12 the term of office of a member, the member
13 may continue to serve for up to one year after
14 the date of expiration, at the election of the
15 member—

16 “(i) during the period preceding the
17 reappointment of the member pursuant to
18 subparagraph (B); or

19 “(ii) until the member’s successor has
20 been appointed and qualified.”.

21 **SEC. 6802. MODIFICATION OF REQUIREMENT FOR OFFICE**
22 **TO ADDRESS UNIDENTIFIED ANOMALOUS**
23 **PHENOMENA.**

24 (a) IN GENERAL.—Section 1683 of the National De-
25 fense Authorization Act for Fiscal Year 2022 (50 U.S.C.

1 3373), as amended by title XVI of this Act, is amended
2 to read as follows:

3 **“SEC. 1683. ESTABLISHMENT OF ALL-DOMAIN ANOMALY**
4 **RESOLUTION OFFICE.**

5 “(a) ESTABLISHMENT OF OFFICE.—

6 “(1) IN GENERAL.—Not later than 120 days
7 after the date of the enactment of the Intelligence
8 Authorization Act for Fiscal Year 2023, the Sec-
9 retary of Defense, in coordination with the Director
10 of National Intelligence, shall establish an office
11 within a component of the Office of the Secretary of
12 Defense, or within a joint organization of the De-
13 partment of Defense and the Office of the Director
14 of National Intelligence, to carry out the duties of
15 the Unidentified Aerial Phenomena Task Force, as
16 in effect on December 26, 2021, and such other du-
17 ties as are required by this section, including those
18 pertaining to unidentified anomalous phenomena.

19 “(2) DESIGNATION.—The office established
20 under paragraph (1) shall be known as the ‘All-do-
21 main Anomaly Resolution Office’ (in this section re-
22 ferred to as the ‘Office’).

23 “(b) DIRECTOR AND DEPUTY DIRECTOR OF THE OF-
24 FICE.—

1 “(1) APPOINTMENT OF DIRECTOR.—The head
2 of the Office shall be the Director of the All-domain
3 Anomaly Resolution Office (in this section referred
4 to as the ‘Director of the Office’), who shall be ap-
5 pointed by the Secretary of Defense in consultation
6 with the Director of National Intelligence.

7 “(2) APPOINTMENT OF DEPUTY DIRECTOR.—
8 The Deputy Director of the Office shall be appointed
9 by the Director of National Intelligence in coordina-
10 tion with the Secretary of Defense.

11 “(3) REPORTING.—

12 “(A) IN GENERAL.—The Director of the
13 Office shall report directly to the Deputy Sec-
14 retary of Defense and the Principal Deputy Di-
15 rector of National Intelligence.

16 “(B) ADMINISTRATIVE AND OPERATIONAL
17 AND SECURITY MATTERS.—The Director of the
18 Office shall report—

19 “(i) to the Under Secretary of De-
20 fense for Intelligence and Security on all
21 administrative matters of the Office; and

22 “(ii) to the Deputy Secretary of De-
23 fense and the Principal Deputy Director of
24 National Intelligence on all operational and
25 security matters of the Office.

1 “(c) DUTIES.—The duties of the Office shall include
2 the following:

3 “(1) Developing procedures to synchronize and
4 standardize the collection, reporting, and analysis of
5 incidents, including adverse physiological effects, re-
6 garding unidentified anomalous phenomena across
7 the Department of Defense and the intelligence com-
8 munity, in coordination with the Director of Na-
9 tional Intelligence, which shall be provided to the
10 congressional defense committees, the congressional
11 intelligence committees, and congressional leader-
12 ship.

13 “(2) Developing processes and procedures to
14 ensure that such incidents from each component of
15 the Department and each element of the intelligence
16 community are reported and stored in an appro-
17 priate manner that allows for the integration of
18 analysis of such information.

19 “(3) Establishing procedures to require the
20 timely and consistent reporting of such incidents.

21 “(4) Evaluating links between unidentified
22 anomalous phenomena and adversarial foreign gov-
23 ernments, other foreign governments, or nonstate
24 actors.

1 “(5) Evaluating the threat that such incidents
2 present to the United States.

3 “(6) Coordinating with other departments and
4 agencies of the Federal Government, as appropriate,
5 including the Federal Aviation Administration, the
6 National Aeronautics and Space Administration, the
7 Department of Homeland Security, the National
8 Oceanic and Atmospheric Administration, the Na-
9 tional Science Foundation, and the Department of
10 Energy.

11 “(7) As appropriate, and in coordination with
12 the Secretary of State, the Secretary of Defense,
13 and the Director of National Intelligence, consulting
14 with allies and partners of the United States to bet-
15 ter assess the nature and extent of unidentified
16 anomalous phenomena.

17 “(8) Preparing reports for Congress, in both
18 classified and unclassified form, including under
19 subsection (j).

20 “(d) RESPONSE TO AND FIELD INVESTIGATIONS OF
21 UNIDENTIFIED ANOMALOUS PHENOMENA.—

22 “(1) DESIGNATION.—The Secretary of Defense
23 and the Director of National Intelligence shall joint-
24 ly designate from within their respective organiza-
25 tions an official, to be under the direction of the Di-

1 rector of the Office, responsible for ensuring the ap-
2 propriate expertise, authorities, accesses, data, sys-
3 tems, platforms, and capabilities are available for
4 the rapid response to, and support for, the conduct
5 of field investigations of incidents involving unidenti-
6 fied anomalous phenomena.

7 “(2) ABILITY TO RESPOND.—The Secretary of
8 Defense and the Director of National Intelligence
9 shall ensure field investigations are supported by
10 personnel with the requisite expertise, equipment,
11 transportation, and other resources necessary to re-
12 spond rapidly to incidents or patterns of observa-
13 tions involving unidentified anomalous phenomena.

14 “(e) SCIENTIFIC, TECHNOLOGICAL, AND OPER-
15 ATIONAL ANALYSES OF DATA ON UNIDENTIFIED ANOMA-
16 LOUS PHENOMENA.—

17 “(1) DESIGNATION.—The Secretary of Defense,
18 in coordination with the Director of National Intel-
19 ligence, shall designate one or more line organiza-
20 tions that will be primarily responsible for scientific,
21 technical, and operational analysis of data gathered
22 by field investigations conducted pursuant to sub-
23 section (d) and data from other sources, including
24 with respect to the testing of materials, medical
25 studies, and development of theoretical models, to

1 better understand and explain unidentified anomalous
2 phenomena.

3 “(2) AUTHORITY.—The Secretary of Defense
4 and the Director of National Intelligence shall each
5 issue such directives as are necessary to ensure that
6 each line organization designated under paragraph
7 (1) has authority to draw on the special expertise of
8 persons outside the Federal Government with appropriate
9 security clearances.

10 “(f) DATA; INTELLIGENCE COLLECTION.—

11 “(1) AVAILABILITY OF DATA AND REPORTING
12 ON UNIDENTIFIED ANOMALOUS PHENOMENA.—

13 “(A) AVAILABILITY OF DATA.—The Director
14 of National Intelligence, in coordination
15 with the Secretary of Defense, shall ensure that
16 each element of the intelligence community with
17 data relating to unidentified anomalous phenomena
18 makes such data available immediately
19 to the Office.

20 “(B) REPORTING.—The Director of National
21 Intelligence and the Secretary of Defense
22 shall each, in coordination with one another, ensure
23 that military and civilian personnel of the
24 Department of Defense or an element of the intelligence
25 community, and contractor personnel

1 of the Department or such an element, have ac-
2 cess to procedures by which the personnel shall
3 report incidents or information, including ad-
4 verse physiological effects, involving or associ-
5 ated with unidentified anomalous phenomena
6 directly to the Office.

7 “(2) INTELLIGENCE COLLECTION AND ANAL-
8 YSIS PLAN.—The Director of the Office, acting in
9 coordination with the Secretary of Defense and the
10 Director of National Intelligence, shall supervise the
11 development and execution of an intelligence collec-
12 tion and analysis plan to gain as much knowledge as
13 possible regarding the technical and operational
14 characteristics, origins, and intentions of unidenti-
15 fied anomalous phenomena, including with respect to
16 the development, acquisition, deployment, and oper-
17 ation of technical collection capabilities necessary to
18 detect, identify, and scientifically characterize un-
19 identified anomalous phenomena.

20 “(3) USE OF RESOURCES AND CAPABILITIES.—
21 In developing the plan under paragraph (2), the Di-
22 rector of the Office shall consider and propose, as
23 appropriate, the use of any resource, capability,
24 asset, or process of the Department and the intel-
25 ligence community.

1 “(g) SCIENCE PLAN.—The Director of the Office, on
2 behalf of the Secretary of Defense and the Director of Na-
3 tional Intelligence, shall supervise the development and
4 execution of a science plan to develop and test, as prac-
5 ticable, scientific theories to—

6 “(1) account for characteristics and perform-
7 ance of unidentified anomalous phenomena that ex-
8 ceed the known state of the art in science or tech-
9 nology, including in the areas of propulsion, aero-
10 dynamic control, signatures, structures, materials,
11 sensors, countermeasures, weapons, electronics, and
12 power generation; and

13 “(2) provide the foundation for potential future
14 investments to replicate or otherwise better under-
15 stand any such advanced characteristics and per-
16 formance.

17 “(h) ASSIGNMENT OF PRIORITY.—The Director of
18 National Intelligence, in consultation with and with the
19 recommendation of the Secretary of Defense, shall assign
20 an appropriate level of priority within the National Intel-
21 ligence Priorities Framework to the requirement to under-
22 stand, characterize, and respond to unidentified anoma-
23 lous phenomena.

24 “(i) DETAILEES FROM ELEMENTS OF THE INTEL-
25 LIGENCE COMMUNITY.—The heads of the Central Intel-

1 ligence Agency, the Defense Intelligence Agency, the Na-
2 tional Security Agency, the Department of Energy, the
3 National Geospatial-Intelligence Agency, the intelligence
4 elements of the Army, the Navy, the Air Force, the Marine
5 Corps, and the Coast Guard, the Department of Home-
6 land Security, and such other elements of the intelligence
7 community as the Director of the Office considers appro-
8 priate may provide to the Office a detailee of the element
9 to be physically located at the Office.

10 “(j) HISTORICAL RECORD REPORT.—

11 “(1) REPORT REQUIRED.—

12 “(A) IN GENERAL.—Not later than 540
13 days after the date of the enactment of the In-
14 telligence Authorization Act for Fiscal Year
15 2023, the Director of the Office shall submit to
16 the congressional defense committees, the con-
17 gressional intelligence committees, and congres-
18 sional leadership a written report detailing the
19 historical record of the United States Govern-
20 ment relating to unidentified anomalous phe-
21 nomena, including—

22 “(i) the records and documents of the
23 intelligence community;

24 “(ii) oral history interviews;

25 “(iii) open source analysis;

1 “(iv) interviews of current and former
2 Government officials;

3 “(v) classified and unclassified na-
4 tional archives including any records any
5 third party obtained pursuant to section
6 552 of title 5, United States Code; and

7 “(vi) such other relevant historical
8 sources as the Director of the Office con-
9 siders appropriate.

10 “(B) OTHER REQUIREMENTS.—The report
11 submitted under subparagraph (A) shall—

12 “(i) focus on the period beginning on
13 January 1, 1945, and ending on the date
14 on which the Director of the Office com-
15 pletes activities under this subsection; and

16 “(ii) include a compilation and
17 itemization of the key historical record of
18 the involvement of the intelligence commu-
19 nity with unidentified anomalous phe-
20 nomena, including—

21 “(I) any program or activity that
22 was protected by restricted access
23 that has not been explicitly and clear-
24 ly reported to Congress;

1 “(II) successful or unsuccessful
2 efforts to identify and track unidenti-
3 fied anomalous phenomena; and

4 “(III) any efforts to obfuscate,
5 manipulate public opinion, hide, or
6 otherwise provide incorrect unclassi-
7 fied or classified information about
8 unidentified anomalous phenomena or
9 related activities.

10 “(2) ACCESS TO RECORDS OF THE NATIONAL
11 ARCHIVES AND RECORDS ADMINISTRATION.—The
12 Archivist of the United States shall make available
13 to the Office such information maintained by the
14 National Archives and Records Administration, in-
15 cluding classified information, as the Director of the
16 Office considers necessary to carry out paragraph
17 (1).

18 “(k) ANNUAL REPORTS.—

19 “(1) REPORTS FROM DIRECTOR OF NATIONAL
20 INTELLIGENCE AND SECRETARY OF DEFENSE.—

21 “(A) REQUIREMENT.—Not later than 180
22 days after the date of the enactment of the In-
23 telligence Authorization Act for Fiscal Year
24 2023, and annually thereafter for four years,
25 the Director of National Intelligence and the

1 Secretary of Defense shall jointly submit to the
2 appropriate congressional committees a report
3 on unidentified anomalous phenomena.

4 “(B) ELEMENTS.—Each report submitted
5 under subparagraph (A) shall include, with re-
6 spect to the year covered by the report, the fol-
7 lowing information:

8 “(i) All reported unidentified anoma-
9 lous phenomena-related events that oc-
10 curred during the one-year period.

11 “(ii) All reported unidentified anoma-
12 lous phenomena-related events that oc-
13 curred during a period other than that
14 one-year period but were not included in
15 an earlier report.

16 “(iii) An analysis of data and intel-
17 ligence received through each reported un-
18 identified anomalous phenomena-related
19 event.

20 “(iv) An analysis of data relating to
21 unidentified anomalous phenomena col-
22 lected through—

23 “(I) geospatial intelligence;

24 “(II) signals intelligence;

25 “(III) human intelligence; and

1 “(IV) measurement and signa-
2 ture intelligence.

3 “(v) The number of reported incidents
4 of unidentified anomalous phenomena over
5 restricted airspace of the United States
6 during the one-year period.

7 “(vi) An analysis of such incidents
8 identified under clause (v).

9 “(vii) Identification of potential aero-
10 space or other threats posed by unidenti-
11 fied anomalous phenomena to the national
12 security of the United States.

13 “(viii) An assessment of any activity
14 regarding unidentified anomalous phe-
15 nomena that can be attributed to one or
16 more adversarial foreign governments.

17 “(ix) Identification of any incidents or
18 patterns regarding unidentified anomalous
19 phenomena that indicate a potential adver-
20 sarial foreign government may have
21 achieved a breakthrough aerospace capa-
22 bility.

23 “(x) An update on the coordination by
24 the United States with allies and partners

1 on efforts to track, understand, and ad-
2 dress unidentified anomalous phenomena.

3 “(xi) An update on any efforts under-
4 way on the ability to capture or exploit dis-
5 covered unidentified anomalous phe-
6 nomena.

7 “(xii) An assessment of any health-re-
8 lated effects for individuals that have en-
9 countered unidentified anomalous phe-
10 nomena.

11 “(xiii) The number of reported inci-
12 dents, and descriptions thereof, of uniden-
13 tified anomalous phenomena associated
14 with military nuclear assets, including
15 strategic nuclear weapons and nuclear-
16 powered ships and submarines.

17 “(xiv) In consultation with the Admin-
18 istrator for Nuclear Security, the number
19 of reported incidents, and descriptions
20 thereof, of unidentified anomalous phe-
21 nomena associated with facilities or assets
22 associated with the production, transpor-
23 tation, or storage of nuclear weapons or
24 components thereof.

1 “(xv) In consultation with the Chair-
2 man of the Nuclear Regulatory Commis-
3 sion, the number of reported incidents, and
4 descriptions thereof, of unidentified anom-
5 alous phenomena or drones of unknown or-
6 igin associated with nuclear power gener-
7 ating stations, nuclear fuel storage sites, or
8 other sites or facilities regulated by the
9 Nuclear Regulatory Commission.

10 “(xvi) The names of the line organiza-
11 tions that have been designated to perform
12 the specific functions under subsections (d)
13 and (e), and the specific functions for
14 which each such line organization has been
15 assigned primary responsibility.

16 “(xvii) A summary of the reports re-
17 ceived using the mechanism for authorized
18 reporting established under section 1673 of
19 the National Defense Authorization Act for
20 Fiscal Year 2023.

21 “(2) FORM.—Each report submitted under
22 paragraph (1) shall be submitted in unclassified
23 form, but may include a classified annex.

24 “(1) SEMIANNUAL BRIEFINGS.—

1 “(1) REQUIREMENT.—Not later than December
2 31, 2022, and not less frequently than semiannually
3 thereafter until December 31, 2026, the Director of
4 the Office shall provide to the appropriate congress-
5 sional committees classified briefings on unidentified
6 anomalous phenomena.

7 “(2) FIRST BRIEFING.—The first briefing pro-
8 vided under paragraph (1) shall include all incidents
9 involving unidentified anomalous phenomena that
10 were reported to the Unidentified Aerial Phenomena
11 Task Force or to the Office established under sub-
12 section (a) after June 24, 2021, regardless of the
13 date of occurrence of the incident.

14 “(3) SUBSEQUENT BRIEFINGS.—Each briefing
15 provided subsequent to the first briefing described in
16 paragraph (2) shall include, at a minimum, all
17 events relating to unidentified anomalous phenomena
18 that occurred during the previous 180 days, and
19 events relating to unidentified anomalous phenomena
20 that were not included in an earlier briefing.

21 “(4) INSTANCES IN WHICH DATA WAS NOT
22 SHARED.—For each briefing period, the Director of
23 the Office shall jointly provide to the chairman or
24 chair and the ranking member or vice chairman of
25 the congressional committees specified in subpara-

1 graphs (A) and (D) of subsection (n)(1) an enu-
2 meration of any instances in which data relating to
3 unidentified anomalous phenomena was not provided
4 to the Office because of classification restrictions on
5 that data or for any other reason.

6 “(m) TASK FORCE TERMINATION.—Not later than
7 the date on which the Secretary of Defense establishes the
8 Office under subsection (a), the Secretary shall terminate
9 the Unidentified Aerial Phenomena Task Force.

10 “(n) DEFINITIONS.—In this section:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term ‘appropriate congressional com-
13 mittees’ means the following:

14 “(A) The Committees on Armed Services
15 of the Senate and the House of Representa-
16 tives.

17 “(B) The Committees on Appropriations of
18 the Senate and the House of Representatives.

19 “(C) The Committee on Foreign Relations
20 of the Senate and the Committee on Foreign
21 Affairs of the House of Representatives.

22 “(D) The Select Committee on Intelligence
23 of the Senate and the Permanent Select Com-
24 mittee on Intelligence of the House of Rep-
25 resentatives.

1 “(E) The Committee on Homeland Secu-
2 rity and Governmental Affairs of the Senate
3 and the Committee on Homeland Security of
4 the House of Representatives.

5 “(F) The Committee on Commerce,
6 Science, and Transportation of the Senate and
7 the Committee on Science, Space, and Tech-
8 nology of the House of Representatives.

9 “(2) CONGRESSIONAL DEFENSE COMMIT-
10 TEES.—The term ‘congressional defense committees’
11 has the meaning given such term in section 101(a)
12 of title 10, United States Code.

13 “(3) CONGRESSIONAL INTELLIGENCE COMMIT-
14 TEES.—The term ‘congressional intelligence commit-
15 tees’ has the meaning given such term in section 3
16 of the National Security Act of 1947 (50 U.S.C.
17 3003).

18 “(4) CONGRESSIONAL LEADERSHIP.—The term
19 ‘congressional leadership’ means—

20 “(A) the majority leader of the Senate;

21 “(B) the minority leader of the Senate;

22 “(C) the Speaker of the House of Rep-
23 resentatives; and

24 “(D) the minority leader of the House of
25 Representatives.

1 “(5) INTELLIGENCE COMMUNITY.—The term
2 ‘intelligence community’ has the meaning given such
3 term in section 3 of the National Security Act of
4 1947 (50 U.S.C. 3003).

5 “(6) LINE ORGANIZATION.—The term ‘line or-
6 ganization’ means, with respect to a department or
7 agency of the Federal Government, an organization
8 that executes programs and activities to directly ad-
9 vance the core functions and missions of the depart-
10 ment or agency to which the organization is subordi-
11 nate, but, with respect to the Department of De-
12 fense, does not include a component of the Office of
13 the Secretary of Defense.

14 “(7) TRANSMEDIUM OBJECTS OR DEVICES.—
15 The term ‘transmedium objects or devices’ means
16 objects or devices that are—

17 “(A) observed to transition between space
18 and the atmosphere, or between the atmosphere
19 and bodies of water; and

20 “(B) not immediately identifiable.

21 “(8) UNIDENTIFIED ANOMALOUS PHE-
22 NOMENA.—The term ‘unidentified anomalous phe-
23 nomena’ means—

24 “(A) airborne objects that are not imme-
25 diately identifiable;

1 “(B) transmedium objects or devices; and
2 “(C) submerged objects or devices that are
3 not immediately identifiable and that display
4 behavior or performance characteristics sug-
5 gesting that the objects or devices may be re-
6 lated to the objects described in subparagraph
7 (A).”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 2(b) of such Act is amended by striking the
10 item relating to section 1683 of division A and inserting
11 the following new item:

 “Sec. 1683. Establishment of All-domain Anomaly Resolution Office.”.

12 **SEC. 6803. COMPTROLLER GENERAL OF THE UNITED**
13 **STATES AUDITS AND BRIEFINGS ON UNIDEN-**
14 **TIFIED ANOMALOUS PHENOMENA HISTOR-**
15 **ICAL RECORD REPORT.**

16 (a) DEFINITIONS.—In this section, the terms “con-
17 gressional leadership” and “Office” have the meanings
18 given such terms in section 1683 of the National Defense
19 Authorization Act for Fiscal Year 2022 (50 U.S.C. 3373),
20 as amended by section 6802.

21 (b) AUDIT.—

22 (1) IN GENERAL.—Not later than 90 days after
23 the date of the enactment of this Act, the Comp-
24 troller General of the United States shall identify
25 appropriately cleared personnel of the Government

1 Accountability Office to audit the historical record
2 report process described in section 1683 of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2022 (50 U.S.C. 3373), as amended by section
5 6802, including personnel to conduct work on-site as
6 appropriate.

7 (2) PROVISION OF INFORMATION.—On a quar-
8 terly basis, and as appropriate and consistent with
9 Government Auditing Standards, the Comptroller
10 General of the United States shall provide the Office
11 with information on the findings of any audits con-
12 ducted by the personnel identified under paragraph
13 (1).

14 (c) VERBAL BRIEFINGS.—Not later than 180 days
15 after the date of the enactment of this Act, and semiannu-
16 ally thereafter, the Comptroller General of the United
17 States shall verbally brief the congressional intelligence
18 committees, the congressional defense committees, and
19 congressional leadership on the progress of the Office with
20 respect to the historical record report described in section
21 1683 of the National Defense Authorization Act for Fiscal
22 Year 2022 (50 U.S.C. 3373), as amended by section 6802,
23 and compliance with legislative requirements.

24 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion shall be construed to restrict access of a committee

1 of Congress under section 719(f) of title 31, United States
2 Code, to an audit under subsection (b).

3 **SEC. 6804. REPORT ON PRECURSOR CHEMICALS USED IN**
4 **THE PRODUCTION OF SYNTHETIC OPIOIDS.**

5 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
6 CONGRESS.—In this section, the term “appropriate com-
7 mittees of Congress” means—

8 (1) the congressional intelligence committees;
9 (2) the Committee on the Judiciary, the Com-
10 mittee on Homeland Security and Governmental Af-
11 fairs, the Committee on Foreign Relations, the Com-
12 mittee on Commerce, Science, and Transportation,
13 and the Committee on Appropriations of the Senate;
14 and

15 (3) the Committee on the Judiciary, the Com-
16 mittee on Homeland Security, the Committee on
17 Foreign Affairs, the Committee on Energy and Com-
18 merce, and the Committee on Appropriations of the
19 House of Representatives.

20 (b) IN GENERAL.—Not later than 180 days after the
21 date of the enactment of this Act, the Director of National
22 Intelligence shall submit to the appropriate committees of
23 Congress a report on licit precursor chemicals originating
24 abroad, including in the People’s Republic of China and
25 any other country the Director considers appropriate, that

1 are bound for use in the illicit production of synthetic
2 opioids intended for distribution in the United States.

3 (c) FORM OF REPORT.—The report submitted under
4 subsection (b) shall be submitted in unclassified form, but
5 may include a classified annex produced consistent with
6 the protection of sources and methods.

7 **SEC. 6805. ASSESSMENT AND REPORT ON MASS MIGRATION**
8 **IN THE WESTERN HEMISPHERE.**

9 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
10 CONGRESS.—In this section, the term “appropriate com-
11 mittees of Congress” means—

12 (1) the congressional intelligence committees;

13 (2) the Committee on Foreign Relations, the
14 Committee on the Judiciary, the Committee on
15 Homeland Security and Governmental Affairs, and
16 the Committee on Appropriations of the Senate; and

17 (3) the Committee on Foreign Affairs, the
18 Committee on the Judiciary, the Committee on
19 Homeland Security, and the Committee on Appro-
20 priations of the House of Representatives.

21 (b) IN GENERAL.—Not later than 90 days after the
22 date of the enactment of this Act, the Director of National
23 Intelligence shall assess, and submit to the appropriate
24 committees of Congress a report on—

1 (1) the threats to the interests of the United
2 States created or enhanced by, or associated with,
3 the mass migration of people within the Western
4 Hemisphere, particularly to the southern border of
5 the United States; and

6 (2) the use of or the threat of using mass mi-
7 gration in the Western Hemisphere by the regimes
8 of Daniel Ortega in Nicaragua, Nicolás Maduro in
9 Venezuela, and the regime of Miguel Díaz-Canel and
10 Raúl Castro in Cuba—

11 (A) to effectively curate populations so
12 that people who remain in those countries are
13 powerless to meaningfully dissent; and

14 (B) to enable the increase of remittances
15 from migrants residing in the United States as
16 a result of the mass migration to help finance
17 the regimes in Nicaragua, Venezuela, and Cuba.

18 (c) FORM OF REPORT.—The report submitted under
19 subsection (b) shall be submitted in unclassified form, but
20 may include a classified annex.

21 **SEC. 6806. REPORT ON INTERNATIONAL NORMS, RULES,**
22 **AND PRINCIPLES APPLICABLE IN SPACE.**

23 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
24 CONGRESS.—In this section, the term “appropriate com-
25 mittees of Congress” means—

- 1 (1) the congressional intelligence committees;
- 2 (2) the congressional defense committees;
- 3 (3) the Committee on Foreign Relations and
4 the Committee on Commerce, Science, and Trans-
5 portation of the Senate; and
- 6 (4) the Committee on Foreign Affairs, the
7 Committee on Science, Space, and Technology, and
8 the Committee on Energy and Commerce of the
9 House of Representatives.

10 (b) IN GENERAL.—Not later than 90 days after the
11 date of the enactment of this Act, the Chair of the Na-
12 tional Space Council, in consultation with the Director of
13 National Intelligence, the Secretary of State, the Secretary
14 of Defense, the Secretary of Commerce, the Administrator
15 of the National Aeronautics and Space Administration,
16 and the heads of any other agencies as the Chair considers
17 necessary, shall submit to the appropriate committees of
18 Congress a report on voluntary, non-legally binding re-
19 sponsible international norms, rules, and principles appli-
20 cable in space.

21 (c) ELEMENTS.—The report submitted under sub-
22 section (b) shall—

- 23 (1) identify threats to the interests of the
24 United States in space that may be mitigated by vol-

1 untary, non-legally binding responsible international
2 norms, rules, and principles;

3 (2) identify opportunities for the United States
4 to influence voluntary, non-legally binding respon-
5 sible international norms, rules, and principles appli-
6 cable in space, including through bilateral and multi-
7 lateral engagement;

8 (3) assess the willingness of space faring for-
9 eign nations to adhere to voluntary, non-legally-bind-
10 ing responsible international norms, rules, or prin-
11 ciples applicable in space;

12 (4) include a list and description of known or
13 suspected adversary offensive weapon systems that
14 could be used to degrade or destroy satellites in
15 orbit during the previous five years;

16 (5) include a list and description of known or
17 suspected adversary offensive weapon systems in de-
18 velopment that could be used to degrade or destroy
19 satellites that are anticipated to be put operational
20 during the course of the next five years; and

21 (6) include an analysis of the extent to which
22 adversary space faring foreign nations use civilian
23 and commercial space assets, and civilian and com-
24 mercial space relationship, to advance military and
25 intelligence programs and activities.

1 (d) INPUT FROM COMMERCIAL SPACE SECTOR.—In
2 identifying threats under subsection (c)(1), the Chair of
3 the National Space Council shall obtain input from the
4 commercial space sector.

5 (e) FORM.—The report submitted under subsection
6 (b) shall be submitted in unclassified form, but may in-
7 clude a classified annex.

8 **SEC. 6807. ASSESSMENTS OF THE EFFECTS OF SANCTIONS**
9 **IMPOSED WITH RESPECT TO THE RUSSIAN**
10 **FEDERATION’S INVASION OF UKRAINE.**

11 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
12 CONGRESS.—In this section, the term “appropriate com-
13 mittees of Congress” means—

- 14 (1) the congressional intelligence committees;
15 (2) the Committee on Foreign Relations, the
16 Committee on Banking, Housing, and Urban Af-
17 fairs, the Committee on Armed Services, and the
18 Committee on Appropriations of the Senate; and
19 (3) the Committee on Foreign Affairs, the
20 Committee on Financial Services, the Committee on
21 Armed Services, the Committee on Ways and Means,
22 and the Committee on Appropriations of the House
23 of Representatives.

24 (b) IN GENERAL.—Not later than 180 days after the
25 date of the enactment of this Act, and every 180 days

1 thereafter for 2 years, the Director of National Intel-
2 ligence shall, in coordination with the Secretary of State,
3 the Secretary of the Treasury, and the heads of such other
4 government agencies as the Director considers appro-
5 priate, submit to the appropriate committees of Congress
6 an assessment of the cumulative and material effects of
7 the sanctions imposed by the United States, European
8 countries, and the international community with respect
9 to the Russian Federation in response to the February
10 24, 2022, full-scale invasion of Ukraine and subsequent
11 actions by the Russian Federation.

12 (c) ELEMENTS.—Each assessment submitted under
13 subsection (b) shall include the following:

14 (1) A description of efforts by the Russian Fed-
15 eration to evade or circumvent sanctions imposed by
16 the United States, European countries, or the inter-
17 national community through direct or indirect en-
18 gagement or direct or indirect assistance from—

19 (A) the regimes in Cuba and Nicaragua
20 and the regime of Nicolás Maduro in Venezuela;

21 (B) the People’s Republic of China;

22 (C) the Islamic Republic of Iran; and

23 (D) any other country the Director con-
24 siders appropriate.

1 (2) An assessment of the cumulative effect of
2 the efforts described in paragraph (1), including on
3 the Russian Federation's strategic relationship with
4 the regimes and countries described in such para-
5 graph.

6 (3) A description of the material effect of the
7 sanctions described in subsection (b), including the
8 effect of those sanctions on individual sectors of the
9 economy of Russia, senior leadership, senior military
10 officers, state-sponsored actors, and other state-af-
11 filiated actors in the Russian Federation that are ei-
12 ther directly or incidentally subject to such sanc-
13 tions. Such description shall include a discussion of
14 those sanctions that had significant effects, as well
15 as those that had no observed effects.

16 (4) Methodologies for assessing the effects of
17 different categories of financial and economic sanc-
18 tions on the targets of such action, including with
19 respect to specific industries, entities, individuals,
20 and transactions.

21 (5) A description of evasion techniques, includ-
22 ing the use of digital assets, used by the Government
23 of Russia, entities and persons covered by the sanc-
24 tions, and by other governments, entities, and per-

1 sons who have assisted in the use of such tech-
2 niques, in response to the sanctions.

3 (6) A description of any developments by other
4 countries in creating alternative payment systems as
5 a result of the invasion of Ukraine.

6 (7) An assessment of how countries have as-
7 sessed the risk of holding reserves in United States
8 dollars since the February 24, 2022, invasion of
9 Ukraine.

10 (8) If sufficient collection allows, an assessment
11 of the impact of any general licenses issued in rela-
12 tion to the sanctions described in subsection (b), in-
13 cluding—

14 (A) the extent to which authorizations for
15 internet-based communications have enabled
16 continued monetization by Russian influence ac-
17 tors, while not silencing human-right activists
18 and independent media; and

19 (B) the extent to which licenses author-
20 izing energy-related transactions have affected
21 the Russian Federation's ability to earn hard
22 currency.

23 (d) FORM OF ASSESSMENTS.—Each assessment sub-
24 mitted under subsection (b) shall be submitted in unclassi-
25 fied form and include a classified annex.

1 **SEC. 6808. ASSESSMENT OF IMPACT OF RUSSIA'S INVASION**
2 **OF UKRAINE ON FOOD SECURITY.**

3 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
4 CONGRESS.—In this section, the term “appropriate com-
5 mittees of Congress” means—

6 (1) the congressional intelligence committees;

7 (2) the Committee on Foreign Relations, the
8 Committee on Armed Services, and the Committee
9 on Appropriations of the Senate; and

10 (3) the Committee on Foreign Affairs, the
11 Committee on Armed Services, and the Committee
12 on Appropriations of the House of Representatives.

13 (b) ASSESSMENT.—

14 (1) IN GENERAL.—Not later than 120 days
15 after the date of the enactment of this Act, the Di-
16 rector of National Intelligence shall, in coordination
17 with the Assistant Secretary of State for Intelligence
18 and Research and such other heads of elements of
19 the intelligence community as the Director deter-
20 mines appropriate, submit to the appropriate com-
21 mittees of Congress an assessment of the current
22 and potential impact of the invasion by Russia of
23 Ukraine on global food security.

24 (2) ELEMENTS.—The assessment under para-
25 graph (1) shall include the following:

1 (A) An assessment of the current and po-
2 tential impact of the invasion by Russia of
3 Ukraine on food security, disaggregated by re-
4 gion.

5 (B) An analysis of the potential for polit-
6 ical instability and security crises to occur as a
7 result of such food insecurity, disaggregated by
8 region.

9 (C) A description of the factors that could
10 reduce or increase the effects of such food inse-
11 curity on political stability and security,
12 disaggregated by region.

13 (D) An assessment of the efforts of Russia
14 to steal grain from illegally occupied territories
15 in Ukraine and a list of customers who have
16 purchased such stolen grain.

17 (E) An assessment of whether Russia has
18 taken intentional steps to cause a global food
19 shortage.

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

23 (c) BRIEFING.—Not later than 30 days after the date
24 on which the assessment prepared under subsection (b)(1)
25 is completed, the Director of National Intelligence shall

1 brief the appropriate committees of Congress on the find-
2 ings of the Director with respect to the assessment.

3 **SEC. 6809. PILOT PROGRAM FOR DIRECTOR OF FEDERAL**
4 **BUREAU OF INVESTIGATION TO UNDERTAKE**
5 **AN EFFORT TO IDENTIFY INTERNATIONAL**
6 **MOBILE SUBSCRIBER IDENTITY-CATCHERS.**

7 Section 5725 of the Damon Paul Nelson and Mat-
8 thew Young Pollard Intelligence Authorization Act for
9 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3024 note;
10 Public Law 116–92) is amended—

11 (1) in subsection (a), in the matter before para-
12 graph (1)—

13 (A) by striking “The Director of National
14 Intelligence and the Director of the Federal Bu-
15 reau of Investigation” and inserting “The Di-
16 rector of the Federal Bureau of Investigation”;

17 (B) by inserting “the Director of National
18 Intelligence,” before “the Under Secretary”;
19 and

20 (C) by striking “Directors determine” and
21 inserting “Director of the Federal Bureau of
22 Investigation determines”;

23 (2) by redesignating subsections (b) and (c) as
24 subsections (d) and (e), respectively;

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) PILOT PROGRAM.—

4 “(1) IN GENERAL.—The Director of the Fed-
5 eral Bureau of Investigation, in collaboration with
6 the Director of National Intelligence, the Under Sec-
7 retary of Homeland Security for Intelligence and
8 Analysis, and the heads of such other Federal,
9 State, or local agencies as the Director of the Fed-
10 eral Bureau of Investigation determines appropriate,
11 and in accordance with applicable law and policy,
12 shall conduct a pilot program designed to implement
13 subsection (a)(1)(A) with respect to the National
14 Capital Region.

15 “(2) COMMENCEMENT; COMPLETION.—The Di-
16 rector of the Federal Bureau of Investigation shall—

17 “(A) commence carrying out the pilot pro-
18 gram required by paragraph (1) not later than
19 180 days after the date of the enactment of the
20 Intelligence Authorization Act for Fiscal Year
21 2023; and

22 “(B) complete the pilot program not later
23 than 2 years after the date on which the Direc-
24 tor commences carrying out the pilot program
25 under subparagraph (A).

1 “(c) NOTIFICATIONS REQUIRED.—The Director of
2 the Federal Bureau of Investigation shall notify the ma-
3 jority leader of the Senate, the minority leader of the Sen-
4 ate, the Speaker of the House of Representatives, the mi-
5 nority leader of the House of Representatives, and the
6 Capitol Police Board of—

7 “(1) the placement of sensors designed to iden-
8 tify International Mobile Subscriber Identity-catch-
9 ers capable of conducting surveillance against the
10 United States Capitol or associated buildings and fa-
11 cilities; and

12 “(2) the discovery of any International Mobile
13 Subscriber Identity-catchers capable of conducting
14 surveillance against the United States Capitol or as-
15 sociated buildings and facilities and any counter-
16 measures against such International Mobile Sub-
17 scriber Identity-catchers.”; and

18 (4) in subsection (d), as redesignated by para-
19 graph (2)—

20 (A) in the matter before paragraph (1), by
21 striking “Prior” and all that follows through
22 “Investigation” and inserting “Not later than
23 180 days after the date on which the Director
24 of the Federal Bureau of Investigation deter-

1 mines that the pilot program required by sub-
2 section (b)(1) is operational, the Director”;

3 (B) in paragraph (1), by striking “within
4 the United States”; and

5 (C) in paragraph (2), by striking “by the
6 intelligence community” and inserting “de-
7 ployed by the Federal Bureau of Investigation”.

8 **SEC. 6810. DEPARTMENT OF STATE BUREAU OF INTEL-**
9 **LIGENCE AND RESEARCH ASSESSMENT OF**
10 **ANOMALOUS HEALTH INCIDENTS.**

11 (a) APPROPRIATE COMMITTEES OF CONGRESS DE-
12 FINED.—In this section, the term “appropriate commit-
13 tees of Congress” means—

14 (1) the congressional intelligence committees;

15 (2) the Committee on Armed Services, the
16 Committee on Foreign Relations, and the Committee
17 on Appropriations of the Senate; and

18 (3) the Committee on Armed Services, the
19 Committee on Foreign Affairs, and the Committee
20 on Appropriations of the House of Representatives.

21 (b) ASSESSMENT REQUIRED.—Not later than 90
22 days after the date of the enactment of this Act, the As-
23 sistant Secretary of State for Intelligence and Research
24 shall submit to the appropriate committees of Congress
25 an assessment of the findings relating to the events that

1 have been collectively labeled as “anomalous health inci-
2 dents”.

3 (c) CONTENTS.—The assessment submitted under
4 subsection (b) shall include the following:

5 (1) Any diplomatic reporting or other relevant
6 information on the causation of anomalous health in-
7 cidents.

8 (2) Any diplomatic reporting or other relevant
9 information on any person or entity who may be re-
10 sponsible for such incidents.

11 (3) Detailed plans, including metrics, timelines,
12 and measurable goals, for the Bureau of Intelligence
13 and Research to understand anomalous health inci-
14 dents and share findings with other elements of the
15 intelligence community.

16 **SEC. 6811. REPEAL AND MODIFICATION OF CERTAIN RE-**
17 **PORTING AND BRIEFING REQUIREMENTS.**

18 (a) REPORTS ON SECURITY SERVICES OF THE PEO-
19 PLE’S REPUBLIC OF CHINA IN THE HONG KONG SPECIAL
20 ADMINISTRATIVE REGION.—Section 1107A of the Na-
21 tional Security Act of 1947 (50 U.S.C. 3237a) is repealed.

22 (b) ANNUAL UPDATE TO REPORT ON FOREIGN
23 WEAPONIZATION OF DEEPPAKES AND DEEPPAKE TECH-
24 NOLOGY.—Section 5709 of the National Defense Author-

1 ization Act for Fiscal Year 2020 (50 U.S.C. 3369a) is
2 amended—

3 (1) by striking subsection (d); and

4 (2) by redesignating subsection (e) as sub-
5 section (d).

6 (c) INFORMATION SHARING PERFORMANCE MANAGE-
7 MENT REPORTS.—

8 (1) IN GENERAL.—Section 1016 of the Intel-
9 ligence Reform and Terrorism Prevention Act of
10 2004 (6 U.S.C. 485) is amended—

11 (A) by striking subsection (h); and

12 (B) by redesignating subsections (i)
13 through (l) as subsections (h) through (k), re-
14 spectively.

15 (2) CONFORMING AMENDMENT.—Section
16 210(b) of the Homeland Security Act of 2002 (6
17 U.S.C. 124g(b)) is amended by striking “section
18 1016(i) of the Intelligence Reform and Terrorism
19 Prevention Act of 2004 (6 U.S.C. 485(i))” and in-
20 sserting “section 1016(h) of the Intelligence Reform
21 and Terrorism Prevention Act of 2004 (6 U.S.C.
22 485(h))”.

23 (d) PERIODIC REPORTS ON ACTIVITIES OF PRIVACY
24 OFFICERS AND CIVIL LIBERTIES OFFICERS.—Section
25 1062(f)(1) of the Intelligence Reform and Terrorism Pre-

1 vention Act of 2004 (42 U.S.C. 2000ee–1(f)(1)) is amend-
2 ed, in the matter preceding subparagraph (A), by striking
3 “semiannually” and inserting “annually”.

4 (e) BRIEFING ON HIZBALLAH’S ASSETS AND ACTIVI-
5 TIES RELATED TO FUNDRAISING, FINANCING, AND
6 MONEY LAUNDERING WORLD-WIDE.—Section 204(b) of
7 the Hizballah International Financing Prevention Act of
8 2015 (Public Law 114–102; 129 Stat. 2212) is amended
9 by striking “every 180 days” and inserting “annually”.

10 (f) INSPECTORS GENERAL REPORTS ON CLASSIFICA-
11 TION.—Section 6721(a) of the National Defense Author-
12 ization Act for Fiscal Year 2020 (Public Law 116–92; 133
13 Stat. 2231) is amended by striking “per year in each of
14 the three” and inserting “every two years in each of the
15 six”.

16 (g) REPORT ON EFFORTS OF STATE SPONSORS OF
17 TERRORISM, OTHER FOREIGN COUNTRIES, OR ENTITIES
18 TO ILLICITLY ACQUIRE SATELLITES AND RELATED
19 ITEMS.—Section 1261(e)(1) of the National Defense Au-
20 thorization Act for Fiscal Year 2013 (Public Law 112–
21 239; 126 Stat. 2019) is amended by striking “annually”
22 and inserting “once every two years”.

23 (h) REPORTS AND BRIEFINGS ON DIRECTOR OF NA-
24 TIONAL INTELLIGENCE PROGRAM ON USE OF INTEL-
25 LIGENCE RESOURCES IN EFFORTS TO SANCTION FOR-

1 EIGN OPIOID TRAFFICKERS.—Section 7231(c) of the Na-
2 tional Defense Authorization Act for Fiscal Year 2020 (21
3 U.S.C. 2331(c)) is amended—

4 (1) in the subsection heading, by inserting
5 “AND BRIEFINGS” after “REPORTS”; and

6 (2) in paragraph (1)—

7 (A) by striking “(1) QUARTERLY REPORTS
8 ON PROGRAM.—Not later than” and inserting
9 the following:

10 “(1) REPORTS AND BRIEFINGS ON PROGRAM.—

11 “(A) ANNUAL REPORTS.—Not later than”;

12 (B) in subparagraph (A), as designated by
13 subparagraph (A) of this paragraph—

14 (i) by striking “every 90 days” and
15 inserting “annually”;

16 (ii) by striking “90-day period” and
17 inserting “year”; and

18 (iii) by striking “under this para-
19 graph” and inserting “under this subpara-
20 graph”; and

21 (C) by adding at the end the following:

22 “(B) SEMIANNUAL BRIEFINGS.—On a
23 semiannual basis, the Director of National In-
24 telligence and the Director of the Office of Na-
25 tional Drug Control Policy shall jointly brief the

1 appropriate congressional committees and lead-
2 ership on the status and accomplishments of
3 the program required by subsection (a).”.

4 **SEC. 6812. INCREASED INTELLIGENCE-RELATED ENGI-**
5 **NEERING, RESEARCH, AND DEVELOPMENT**
6 **CAPABILITIES OF MINORITY INSTITUTIONS.**

7 (a) PLAN.—

8 (1) REQUIREMENT.—The Director of National
9 Intelligence shall develop a plan to promote intel-
10 ligence-related engineering, research, and develop-
11 ment activities at covered institutions for the pur-
12 pose of contributing toward the research necessary
13 to achieve the intelligence advantage of the United
14 States.

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

17 (A) An assessment of opportunities to sup-
18 port engineering, research, and development at
19 covered institutions in computer sciences, in-
20 cluding artificial intelligence, quantum com-
21 puting, and machine learning, and synthetic bi-
22 ology and an assessment of opportunities to
23 support the associated workforce and physical
24 research infrastructure of such institutions.

1 (B) An assessment of opportunities to en-
2 hance the ability of covered institutions—

3 (i) to participate in intelligence-re-
4 lated engineering, research, and develop-
5 ment activities; and

6 (ii) to effectively compete for intel-
7 ligence-related engineering, research and
8 development contracts in support of the
9 most urgent research requirements of the
10 intelligence community.

11 (C) An assessment of the activities and in-
12 vestments the Director determines necessary—

13 (i) to expand opportunities for covered
14 institutions to partner with other research
15 organizations and educational institutions
16 that the intelligence community frequently
17 partners with to conduct research; and

18 (ii) to increase participation of cov-
19 ered institutions in intelligence-related en-
20 gineering, research, and development ac-
21 tivities.

22 (D) Recommendations identifying actions
23 that may be taken by the Director, Congress,
24 covered institutions, and other organizations to
25 increase participation of such institutions in in-

1 intelligence-related engineering, research, and de-
2 velopment activities and contracts.

3 (E) Specific goals, incentives, and metrics
4 to increase and measure the capacity of covered
5 institutions to address the engineering, re-
6 search, and development needs of the intel-
7 ligence community.

8 (3) CONSULTATION.—In developing the plan
9 under paragraph (1), the Director shall consult with
10 covered institutions and other departments or agen-
11 cies of the United States Government or private sec-
12 tor organizations that the Director determines ap-
13 propriate.

14 (4) REPORT.—Not later than 1 year after the
15 date of the enactment of this Act, the Director shall
16 submit to the congressional intelligence committees,
17 the Subcommittee on Defense of the Committee on
18 Appropriations of the Senate, and the Subcommittee
19 on Defense of the Committee on Appropriations of
20 the House of Representatives, and make publicly
21 available on the internet website of the Director, a
22 report containing the plan under paragraph (1).

23 (b) ACTIVITIES TO SUPPORT RESEARCH AND ENGI-
24 NEERING CAPACITY.—Subject to the availability of appro-
25 priations for such purpose, the Director may establish a

1 program to award contracts, grants, or other agreements,
2 on a competitive basis, and to perform other appropriate
3 activities, for any of the following purposes:

4 (1) Developing the capability, including the
5 workforce and the research infrastructure, for cov-
6 ered institutions to more effectively compete for in-
7 telligence-related engineering, research, and develop-
8 ment activities and contracts.

9 (2) Any other purposes the Director determines
10 appropriate to enhance the capabilities of covered in-
11 stitutions to carry out intelligence-related engineer-
12 ing, research, and development activities and con-
13 tracts.

14 (c) INCREASED PARTNERSHIPS BETWEEN IARPA
15 AND COVERED INSTITUTIONS.—The Director shall estab-
16 lish goals and incentives to encourage the Intelligence Ad-
17 vanced Research Projects Activity to—

18 (1) partner with covered institutions to advance
19 the research and development needs of the intel-
20 ligence community through partnerships and collabo-
21 rations with the Intelligence Advanced Research
22 Projects Activity; and

23 (2) if the Director determines appropriate, fos-
24 ter the establishment of similar relationships be-
25 tween such institutions and other organizations that

1 have partnerships with the Intelligence Advanced
2 Research Projects Activity.

3 (d) COVERED INSTITUTION DEFINED.—In this sec-
4 tion, the term “covered institution” means the following:

5 (1) A part B institution (as defined in section
6 322 of the Higher Education Act of 1965 (20
7 U.S.C. 1061)).

8 (2) An institution of higher education (as de-
9 fined in section 101 of the Higher Education Act of
10 1965(20 U.S.C. 1001)) not covered by paragraph
11 (1) at which not less than 50 percent of the total
12 student enrollment consists of students from ethnic
13 groups that are underrepresented in the fields of
14 science and engineering, as determined by the Direc-
15 tor of National Intelligence.

16 **SEC. 6813. REPORTS ON PERSONNEL VETTING PROCESSES**
17 **AND PROGRESS UNDER TRUSTED WORK-**
18 **FORCE 2.0 INITIATIVE.**

19 (a) DEFINITIONS.—In this section:

20 (1) AUTHORIZED ADJUDICATIVE AGENCY; AU-
21 THORIZED INVESTIGATIVE AGENCY; PERSONNEL SE-
22 CURITY INVESTIGATION; PERIODIC REINVESTIGA-
23 TION.—The terms “authorized adjudicative agency”,
24 “authorized investigative agency”, “personnel secu-
25 rity investigation”, and “periodic reinvestigation”

1 have the meanings given those terms in section
2 3001(a) of the Intelligence Reform and Terrorism
3 Prevention Act of 2004 (50 U.S.C. 3341(a)).

4 (2) CONTINUOUS VETTING; COUNCIL; SECURITY
5 EXECUTIVE AGENT.—The terms “continuous vet-
6 ting”, “Council”, and “Security Executive Agent”
7 have the meanings given those terms in section 6601
8 of the Damon Paul Nelson and Matthew Young Pol-
9 lard Intelligence Authorization Act for Fiscal Years
10 2018, 2019, and 2020 (50 U.S.C. 3352).

11 (b) REPORTS.—Not later than September 30, 2023,
12 and annually thereafter until September 30, 2027, the Se-
13 curity Executive Agent, in coordination with the Chair and
14 other Principals of the Council, shall submit to Congress
15 a report on the personnel vetting processes of the United
16 States Government.

17 (c) ELEMENTS.—Each report under subsection (b)
18 shall include, with respect to the preceding fiscal year, the
19 following:

20 (1) An analysis of the timeliness, costs, and
21 other related information for the initiations, inves-
22 tigations (including initial investigations and any re-
23 quired periodic reinvestigations), and adjudications
24 for personnel vetting purposes. Such analysis shall
25 include the following:

1 (A) The average periods of time taken
2 (from the date of an agency's receipt of a com-
3 pleted security clearance application to the date
4 of the ultimate disposition and notification to
5 the subject and the employer of the subject) by
6 each authorized investigative agency and au-
7 thorized adjudicative agency, to the greatest ex-
8 tent practicable, to initiate investigations, con-
9 duct investigations, and adjudicate security
10 clearances, as compared with established timeli-
11 ness objectives.

12 (B) The number of initial investigations
13 and periodic reinvestigations initiated and adju-
14 dicated by each authorized investigative agency
15 and authorized adjudicative agency, to the ex-
16 tent practicable.

17 (C) The number of initial investigations
18 and periodic reinvestigations carried over to the
19 fiscal year covered by the report from a prior
20 fiscal year by each authorized investigative
21 agency and authorized adjudicative agency, to
22 the greatest extent practicable.

23 (D) The number of initial investigations
24 and periodic reinvestigations that resulted in a

1 denial or revocation of a security clearance by
2 each authorized adjudicative agency.

3 (E) The costs to the executive branch re-
4 lating to personnel security clearance initi-
5 ations, investigations, adjudications, revoca-
6 tions, and continuous vetting with respect to
7 such clearances.

8 (F) A discussion of any impediments, in-
9 cluding with respect to resources, personnel, or
10 authorities, to the timely processing of per-
11 sonnel security clearances.

12 (G) The number of individuals who hold a
13 personnel security clearance and are enrolled in
14 a program of continuous vetting with respect to
15 such clearance, and the numbers and types of
16 adverse actions taken by each authorized adju-
17 dicative agency as a result of such continuous
18 vetting.

19 (H) The number of personnel security
20 clearances awaiting or under investigation (in-
21 cluding initial investigation and periodic re-
22 investigation) by the Director of the Defense
23 Counterintelligence and Security Agency and
24 each authorized investigative agency.

1 (I) Such other information as the Security
2 Executive Agent may determine appropriate, in-
3 cluding any recommendations to improve the ef-
4 fectiveness, timeliness, and efficiency of per-
5 sonnel security clearance initiations, investiga-
6 tions, and adjudications.

7 (2) An analysis of the status of the implementa-
8 tion of the Trusted Workforce 2.0 initiative spon-
9 sored by the Council, including the following:

10 (A) A list of the policies issued by the
11 Council for the Trusted Workforce 2.0 initia-
12 tive, and a list of expected issuance dates for
13 planned policies of the Council for such initia-
14 tive.

15 (B) A list of the departments and agencies
16 of the executive branch that have identified a
17 senior implementation official to be accountable
18 for the implementation of the Trusted Work-
19 force 2.0 initiative, in accordance with the
20 memorandum on transforming Federal per-
21 sonnel vetting issued by the Assistant to the
22 President for National Security Affairs on De-
23 cember 14, 2021, including an identification of
24 the position of such senior implementation offi-
25 cial within the respective department or agency.

1 (C) A list of the departments and agencies
2 of the executive branch that have submitted im-
3 plementation plans, and subsequent progress re-
4 ports, with respect to the Trusted Workforce
5 2.0 initiative, as required by the memorandum
6 specified in subparagraph (B).

7 (D) A summary of the progress that the
8 departments and agencies of the executive
9 branch have made implementing the Trusted
10 Workforce 2.0 initiative.

11 (3) An analysis of the transfers between, and
12 reciprocal recognition among, the heads of the de-
13 partments and agencies of the executive branch of
14 security clearance background investigations and de-
15 terminations and other investigations and deter-
16 minations relating to personnel vetting (including
17 with respect to trust, suitability, fitness,
18 credentialing, and access). Such analysis shall in-
19 clude, with respect to such investigations and deter-
20 minations, the following:

21 (A) The number of employees for whom a
22 prior such investigation or determination was
23 recognized and accepted by the head of a de-
24 partment or agency without the head requiring
25 additional investigative or adjudicative steps,

1 disaggregated by department or agency, to the
2 greatest extent practicable.

3 (B) The number of employees for whom a
4 prior such investigation or determination was
5 not recognized or accepted by the head of a de-
6 partment or agency without the head requiring
7 additional investigative or adjudicative steps,
8 disaggregated by department or agency, to the
9 greatest extent practicable.

10 (C) The reasons most frequently cited by
11 such heads for the failure to recognize or accept
12 a prior such investigation or determination,
13 disaggregated by department or agency.

14 (D) The average number of days for the
15 head of a department or agency to recognize
16 and accept a prior such investigation or deter-
17 mination (from the date the head initiates the
18 process to consider the prior investigation or
19 determination for recognition and acceptance,
20 to the date the head makes a final determina-
21 tion on such recognition and acceptance),
22 disaggregated by agency, to the greatest extent
23 practicable.

24 (4) A discussion of any impediments, con-
25 straints, and opportunities relating to—

1 (A) the timeliness of the personnel security
2 clearance process across the United States Gov-
3 ernment;

4 (B) the implementation of the Trusted
5 Workforce 2.0 initiative;

6 (C) the transfer and reciprocal recognition
7 of determinations relating to personnel vetting
8 between and among departments and agencies;
9 and

10 (D) the completeness and provision of data
11 from elements of the intelligence community,
12 pursuant to paragraphs (1), (2), and (3) of this
13 subsection.

14 **SEC. 6814. REPORTS RELATING TO PROGRAMS OF RECORD**
15 **OF NATIONAL GEOSPATIAL-INTELLIGENCE**
16 **AGENCY.**

17 (a) FINDINGS.—Congress finds the following:

18 (1) The comprehensive identification of Na-
19 tional Geospatial-Intelligence Agency programs and
20 activities, to include significant, enduring programs
21 determined by the Agency to be “programs of
22 record”, is a critical element for enabling budget
23 auditability and oversight by the Office of the Direc-
24 tor of National Intelligence, the Office of Manage-

1 ment and Budget, and the congressional intelligence
2 committees.

3 (2) In order to improve how the National
4 Geospatial-Intelligence Agency justifies and oversees
5 resources in support of core missions and authori-
6 ties, the Agency has committed to establish a delib-
7 erate acquisition structure, modeled after Depart-
8 ment of Defense best practices, with programs and
9 activities aligned under a Program Executive Office
10 structure.

11 (3) Establishing an effective Program Executive
12 Office structure at the National Geospatial-intel-
13 ligence Agency will ensure clearly articulated acqui-
14 sition efforts that have defined requirements and
15 program scope with traceability from capabilities to
16 deliverables to Programs of Record to budget mate-
17 rials.

18 (b) REPORTS REQUIRED.—

19 (1) REPORTS TO CONGRESSIONAL INTEL-
20 LIGENCE COMMITTEES AND DEFENSE SUBCOMMIT-
21 TEES OF CONGRESSIONAL APPROPRIATIONS COMMIT-
22 TEES.—Not later than February 1, 2023, the Direc-
23 tor of the National Geospatial-Intelligence Agency,
24 consistent with the protection of intelligence sources
25 and methods, shall submit to the congressional intel-

1 ligence committees, the Subcommittee on Defense of
2 the Committee on Appropriations of the Senate, and
3 the Subcommittee on Defense of the Committee on
4 Appropriations of the House of Representatives re-
5 ports on the programs and activities of the Agency.
6 Such reports shall include, at a minimum, the fol-
7 lowing:

8 (A) An identification of any definition for
9 the term “program of record” used by the
10 Agency during the period beginning October 1,
11 2017, and ending on the date of the submission
12 of the report.

13 (B) A detailed description of each current
14 program and activity of the Agency, including
15 each current program of record of the Agency.

16 (C) A detailed explanation of how funding
17 and other information relating to each such
18 program of record or other program or activity
19 may be located within the budget justification
20 materials submitted to Congress.

21 (D) An in-process review of the program
22 element office planning and implementation ef-
23 forts.

24 (E) Identification of limitations and addi-
25 tional support required by the Agency to imple-

1 ment program element offices and related
2 changes to financial management systems.

3 (2) REPORT TO CONGRESSIONAL INTELLIGENCE
4 AND DEFENSE COMMITTEES.—

5 (A) DEFINITION OF APPROPRIATE CON-
6 GRESSIONAL COMMITTEES.—In this section, the
7 term “appropriate congressional committees”
8 means—

9 (i) the congressional intelligence com-
10 mittees; and

11 (ii) the Committee on Armed Services
12 and the Subcommittee on Defense of the
13 Committee on Appropriations of the Sen-
14 ate; and

15 (iii) the Committee on Armed Services
16 and Subcommittee on Defense of the Com-
17 mittee on Appropriations of the House of
18 Representatives.

19 (B) REPORT REQUIRED.—Not later than
20 February 1, 2023, the Director of the National
21 Geospatial-Intelligence Agency, consistent with
22 the protection of intelligence sources and meth-
23 ods, shall submit to the appropriate congres-
24 sional committees a report on the programs and
25 activities of the Agency that are funded in full

1 or in part under the Military Intelligence Pro-
2 gram. Such report shall include, at a minimum,
3 the following:

4 (i) An identification of any definition
5 for the term “program of record” used by
6 the Agency during the period beginning
7 October 1, 2017 and ending on the date of
8 the submission of the report.

9 (ii) A detailed description of each cur-
10 rent program and activity of the Agency
11 funded in full or in part under the Military
12 Intelligence Program, including each cur-
13 rent program of record of the Agency
14 funded in full or in part under the Military
15 Intelligence Program.

16 (iii) A detailed explanation of how
17 funding and other information relating to
18 each such program of record or other pro-
19 gram or activity funded in full or in part
20 under the Military Intelligence Program
21 may be located within the budget justifica-
22 tion materials submitted to Congress.

23 (3) FORM.—Each report under this subsection
24 may be submitted in classified form.

1 **SEC. 6815. PLAN REGARDING SOCIAL MEDIA DATA AND**
2 **THREAT ANALYSIS CENTER.**

3 (a) DEFINITION OF APPROPRIATE CONGRESSIONAL
4 COMMITTEES.—In this section, the term “appropriate
5 congressional committees” has the meaning given that
6 term in section 5323(h) of the Damon Paul Nelson and
7 Matthew Young Pollard Intelligence Authorization Act for
8 Fiscal Years 2018, 2019, and 2020 (50 U.S.C. 3369(h)).

9 (b) PLAN.—Not later than 90 days after the date of
10 the enactment of this Act, the Director of National Intel-
11 ligence shall submit to the appropriate congressional com-
12 mittees a plan to operationalize the Social Media Data and
13 Threat Analysis Center in accordance with section 5323
14 of the Damon Paul Nelson and Matthew Young Pollard
15 Intelligence Authorization Act for Fiscal Years 2018,
16 2019, and 2020 (50 U.S.C. 3369).

17 (c) ELEMENTS.—The plan under subsection (b) shall
18 include a description of how the Social Media Data and
19 Threat Analysis Center shall—

20 (1) coordinate with social media companies,
21 independent organizations and researchers, and
22 other public-facing internet-based platforms to deter-
23 mine—

24 (A) what categories of data and metadata
25 are useful indicators of internet-based foreign
26 malign influence activities; and

1 (B) how such data and metadata may be
2 shared effectively with the Center and with
3 independent organizations and researchers
4 while protecting the privacy and civil liberties of
5 United States users of social media platforms
6 and other public-facing internet-based plat-
7 forms; and

8 (2) develop criteria under which social media
9 companies and other public-facing internet-based
10 platforms share indicators of internet-based foreign
11 malign influence activities with the Center and inde-
12 pendent organizations and researchers, including a
13 description of—

14 (A) the timeliness and consistency of such
15 sharing of indicators;

16 (B) the categories of indicators to be
17 shared; and

18 (C) the protection, in consultation with the
19 head of the Office of Civil Liberties, Privacy,
20 and Transparency as may be appropriate, of
21 privacy, civil liberties, and constitutionally pro-
22 tected activities of users of social media plat-
23 forms and other public-facing internet-based
24 platforms.

1 **SEC. 6816. REPORT ON USE OF PUBLICLY AVAILABLE SO-**
2 **CIAL MEDIA INFORMATION IN PERSONNEL**
3 **VETTING DETERMINATIONS.**

4 (a) DEFINITIONS OF CONTINUOUS VETTING, COUN-
5 CIL, AND SECURITY EXECUTIVE AGENT.—In this section,
6 the terms “continuous vetting”, “Council”, and “Security
7 Executive Agent” have the meanings given those terms in
8 section 6601 of the Damon Paul Nelson and Matthew
9 Young Pollard Intelligence Authorization Act for Fiscal
10 Years 2018, 2019, and 2020 (50 U.S.C. 3352).

11 (b) REPORT.—Not later than 180 days after the date
12 of the enactment of this Act, the Director of National In-
13 telligence, in coordination with other heads of the elements
14 of the intelligence community that the Director determines
15 appropriate, and in consultation with the other principal
16 members of the Council, shall submit to Congress a report
17 regarding the current and planned use of publicly available
18 social media information in the personnel vetting and se-
19 curity clearance processes.

20 (c) ELEMENTS.—The report under subsection (b)
21 shall include the following:

22 (1) A description of how departments and agen-
23 cies of the United States Government have imple-
24 mented Security Executive Agent Directive 5 titled
25 “Collection, Use, and Retention of Publicly Available
26 Social Media Information in Personnel Security

1 Background Investigations and Adjudications”, and
2 relevant agency implementing guidance, including
3 Department of Defense Instruction 1325.06 titled
4 “Handling Protest, Extremist, and Criminal Gang
5 Activities among Members of the Armed Forces”.

6 (2) A description of how the use of publicly
7 available social media in personnel vetting deter-
8 minations and security clearance investigations and
9 adjudications is, or will be, captured in the National
10 Background Investigation Services system and other
11 information technology systems used in the per-
12 sonnel vetting process.

13 (3) A description of how publicly available so-
14 cial media information is used, and will be used, in
15 continuous vetting and security clearances processes
16 and insider threat programs.

17 (4) A description of any privacy or civil liberties
18 concerns with the use of publicly available social
19 media information in personnel vetting or security
20 clearance determinations, including a discussion of
21 the risks, benefits, and drawbacks of allowing for the
22 voluntary provision of, or voluntary access to, non-
23 publicly available social media information in the
24 regular course of personnel vetting and security
25 clearance processes.

1 (5) A discussion of the extent to which officials
2 and entities of the United States Government re-
3 sponsible for privacy and civil liberties matters, in-
4 cluding the Chief of the Office of Civil Liberties,
5 Privacy, and Transparency of the Office of the Di-
6 rector of National Intelligence and the civil liberties
7 officers of departments and agencies of the United
8 States Government, are involved in the development
9 and operation of programs to use social media infor-
10 mation in personnel vetting and security clearance
11 processes.

12 (6) A discussion of any impediments, con-
13 straints, risks, or drawbacks relating to the use of
14 publicly available social media information in per-
15 sonnel vetting and security clearance processes, in-
16 cluding—

17 (A) challenges associated with implementa-
18 tion of Security Executive Agent Directive 5,
19 Department of Defense Instruction 1325.06,
20 and other relevant guidance;

21 (B) the resources required, including with
22 respect to personnel, funding, and information
23 systems, to gather, assess, and make use of
24 such information; and

1 (C) an analysis of the costs and benefits of
2 the use of publicly available social media infor-
3 mation.

4 (7) An implementation plan for the future use
5 of publicly available social media information, based
6 on relevant findings under paragraphs (1) through
7 (6).

8 **SEC. 6817. REPORT ON STRENGTHENING WORKFORCE DI-**
9 **VERSITY PLANNING AND OVERSIGHT.**

10 (a) REPORT.—Not later than 180 days after the date
11 of the enactment of this Act, the Director of National In-
12 telligence, in coordination with the heads of the elements
13 of the intelligence community, shall submit to the congres-
14 sional intelligence committees, the Subcommittee on De-
15 fense of the Committee on Appropriations of the Senate,
16 and the Subcommittee on Defense of the Committee on
17 Appropriations of the House of Representatives a report
18 discussing steps to enhance the strategic planning for,
19 measure the progress of, and assess barriers to workforce
20 diversity in the intelligence community.

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

23 (1) A discussion of existing, updated, or new
24 guidance requiring all elements of the intelligence
25 community to maintain current and complete diver-

1 sity strategic plans that contain specific objectives,
2 timeframes, and responsibilities.

3 (2) A discussion of progress made by individual
4 elements toward maintaining such plans.

5 (3) A discussion of existing, updated, or new
6 guidance to ensure individual elements develop per-
7 formance measures to assess the contribution of ac-
8 tivities toward achieving diversity goals and overall
9 progress.

10 (4) A discussion of progress made by individual
11 elements toward developing measures to assess
12 progress toward achieving diversity management ef-
13 forts.

14 (5) A discussion of existing, updated, or new
15 guidance ensuring that each element routinely iden-
16 tifies and takes steps toward eliminating barriers to
17 workforce diversity.

18 (6) A discussion of steps taken by the Director
19 to ensure that individual elements are routinely com-
20 pleting required assessments to identify and elimi-
21 nate barriers to diversity.

22 (7) A discussion of steps taken by the Director
23 to establish specific implementation objectives and
24 timeframes for the elements that support intelligence

1 community-wide diversity goals to ensure the ele-
2 ments are held accountable for making progress.

3 **SEC. 6818. REPORT ON TRANSITION OF NATIONAL RECON-**
4 **NAISSANCE OFFICE TO DIGITAL ENGINEER-**
5 **ING ENVIRONMENT.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) Potential foreign adversaries are outpacing
8 the United States in the fielding of new generations
9 of space systems that dull the edge the United
10 States has enjoyed in space.

11 (2) A digital engineering environment, also
12 known as digital systems engineering, reduces the
13 time to field new space systems.

14 (3) Digital engineering environment tools en-
15 able the rapid iterations of requirements and archi-
16 tectures into digital system depictions capable of use
17 by private industry to further the design and devel-
18 opment of space systems.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that, to maintain a competitive advantage in space,
21 the National Reconnaissance Office should transition to
22 a digital engineering environment by not later than 3
23 years after the date of the enactment of this Act.

24 (c) REPORT.—

1 (1) SUBMISSION.—Not later than 180 days
2 after the date of the enactment of this Act, the Di-
3 rector of the National Reconnaissance Office shall
4 submit to the appropriate congressional committees
5 a report that contains the following:

6 (A) A plan for the transition of the Na-
7 tional Reconnaissance Office to a digital engi-
8 neering environment.

9 (B) An identification of the date by which
10 such transition shall be completed.

11 (C) A description of the metrics the Direc-
12 tor plans to use to measure progress made with
13 respect to such transition and resulting effi-
14 ciencies gained.

15 (D) A description of the initial pilot pro-
16 grams of the National Reconnaissance Office
17 relating to digital engineering and the plans to
18 expand such pilot programs in scale and scope
19 with respect to acquisition carried out under
20 such pilot programs.

21 (E) A description of any training require-
22 ments or certifications necessary to advance a
23 digital engineering environment within the Na-
24 tional Reconnaissance Office.

1 (F) A description of how the Director
2 plans to incorporate input and best practices
3 from private industry to facilitate and accel-
4 erate the transition of the National Reconnaissance Office to a digital engineering environ-
5 ment.
6

7 (2) FORM.—The report under paragraph (1)
8 shall be submitted in unclassified form, but may in-
9 clude a classified annex.

10 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” means—

13 (1) the congressional intelligence committees;
14 and

15 (2) the congressional defense committees (as
16 defined in section 101(a)(16) of title 10, United
17 States Code).

18 **SEC. 6819. BRIEFING ON DEPARTMENT OF HOMELAND SE-**
19 **CURITY INTELLIGENCE ACTIVITIES.**

20 (a) DEFINITIONS.—In this section:

21 (1) APPROPRIATE CONGRESSIONAL COMMIT-
22 TEES.—The term “appropriate congressional com-
23 mittees” means the following:

24 (A) The congressional intelligence commit-
25 tees.

1 (B) The Committee on Homeland Security
2 and Governmental Affairs and the Committee
3 on Appropriations of the Senate.

4 (C) The Committee on Homeland Security
5 and the Committee on Appropriations of the
6 House of Representatives.

7 (2) COMPONENT OF THE DEPARTMENT OF
8 HOMELAND SECURITY.—The term “component of
9 the Department of Homeland Security” means the
10 following components of the Department of Home-
11 land Security:

12 (A) The Cybersecurity and Infrastructure
13 Security Agency Threat Management Division.

14 (B) The Federal Emergency Management
15 Agency Protection and National Preparedness,
16 Office of Counterterrorism and Security Pre-
17 paredness.

18 (C) The Transportation Security Adminis-
19 tration Office of Intelligence and Analysis.

20 (D) The United States Citizenship and Im-
21 migration Services Fraud Detection and Na-
22 tional Security Directorate, Field Operations
23 Directorate, and Collateral Duty Intelligence.

24 (E) The United States Customs and Bor-
25 der Protection Office of Intelligence.

1 (F) The United States Immigration and
2 Customs Enforcement Homeland Security In-
3 vestigations, Office of Intelligence, and Special
4 Agent in Charge Intelligence Program.

5 (3) INTELLIGENCE ACTIVITY.—The term “intel-
6 ligence activity” shall be interpreted consistent with
7 how such term is used in section 502 of the National
8 Security Act of 1947 (50 U.S.C. 3092).

9 (b) BRIEFING ON INTELLIGENCE ACTIVITIES.—Con-
10 sistent with section 501 of the National Security Act of
11 1947 (50 U.S.C. 3091), not later than 30 days after the
12 date of the enactment of this Act, the Chief Intelligence
13 Officer of the Department of Homeland Security shall pro-
14 vide the appropriate congressional committees a briefing
15 on the intelligence activities of elements of the Department
16 of Homeland Security that are not elements of the intel-
17 ligence community. Such briefing shall include the fol-
18 lowing:

19 (1) A comprehensive description of all intel-
20 ligence activities conducted during the period begin-
21 ning on January 1, 2018, and ending on the date
22 of the briefing, by any component of the Department
23 of Homeland Security that conducts intelligence ac-
24 tivities.

1 (2) With respect to each such intelligence activ-
2 ity, a description of the activity, including, at a min-
3 imum—

4 (A) the nature of the activity;

5 (B) the component undertaking the activ-
6 ity;

7 (C) the legal authority for such activity;

8 and

9 (D) the source of funding for such activity.

10 (3) A description and the quantity of any types
11 of finished intelligence products, or intelligence in-
12 formation reports, produced or contributed to by a
13 component of the Department of Homeland Security
14 that conducts intelligence activities during the period
15 specified in paragraph (1).

16 (4) An identification of any external or internal
17 guidelines, policies, processes, practices, or programs
18 governing the collection, retention, analysis, or dis-
19 semination by such a component of information re-
20 garding United States citizens, lawful permanent
21 residents of the United States, or individuals located
22 within the United States.

23 (c) FORM.—The briefing under subsection (b) may
24 be provided in classified form.

1 (d) ADDITIONAL BRIEFINGS.—Not later than 1 year
2 after the date on which the Chief Intelligence Officer pro-
3 vides the briefing under subsection (b) and not less fre-
4 quently than once each year thereafter, the Chief Intel-
5 ligence Officer shall provide the appropriate congressional
6 committees a briefing on any new intelligence activities
7 commenced by any component of the Department of
8 Homeland Security and any that have been terminated.

9 **SEC. 6820. REPORT ON DECLASSIFICATION EFFORTS OF**
10 **CENTRAL INTELLIGENCE AGENCY.**

11 Not later than 270 days after the date of the enact-
12 ment of this Act, the Inspector General of the Central In-
13 telligence Agency shall submit to the congressional intel-
14 ligence committees, the Subcommittee on Defense of the
15 Committee on Appropriations of the Senate, and the Sub-
16 committee on Defense of the Committee on Appropriations
17 of the House of Representatives a report on the declas-
18 sification efforts of the Central Intelligence Agency. Such
19 report shall include—

20 (1) an identification of the resources that are
21 dedicated to such efforts; and

22 (2) an assessment as to whether such resources
23 are sufficient.

1 **SEC. 6821. REPORT ON NATIONAL SPACE INTELLIGENCE**
2 **CENTER.**

3 (a) REPORT.—Not later than March 1, 2023, the Di-
4 rector of National Intelligence, in coordination with the
5 Chief of Space Operations, shall submit to the appropriate
6 congressional committees a report on the National Space
7 Intelligence Center.

8 (b) MATTERS INCLUDED.—The report under sub-
9 section (a) shall include the following:

10 (1) A description of the status of the National
11 Space Intelligence Center since the activation of the
12 Center and the implications of the Center being
13 aligned under a Field Command rather than a field
14 operating agency aligned to the Director of Intel-
15 ligence, Surveillance, and Reconnaissance of the
16 Space Force.

17 (2) A review of the ability of the Center to ad-
18 dress the full set of national space intelligence ana-
19 lytical demands (including with respect to acquisi-
20 tion and operational mission requirements of the
21 Space Force, the Department of Defense, the intel-
22 ligence community, and other national customers)
23 while being assigned as a subordinate to Space Op-
24 erations Command, a Field Command, including—

25 (A) an assessment of the ability of the
26 Center to respond to the broadest space intel-

1 ligence requirements as compared to a service
2 specific need; and

3 (B) a review specifically addressing any
4 perceived mission misalignment, potential miti-
5 gating measures, or other structural organiza-
6 tion concerns.

7 (3) An assessment of—

8 (A) the current resourcing posture, includ-
9 ing any additional personnel required as a re-
10 sult of subordination to a Field Command; and

11 (B) the resourcing posture if the Center
12 were aligned to the Director of Intelligence,
13 Surveillance, and Reconnaissance of the Space
14 Force as described in paragraph (1).

15 (4) Lessons learned since unit activation, in-
16 cluding with respect to—

17 (A) organizational efficiencies and ineffi-
18 ciencies;

19 (B) financial implications;

20 (C) organizational redundancy;

21 (D) parity mismatch and synergies with
22 other service intelligence centers; and

23 (E) lessons learned through comparisons to
24 other service intelligence centers organized as a
25 field operating agency and aligned under the

1 senior intelligence officer of the respective
2 Armed Force.

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

6 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
7 In this section, the term “appropriate congressional com-
8 mittees” means the following:

9 (1) The congressional intelligence committees.

10 (2) The congressional defense committees (as
11 defined in section 101(a)(16) of title 10, United
12 States Code).

13 **SEC. 6822. REPORT ON IMPLEMENTATION OF EXECUTIVE**
14 **ORDER 13556, REGARDING CONTROLLED UN-**
15 **CLASSIFIED INFORMATION.**

16 (a) DEFINITION OF APPROPRIATE COMMITTEES OF
17 CONGRESS.—In this section, the term “appropriate com-
18 mittees of Congress” means—

19 (1) the congressional intelligence committees;

20 (2) the Committee on Armed Services and the
21 Subcommittee on Defense of the Committee on Ap-
22 propriations of the Senate; and

23 (3) the Committee on Armed Services and the
24 Subcommittee on Defense of the Committee on Ap-
25 propriations of the House of Representatives.

1 (b) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Director of National In-
3 telligence and the Under Secretary of Defense for Intel-
4 ligence and Security, in coordination with the heads of
5 other elements of the intelligence community, shall submit
6 to the appropriate committees of Congress a report on the
7 implementation by the intelligence community of Execu-
8 tive Order 13556 (44 U.S.C. 3501 note; relating to con-
9 trolled unclassified information).

10 (c) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the National Security Council should accelerate
12 the process of revising or replacing Executive Order
13 13556.

14 **SEC. 6823. NATIONAL MUSEUM OF INTELLIGENCE AND SPE-**
15 **CIAL OPERATIONS.**

16 (a) RECOGNITION.—The privately-funded museum to
17 honor the intelligence community and special operations
18 forces that is planned to be constructed in Ashburn, Vir-
19 ginia, may be recognized, upon completion, as the “Na-
20 tional Museum of Intelligence and Special Operations”.

21 (b) PURPOSES.—The purpose of recognizing the Na-
22 tional Museum of Intelligence and Special Operations
23 under subsection (a) are to—

24 (1) commemorate the members of the intel-
25 ligence community and special operations forces who

1 have been critical to securing the Nation against en-
2emies of the United States for nearly a century;

3 (2) preserve and support the historic role that
4 the intelligence community and special operations
5 forces have played, and continue to play, both in se-
6crecy as well as openly, to keep the United States
7 and its values and way of life secure; and

8 (3) foster a greater understanding of the intel-
9ligence community and special operations forces to
10 ensure a common understanding, dispel myths, rec-
11ognize those who are not otherwise able to be pub-
12licly recognized, and increase science, technology, en-
13gineering, and math education through museum pro-
14grams designed to promote more interest and great-
15er diversity in recruiting with respect to the intel-
16ligence and special operations career field.

17 **SEC. 6824. TECHNICAL CORRECTIONS.**

18 (a) NATIONAL SECURITY ACT OF 1947.—The Na-
19 tional Security Act of 1947 (50 U.S.C. 3001 et seq.), as
20 amended by this Act, is further amended as follows:

21 (1) In section 105(a)(1) (50 U.S.C.
22 3038(a)(1)), by striking “chairman” and inserting
23 “Chairman”.

24 (2) In section 113B(b) (50 U.S.C. 3049a(b))—

1 (A) in paragraph (1)(A), by striking
2 “Under Secretary of Defense for Intelligence”
3 and inserting “Under Secretary of Defense for
4 Intelligence and Security”; and

5 (B) in paragraph (4), by striking “section
6 226 of the Homeland Security Act of 2002 (6
7 U.S.C. 147)” and inserting “section 2208 of
8 the Homeland Security Act of 2002 (6 U.S.C.
9 658)”.

10 (3) In section 118(a) (50 U.S.C. 3055(a)), by
11 striking “a annual” and inserting “an annual”.

12 (4) In section 301(j) (50 U.S.C. 3071(j)), by
13 striking “and includes” and inserting “and includ-
14 ing”.

15 (5) In section 506G(c) (50 U.S.C. 3103(c)), by
16 striking “pursuant section” and inserting “pursuant
17 to section”.

18 (6) In section 507(a)(1) (50 U.S.C.
19 3106(a)(1)), by striking “Generals” and inserting
20 “General”.

21 (7) In section 1024(g)(7)(A) (50 U.S.C.
22 3224(g)(7)(A)), by striking “places” and inserting
23 “place”.

1 (8) In section 1104(b)(1)(B) (50 U.S.C.
2 3234(b)(1)(B)), by striking the period at the end
3 and inserting a semicolon.

4 (b) DAMON PAUL NELSON AND MATTHEW YOUNG
5 POLLARD INTELLIGENCE AUTHORIZATION ACT FOR FIS-
6 CAL YEARS 2018, 2019, AND 2020.—The Damon Paul
7 Nelson and Matthew Young Pollard Intelligence Author-
8 ization Act for Fiscal Years 2018, 2019, and 2020 (divi-
9 sion E of Public Law 116–92) is amended—

10 (1) in section 5704(b)(1) (50 U.S.C.
11 3334b(b)(1)), by striking “, and subject to para-
12 graph (3)”;

13 (2) in section 6316 (50 U.S.C. 3334b note), by
14 striking “congressional committees” and inserting
15 “congressional intelligence committees”; and

16 (3) in section 6604 (50 U.S.C. 3352c), by strik-
17 ing “subsections (b) and (c)” both places it appears
18 and inserting “subsections (a) and (b)”.

19 (c) INTELLIGENCE AUTHORIZATION ACT FOR FISCAL
20 YEAR 2012.—Section 309(a)(5) of the Intelligence Au-
21 thorization Act for Fiscal Year 2012 (50 U.S.C. 3334e)
22 is amended by striking “section 3542(b)” and inserting
23 “section 3552”.

1 (d) PUBLIC INTEREST DECLASSIFICATION ACT OF
2 2000.—The Public Interest Declassification Act of 2000
3 (50 U.S.C. 3355 et seq.) is amended—

4 (1) in section 703(a)(2) (50 U.S.C.
5 3355a(a)(2)), by striking “Executive Order 12958”
6 and inserting “Executive Order 13526”;

7 (2) in section 704(e)(3) (50 U.S.C.
8 3355b(e)(3)), by striking the comma before “shall”;

9 (3) in section 705(c) (50 U.S.C. 3355c(e)), by
10 striking “section 103(e)(6) of the National Security
11 Act of 1947 (50 U.S.C. 403–3(c)(6))” and inserting
12 “section 102A(i) of the National Security Act of
13 1947 (50 U.S.C. 3024(i))”; and

14 (4) in section 706 (50 U.S.C. 3355d), by strik-
15 ing “Executive Order No. 12958” both places it ap-
16 pears and inserting “Executive Order 13526”.

17 **DIVISION G—HOMELAND**

18 **SECURITY**

19 **TITLE LXXI—HOMELAND**

20 **SECURITY MATTERS**

Subtitle A—Strengthening Security in Our Communities

Sec. 7101. Enhancements to funding and administration of Nonprofit Security
Grant Program of the Department of Homeland Security.

Sec. 7102. Preservation of homeland security capabilities.

Sec. 7103. School and daycare protection.

Sec. 7104. Cybersecurity grants for schools.

Sec. 7105. Transnational Criminal Investigative Unit Stipend.

Sec. 7106. Chemical Security Analysis Center.

Subtitle B—Strengthening DHS Management, Policymaking, and Operations

- Sec. 7111. Joint Task Forces of the Department of Homeland Security.
- Sec. 7112. Homeland Procurement Reform Act.
- Sec. 7113. Daily public report of covered contract awards.
- Sec. 7114. Preference for United States industry.
- Sec. 7115. Department of Homeland Security mentor-protégé program.
- Sec. 7116. DHS economic security council.

Subtitle C—Enhancing Cybersecurity Training and Operations

- Sec. 7121. President’s Cup Cybersecurity Competition.
- Sec. 7122. Industrial control systems cybersecurity training.
- Sec. 7123. National Computer Forensics Institute reauthorization.
- Sec. 7124. Report on cybersecurity roles and responsibilities of the Department of Homeland Security.

Subtitle D—Enhancing Transportation and Border Security Operations

- Sec. 7131. TSA reaching across nationalities, societies, and languages to advance traveler education.
- Sec. 7132. One-stop pilot program.
- Sec. 7133. Report on efforts of the Department of Homeland Security to deter vehicular terrorist attacks (Darren Drake).
- Sec. 7134. DHS illicit cross-border tunnel defense.
- Sec. 7135. Providing training for U.S. Customs and Border Protection personnel on the use of containment devices to prevent secondary exposure to fentanyl and other potentially lethal substances.
- Sec. 7136. Reports, evaluations, and research regarding drug interdiction at and between ports of entry.

Subtitle E—Technical Corrections, Conforming Changes, and Improvements

- Sec. 7141. Quadrennial homeland security review technical corrections.
- Sec. 7142. Technical, conforming, and clerical amendments.
- Sec. 7143. CISA technical corrections and improvements.

1 **Subtitle A—Strengthening Security** 2 **in Our Communities**

3 **SEC. 7101. ENHANCEMENTS TO FUNDING AND ADMINISTRA-** 4 **TION OF NONPROFIT SECURITY GRANT PRO-** 5 **GRAM OF THE DEPARTMENT OF HOMELAND** 6 **SECURITY.**

7 (a) IN GENERAL.—Section 2009 of the Homeland
8 Security Act of 2002 (6 U.S.C. 609a) is amended—

9 (1) in subsection (a), by inserting “or other
10 threats” before the period at the end;

1 (2) in subsection (b)—

2 (A) in the matter preceding paragraph (1),
3 by striking “(a)”; and

4 (B) by amending paragraph (2) to read as
5 follows:

6 “(2) determined by the Secretary to be at risk
7 of terrorist attacks or other threats.”;

8 (3) in subsection (c)—

9 (A) by redesignating paragraphs (1), (2),
10 and (3) as subparagraphs (A), (B), and (E), re-
11 spectively, and moving such subparagraphs, as
12 so redesignated, two ems to the right;

13 (B) in the matter preceding subparagraph
14 (A), as so redesignated, by striking “The recipi-
15 ent” and inserting the following:

16 “(1) IN GENERAL.—The recipient”;

17 (C) in subparagraph (A), as so redesi-
18 gnated, by striking “equipment and inspection
19 and screening systems” and inserting “equip-
20 ment, inspection and screening systems, and al-
21 teration or remodeling of existing buildings or
22 physical facilities”;

23 (D) by inserting after subparagraph (B),
24 as so redesignated, the following new subpara-
25 graphs:

1 “(C) Facility security personnel costs.

2 “(D) Expenses directly related to the ad-
3 ministration of the grant, except that those ex-
4 penses may not exceed 5 percent of the amount
5 of the grant.”; and

6 (E) by adding at the end the following new
7 paragraphs:

8 “(2) RETENTION.—Each State through which a
9 recipient receives a grant under this section may re-
10 tain not more than 5 percent of each grant for ex-
11 penses directly related to the administration of the
12 grant.

13 “(3) OUTREACH AND TECHNICAL ASSIST-
14 ANCE.—

15 “(A) IN GENERAL.—If the Administrator
16 establishes target allocations in determining
17 award amounts under the Program, a State
18 may request a project to use a portion of the
19 target allocation for outreach and technical as-
20 sistance if the State does not receive enough eli-
21 gible applications from nonprofit organizations
22 located outside high-risk urban areas.

23 “(B) PRIORITY.—Any outreach or tech-
24 nical assistance described in subparagraph (A)
25 should prioritize underserved communities and

1 nonprofit organizations that are traditionally
2 underrepresented in the Program.

3 “(C) PARAMETERS.—In determining grant
4 guidelines under subsection (g), the Adminis-
5 trator may determine the parameters for out-
6 reach and technical assistance.”;

7 (4) in subsection (e)—

8 (A) by striking “2020 through 2024” and
9 inserting “2022 through 2028”;

10 (B) by striking “on the expenditure” and
11 inserting “on the following:

12 “(1) The expenditure”; and

13 (C) by adding at the end the following new
14 paragraphs:

15 “(2) The number of applications submitted by
16 eligible nonprofit organizations to each State.

17 “(3) The number of applications submitted by
18 each State to the Administrator.

19 “(4) The operations of the program office of
20 the Program, including staffing resources and ef-
21 forts with respect to subparagraphs (A) through (D)
22 of subsection (c)(1).”; and

23 (5) by striking subsection (f) and inserting the
24 following new subsections:

1 “(f) ADMINISTRATION.—Not later than 120 days
2 after the date of enactment of this subsection, the Admin-
3 istrator shall ensure that within the Federal Emergency
4 Management Agency a program office for the Program (in
5 this subsection referred to as the ‘program office’) shall—

6 “(1) be headed by a senior official of the Agen-
7 cy; and

8 “(2) administer the Program (including, where
9 appropriate, in coordination with States), including
10 relating to—

11 “(A) outreach, engagement, education, and
12 technical assistance and support to eligible non-
13 profit organizations described in subsection (b),
14 with particular attention to those organizations
15 in underserved communities, before, during,
16 and after the awarding of grants, including
17 web-based training videos for eligible nonprofit
18 organizations that provide guidance on pre-
19 paring an application and the environmental
20 planning and historic preservation process;

21 “(B) the establishment of mechanisms to
22 ensure program office processes are conducted
23 in accordance with constitutional, statutory,
24 and regulatory requirements that protect civil

1 rights and civil liberties and advance equal ac-
2 cess for members of underserved communities;

3 “(C) the establishment of mechanisms for
4 the Administrator to provide feedback to eligi-
5 ble nonprofit organizations that do not receive
6 grants;

7 “(D) the establishment of mechanisms to
8 identify and collect data to measure the effec-
9 tiveness of grants under the Program;

10 “(E) the establishment and enforcement of
11 standardized baseline operational requirements
12 for States, including requirements for States to
13 eliminate or prevent any administrative or oper-
14 ational obstacles that may impact eligible non-
15 profit organizations described in subsection (b)
16 from receiving grants under the Program;

17 “(F) carrying out efforts to prevent waste,
18 fraud, and abuse, including through audits of
19 grantees; and

20 “(G) promoting diversity in the types and
21 locations of eligible nonprofit organizations that
22 are applying for grants under the Program.

23 “(g) GRANT GUIDELINES.—For each fiscal year, be-
24 fore awarding grants under this section, the Adminis-
25 trator—

1 “(1) shall publish guidelines, including a notice
2 of funding opportunity or similar announcement, as
3 the Administrator determines appropriate; and

4 “(2) may prohibit States from closing applica-
5 tion processes before the publication of those guide-
6 lines.

7 “(h) PAPERWORK REDUCTION ACT.—Chapter 35 of
8 title 44, United States Code (commonly known as the ‘Pa-
9 perwork Reduction Act’), shall not apply to any changes
10 to the application materials, Program forms, or other core
11 Program documentation intended to enhance participation
12 by eligible nonprofit organizations in the Program.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—There is authorized to be
15 appropriated \$360,000,000 for each of fiscal years
16 2023 through 2028 for grants under this section, of
17 which—

18 “(A) \$180,000,000 each such fiscal year
19 shall be for recipients in high-risk urban areas
20 that receive funding under section 2003; and

21 “(B) \$180,000,000 each such fiscal year
22 shall be for recipients in jurisdictions that do
23 not so receive such funding.

24 “(2) OPERATIONS AND SUPPORT.—There is au-
25 thorized to be appropriated \$18,000,000 for each of

1 fiscal years 2023 through 2028 for Operations and
2 Support at the Federal Emergency Management
3 Agency for costs incurred for the management and
4 administration (including evaluation) of this sec-
5 tion.”.

6 (b) REPORT.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of the enactment of this Act, the Ad-
9 ministrator shall seek to enter into a contract or
10 other agreement with an independent research orga-
11 nization pursuant to which the organization will con-
12 duct a study that analyzes and reports on the fol-
13 lowing:

14 (A) The effectiveness of the Nonprofit Se-
15 curity Grant Program established under section
16 2009(a) of the Homeland Security Act 2002 (6
17 U.S.C. 609a(a)), as amended by subsection (a),
18 for preparedness against terrorist attacks or
19 other threats.

20 (B) The risk-based formula and allocations
21 under such Program.

22 (C) The risk profile of and any identifiable
23 factors leading to the low participation of tradi-
24 tionally underrepresented groups and States
25 under such Program.

1 (2) SUBMISSION.—The report required under
2 paragraph (1) shall be submitted to the Committee
3 on Homeland Security and Governmental Affairs of
4 the Senate, the Committee on Homeland Security of
5 the House of Representatives, and the Committees
6 on Appropriations of the Senate and the House of
7 Representatives.

8 (3) FUNDING.—The Administrator may use
9 funding authorized under subsection (j) of section
10 2009 of the Homeland Security Act of 2002 (6
11 U.S.C. 609a)), as amended by subsection (a), to
12 carry out this subsection.

13 (c) TECHNICAL AND CONFORMING AMENDMENTS.—
14 Section 2008 of the Homeland Security Act of 2002 (6
15 U.S.C. 609) is amended—

16 (1) in subsection (c) by striking “sections 2003
17 and 2004” and inserting “sections 2003, 2004, and
18 2009”; and

19 (2) in subsection (e), by striking “section 2003
20 or 2004” and inserting “section 2003, 2004, or
21 2009”.

22 **SEC. 7102. PRESERVATION OF HOMELAND SECURITY CAPA-**
23 **BILITIES.**

24 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Homeland Secu-
7 rity and Governmental Affairs of the Senate and the
8 Committee on Homeland Security of the House of
9 Representatives.

10 (3) COVERED HOMELAND SECURITY CAPA-
11 BILITY.—The term “covered homeland security ca-
12 pability” means a homeland security capability re-
13 lated to preventing, preparing for, protecting
14 against, or responding to acts of terrorism that—

15 (A) was developed or otherwise supported
16 through grant funding under the UASI before
17 the current fiscal year; and

18 (B) is at risk of being reduced or elimi-
19 nated without additional Federal financial as-
20 sistance.

21 (4) COVERED URBAN AREA.—The term “cov-
22 ered urban area” means an urban area that—

23 (A) during the current fiscal year did not
24 receive grant funding under the UASI; and

1 (B) requires continued Federal assistance
2 for the purpose of preserving a covered home-
3 land security capability.

4 (5) SECRETARY.—The term “Secretary” means
5 the Secretary of Homeland Security.

6 (6) UASI.—The term “UASI” means the
7 Urban Area Security Initiative under section 2003
8 of the Homeland Security Act of 2002 (6 U.S.C.
9 604).

10 (b) REPORT AND PROPOSAL.—

11 (1) SUBMISSION TO CONGRESS.—Not later than
12 18 months after the date of the enactment of this
13 Act, the Secretary, acting through the Adminis-
14 trator, shall submit to the appropriate congressional
15 committees a report regarding covered homeland se-
16 curity capabilities, including a proposal relating to
17 providing Federal assistance to covered urban areas
18 to preserve such capabilities that is informed by the
19 survey information collected pursuant to subsection

20 (c)—

21 (A) under which the Administrator would
22 make Federal financial assistance available for
23 at least three consecutive fiscal years to covered
24 urban areas; and

1 (B) that would allow covered urban areas
2 to transition to other sources funding for such
3 covered homeland security capabilities.

4 (2) REQUIREMENTS RELATING TO UASI
5 FUNDS.—The proposal required under paragraph (1)
6 shall contain the following:

7 (A) A prohibition on a covered urban area
8 that receives Federal financial assistance de-
9 scribed in paragraph (1)(A) during a fiscal year
10 from also receiving funds under the UASI dur-
11 ing such fiscal year.

12 (B) A requirement for a covered urban
13 area to submit to the Administrator notice of
14 whether such covered urban area would elect to
15 receive—

16 (i) Federal financial assistance under
17 paragraph (1)(A); or

18 (ii) funding under the UASI.

19 (3) ANALYSIS.—The report required under
20 paragraph (1) shall include the following:

21 (A) An analysis of whether providing addi-
22 tional Federal financial assistance, as described
23 in paragraph (1)(A), would allow covered urban
24 areas to preserve covered homeland security ca-
25 pabilities on a long-term basis.

1 (B) An analysis of whether legislative
2 changes to the UASI are necessary to ensure
3 urban areas receiving funds under the UASI
4 are able to preserve covered homeland security
5 capabilities on a long-term basis.

6 (4) OTHER CONTENTS OF PROPOSAL.—The
7 proposal required under paragraph (1) shall—

8 (A) set forth eligibility criteria for covered
9 urban areas to receive Federal assistance de-
10 scribed in paragraph (1)(A);

11 (B) identify annual funding levels that
12 would be required to provide such Federal as-
13 sistance, in accordance with the survey required
14 under subsection (c); and

15 (C) consider a range of approaches to
16 make such Federal assistance available to cov-
17 ered urban areas, including—

18 (i) modifications to the UASI in a
19 manner that would not affect the avail-
20 ability of funding to urban areas under the
21 UASI;

22 (ii) the establishment of a competitive
23 grant program;

24 (iii) the establishment of a formula
25 grant program; and

1 (iv) a timeline for the implementation
2 of any such approach and, if necessary, a
3 legislative proposal to authorize any such
4 approach.

5 (c) SURVEY.—In developing the proposal required
6 under subsection (b), the Administrator shall, to ascertain
7 the scope of Federal financial assistance required, survey
8 the following:

9 (1) Urban areas that did not receive grant
10 funding under the UASI during the current fiscal
11 year concerning covered homeland security capabili-
12 ties that are at risk of being reduced or eliminated
13 without additional Federal financial assistance.

14 (2) Urban areas that received grant funding
15 under the UASI during the current fiscal year, but
16 did not receive such funding during at least one fis-
17 cal year of the seven fiscal years immediately pre-
18 ceding the current fiscal year.

19 (3) Any other urban areas the Secretary deter-
20 mines appropriate.

21 (d) EXEMPTION.—The Secretary may exempt the Ad-
22 ministrator from the requirements of subchapter I of
23 chapter 35 of title 44, United States Code (commonly re-
24 ferred to as the “Paperwork Reduction Act”), for pur-
25 poses of carrying out subsection (c) if the Secretary deter-

1 mines that complying with such requirements would delay
2 the development of the proposal required under subsection
3 (b).

4 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
5 tion may be construed as directing or authorizing the Ad-
6 ministrator to implement the proposal required under sub-
7 section (b).

8 **SEC. 7103. SCHOOL AND DAYCARE PROTECTION.**

9 (a) **IN GENERAL.**—Not later than 180 days after the
10 date of the enactment of this Act and annually thereafter,
11 the Secretary of Homeland Security shall submit to the
12 Committee on Homeland Security of the House of Rep-
13 resentatives and the Committee on Homeland Security
14 and Governmental Affairs of the Senate a report regard-
15 ing the following:

16 (1) The Department of Homeland Security’s
17 activities, policies, and plans to enhance the security
18 of early childhood education programs, elementary
19 schools, and secondary schools during the preceding
20 year that includes information on the Department’s
21 activities through the Federal School Safety Clear-
22 inghouse.

23 (2) Information on all structures or efforts
24 within the Department intended to bolster coordina-
25 tion among departmental components and offices in-

1 involved in carrying out paragraph (1) and, with re-
2 spect to each structure or effort, specificity on which
3 components and offices are involved and which com-
4 ponent or office leads such structure or effort.

5 (3) A detailed description of the measures used
6 to ensure privacy rights, civil rights, and civil lib-
7 erties protections in carrying out these activities.

8 (b) BRIEFING.—Not later than 30 days after the sub-
9 mission of each report required under subsection (a), the
10 Secretary of Homeland Security shall provide to the Com-
11 mittee on Homeland Security and Governmental Affairs
12 of the Senate and the Committee on Homeland Security
13 of the House of Representatives a briefing regarding such
14 report and the status of efforts to carry out plans included
15 in such report for the preceding year.

16 (c) DEFINITIONS.—In this section, the terms “early
17 childhood education program”, “elementary school”, and
18 “secondary school” have the meanings given such terms
19 in section 8101 of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 7801).

21 **SEC. 7104. CYBERSECURITY GRANTS FOR SCHOOLS.**

22 (a) IN GENERAL.—Section 2220 of the Homeland
23 Security Act of 2002 (6 U.S.C. 665f) is amended by add-
24 ing at the end the following new subsection:

1 “(e) GRANTS AND COOPERATIVE AGREEMENTS.—
2 The Director may award financial assistance in the form
3 of grants or cooperative agreements to States, local gov-
4 ernments, institutions of higher education (as such term
5 is defined in section 101 of the Higher Education Act of
6 1965 (20 U.S.C. 1001)), nonprofit organizations, and
7 other non-Federal entities as determined appropriate by
8 the Director for the purpose of funding cybersecurity and
9 infrastructure security education and training programs
10 and initiatives to—

11 “(1) carry out the purposes of CETAP; and

12 “(2) enhance CETAP to address the national
13 shortfall of cybersecurity professionals.”.

14 (b) BRIEFINGS.—Paragraph (2) of subsection (c) of
15 section 2220 of the Homeland Security Act of 2002 (6
16 U.S.C. 665f) is amended—

17 (1) by redesignating subparagraphs (C) and
18 (D) as subparagraphs (D) and (E) respectively; and

19 (2) by inserting after subparagraph (B) the fol-
20 lowing new subparagraph:

21 “(C) information on any grants or coopera-
22 tive agreements made pursuant to subsection
23 (e), including how any such grants or coopera-
24 tive agreements are being used to enhance cy-

1 bersecurity education for underserved popu-
2 lations or communities;”.

3 **SEC. 7105. TRANSNATIONAL CRIMINAL INVESTIGATIVE**
4 **UNIT STIPEND.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Transnational Criminal Investigative Unit Stipend Act”.

7 (b) **STIPENDS FOR TRANSNATIONAL CRIMINAL IN-**
8 **VESTIGATIVE UNITS.**—

9 (1) **IN GENERAL.**—Subtitle H of title VIII of
10 the Homeland Security Act of 2002 (6 U.S.C. 451
11 et seq.) is amended by adding at the end the fol-
12 lowing:

13 **“SEC. 890C. TRANSNATIONAL CRIMINAL INVESTIGATIVE**
14 **UNITS.**

15 “(a) **IN GENERAL.**—The Secretary, with the concur-
16 rence of the Secretary of State, shall operate
17 Transnational Criminal Investigative Units within Home-
18 land Security Investigations.

19 “(b) **COMPOSITION.**—Each Transnational Criminal
20 Investigative Unit shall be composed of trained foreign law
21 enforcement officials who shall collaborate with Homeland
22 Security Investigations to investigate and prosecute indi-
23 viduals involved in transnational criminal activity.

24 “(c) **VETTING REQUIREMENT.**—

1 “(1) IN GENERAL.—Before entry into a
2 Transnational Criminal Investigative Unit, and at
3 periodic intervals while serving in such a unit, for-
4 eign law enforcement officials shall be required to
5 pass certain security evaluations, which may include
6 a background check, a polygraph examination, a uri-
7 nalisis test, or other measures that the Secretary
8 determines to be appropriate.

9 “(2) LEAHY VETTING REQUIRED.—No member
10 of a foreign law enforcement unit may join a
11 Transnational Criminal Investigative Unit if the Sec-
12 retary, in coordination with the Secretary of State,
13 has credible information that such foreign law en-
14 forcement unit has committed a gross violation of
15 human rights, consistent with the limitations set
16 forth in section 620M of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2378d).

18 “(3) APPROVAL AND CONCURRENCE.—The es-
19 tablishment and continued support of the
20 Transnational Criminal Investigative Units who are
21 assigned under paragraph (1)—

22 “(A) shall be performed with the approval
23 of the chief of mission to the foreign country to
24 which the personnel are assigned;

1 “(B) shall be consistent with the duties
2 and powers of the Secretary of State and the
3 chief of mission for a foreign country under sec-
4 tion 103 of the Omnibus Diplomatic Security
5 and Antiterrorism Act of 1986 (22 U.S.C.
6 4802) and section 207 of the Foreign Service
7 Act of 1980 (22 U.S.C. 3927), respectively; and

8 “(C) shall not be established without the
9 concurrence of the Assistant Secretary of State
10 for International Narcotics and Law Enforce-
11 ment Affairs.

12 “(4) REPORT.—The Executive Associate Direc-
13 tor of Homeland Security Investigations shall submit
14 a report to the Committee on Foreign Relations of
15 the Senate, the Committee on Homeland Security
16 and Governmental Affairs of the Senate, the Com-
17 mittee on the Judiciary of the Senate, the Com-
18 mittee on Foreign Affairs of the House of Rep-
19 resentatives, the Committee on Homeland Security
20 of the House of Representatives, and the Committee
21 on the Judiciary of the House of Representatives
22 that describes—

23 “(A) the procedures used for vetting
24 Transnational Criminal Investigative Unit

1 members to include compliance with the vetting
2 required under this subsection; and

3 “(B) any additional measures that should
4 be implemented to prevent personnel in vetted
5 units from being compromised by criminal orga-
6 nizations.

7 “(d) MONETARY STIPEND.—The Executive Associate
8 Director of Homeland Security Investigations is author-
9 ized to pay vetted members of a Transnational Criminal
10 Investigative Unit a monetary stipend in an amount asso-
11 ciated with their duties dedicated to unit activities.

12 “(e) ANNUAL BRIEFING.—The Executive Associate
13 Director of Homeland Security Investigations, during the
14 5-year period beginning on the date of the enactment of
15 this section, shall provide an annual unclassified briefing
16 to the congressional committees referred to in subsection
17 (c)(4), which may include a classified session, if necessary,
18 that identifies—

19 “(1) the number of vetted members of
20 Transnational Criminal Investigative Unit in each
21 country;

22 “(2) the amount paid in stipends to such mem-
23 bers, disaggregated by country;

1 “(3) relevant enforcement statistics, such as ar-
2 rests and progress made on joint investigations, in
3 each such country; and

4 “(4) whether any vetted members of the
5 Transnational Criminal Investigative Unit in each
6 country were involved in any unlawful activity, in-
7 cluding human rights abuses or significant acts of
8 corruption.”.

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents for the Homeland Security Act of 2002 (Public
11 Law 107–296) is amended by inserting after the
12 item relating to section 890B the following:

“Sec. 890C. Transnational Criminal Investigative Units.”.

13 **SEC. 7106. CHEMICAL SECURITY ANALYSIS CENTER.**

14 (a) IN GENERAL.—Title III of the Homeland Secu-
15 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
16 adding at the end the following new section:

17 **“SEC. 323. CHEMICAL SECURITY ANALYSIS CENTER.**

18 “(a) IN GENERAL.—The Secretary, acting through
19 the Under Secretary for Science and Technology, shall
20 designate the laboratory described in subsection (b) as an
21 additional laboratory pursuant to the authority under sec-
22 tion 308(c)(2), which shall be used to conduct studies,
23 analyses, and research to assess and address domestic
24 chemical security events.

1 “(b) LABORATORY DESCRIBED.—The laboratory de-
2 scribed in this subsection is the laboratory known, as of
3 the date of enactment of this section, as the Chemical Se-
4 curity Analysis Center.

5 “(c) LABORATORY ACTIVITIES.—Pursuant to the au-
6 thority under section 302(4), the Chemical Security Anal-
7 ysis Center shall—

8 “(1) identify and develop approaches and miti-
9 gation strategies to domestic chemical security
10 threats, including the development of comprehensive,
11 research-based definable goals relating to such ap-
12 proaches and mitigation strategies;

13 “(2) provide an enduring science-based chemical
14 threat and hazard analysis capability;

15 “(3) provide expertise regarding risk and con-
16 sequence modeling, chemical sensing and detection,
17 analytical chemistry, acute chemical toxicology, syn-
18 thetic chemistry and reaction characterization, and
19 nontraditional chemical agents and emerging chem-
20 ical threats;

21 “(4) staff and operate a technical assistance
22 program that provides operational support and sub-
23 ject matter expertise, design and execute laboratory
24 and field tests, and provide a comprehensive knowl-
25 edge repository of chemical threat information that

1 is continuously updated with data from scientific, in-
2 telligence, operational, and private sector sources;

3 “(5) consult, as appropriate, with the Countering Weapons of Mass Destruction Office of the
4 Department to mitigate, prepare, and respond to
5 threats, hazards, and risks associated with domestic
6 chemical security events; and

7
8 “(6) carry out such other activities authorized
9 under this section as the Secretary determines ap-
10 propriate.

11 “(d) SPECIAL RULE.—Nothing in this section
12 amends, alters, or affects—

13 “(1) the responsibilities of the Countering
14 Weapons of Mass Destruction Office of the Depart-
15 ment; or

16 “(2) the activities or requirements authorized to
17 other entities within the Federal Government, in-
18 cluding the activities and requirements of the Envi-
19 ronmental Protection Agency under section 112(r) of
20 the Clean Air Act (42 U.S.C. 7412(r)), the Toxic
21 Substances Control Act (15 U.S.C. 2601 et seq.),
22 and the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980 (commonly
24 referred to as ‘Superfund’; 42 U.S.C. 9601 et
25 seq.).”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—
2 The table of contents in section 1(b) of the Homeland Se-
3 curity Act of 2002 is amended by inserting after the item
4 relating to section 322 the following new item:

“Sec. 323. Chemical Security Analysis Center.”.

5 **Subtitle B—Strengthening DHS**
6 **Management, Policymaking, and**
7 **Operations**

8 **SEC. 7111. JOINT TASK FORCES OF THE DEPARTMENT OF**
9 **HOMELAND SECURITY.**

10 (a) SHORT TITLE.—This section may be cited as the
11 “DHS Joint Task Forces Reauthorization Act of 2022”.

12 (b) DHS JOINT TASK FORCES.—Subsection (b) of
13 section 708 of the Homeland Security Act of 2002 (6
14 U.S.C. 348) is amended—

15 (1) by amending paragraph (8) to read as fol-
16 lows:

17 “(8) JOINT TASK FORCE STAFF.—

18 “(A) IN GENERAL.—Each Joint Task
19 Force shall have a staff, composed of personnel
20 from relevant components and offices of the De-
21 partment, to assist the Director of such Joint
22 Task Force in carrying out the mission and re-
23 sponsibilities of such Joint Task Force.

1 “(B) REPORT.—The Secretary shall in-
2 clude in the report submitted under paragraph
3 (6)(F)—

4 “(i) the number of personnel of each
5 component or office permanently assigned
6 to each Joint Task Force; and

7 “(ii) the number of personnel of each
8 component or office assigned on a tem-
9 porary basis to each Joint Task Force.”;

10 (2) in paragraph (9)—

11 (A) in the heading, by striking “ESTAB-
12 LISHMENT” and inserting “MISSION; ESTAB-
13 LISHMENT”;

14 (B) by amending subparagraph (A) to read
15 as follows:

16 “(A) using leading practices in perform-
17 ance management and lessons learned by other
18 law enforcement task forces and joint oper-
19 ations, establish—

20 “(i) the mission, strategic goals, and
21 objectives of each Joint Task Force;

22 “(ii) the criteria for terminating each
23 Joint Task Force; and

24 “(iii) outcome-based and other appro-
25 priate performance metrics for evaluating

1 the effectiveness of each Joint Task Force
2 with respect to the mission, strategic goals,
3 and objectives established pursuant to
4 clause (i), including—

5 “(I) targets for each Joint Task
6 Force to achieve by not later than one
7 and three years after such establish-
8 ment; and

9 “(II) a description of the meth-
10 odology used to establish such
11 metrics;”;

12 (C) in subparagraph (B)—

13 (iii) by striking “date of the enact-
14 ment of this section” and insert “date of
15 the enactment of the DHS Joint Task
16 Forces Reauthorization Act of 2022”;

17 (iv) by inserting “mission, strategic
18 goals, objectives, and” before “metrics”;
19 and

20 (v) by striking the period at the end
21 and inserting “; and”; and

22 (D) by amending subparagraph (C) to read
23 as follows:

24 “(C) not later than one year after the date
25 of the enactment of the DHS Joint Task

1 Forces Reauthorization Act of 2022 and annu-
2 ally thereafter, submit to the committees speci-
3 fied in subparagraph (B) a report that contains
4 information on the progress in implementing
5 the outcome-based and other appropriate per-
6 formance metrics established pursuant to sub-
7 paragraph (A)(iii).”;

8 (3) in paragraph (11)—

9 (A) in the heading, by inserting “OR TER-
10 MINATION” after “FORMATION”; and

11 (B) by amending subparagraph (A) to read
12 as follows:

13 “(A) IN GENERAL.—Not later than seven
14 days after establishing or terminating a Joint
15 Task Force under this subsection, the Secretary
16 shall submit to the majority leader of the Sen-
17 ate, the minority leader of the Senate, the
18 Speaker of the House of Representatives, the
19 majority leader of the House of Representa-
20 tives, the minority leader of the House of Rep-
21 resentatives, and the Committee on Homeland
22 Security and the Committee on Transportation
23 and Infrastructure of the House of Representa-
24 tives and the Committee on Homeland Security
25 and Governmental Affairs and the Committee

1 on Commerce, Science, and Transportation of
2 the Senate a notification regarding such estab-
3 lishment or termination, as the case may be.
4 The contents of any such notification shall in-
5 clude the following:

6 “(i) The criteria and conditions re-
7 quired to establish or terminate the Joint
8 Task Force at issue.

9 “(ii) The primary mission, strategic
10 goals, objectives, and plan of operations of
11 such Joint Task Force.

12 “(iii) If such notification is a notifica-
13 tion of termination, information on the ef-
14 fectiveness of such Joint Task Force as
15 measured by the outcome-based perform-
16 ance metrics and other appropriate per-
17 formance metrics established pursuant to
18 paragraph (9)(A)(iii).

19 “(iv) The funding and resources re-
20 quired to establish or terminate such Joint
21 Task Force.

22 “(v) The number of personnel of each
23 component or office permanently assigned
24 to such Joint Task Force.

1 “(vi) The number of personnel of each
2 component and office assigned on a tem-
3 porary basis to such Joint Task Force.

4 “(vii) If such notification is a notifica-
5 tion of establishment, the anticipated costs
6 of establishing and operating such Joint
7 Task Force.

8 “(viii) If such notification is a notifi-
9 cation of termination, funding allocated in
10 the immediately preceding fiscal year to
11 such Joint Task Force for—

12 “(I) operations, notwithstanding
13 such termination; and

14 “(II) activities associated with
15 such termination.

16 “(ix) The anticipated establishment or
17 actual termination date of such Joint Task
18 Force, as the case may be.”;

19 (4) in paragraph (12)—

20 (A) in subparagraph (A)—

21 (i) by striking “January 31, 2018,
22 and January 31, 2021, the Inspector Gen-
23 eral of the Department” and inserting
24 “one year after the date of the enactment
25 of the DHS Joint Task Forces Reauthor-

1 ization Act of 2022, the Comptroller Gen-
2 eral of the United States”; and

3 (ii) by inserting “an assessment of the
4 effectiveness of the Secretary’s utilization
5 of the authority provided under this section
6 for the purposes specified in subsection
7 (b)(2) as among the range of options avail-
8 able to the Secretary to conduct joint oper-
9 ations among departmental components
10 and offices and” before “a review of the
11 Joint Task Forces”; and

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),
14 by striking “reviews” and inserting “re-
15 view”; and

16 (ii) by amending clauses (i) and (ii) to
17 read as follows:

18 “(i) an assessment of methodology
19 utilized to determine whether to establish
20 or terminate each Joint Task Force; and

21 “(ii) an assessment of the effective-
22 ness of oversight over each Joint Task
23 Force, with specificity regarding the Sec-
24 retary’s utilization of outcome-based or
25 other appropriate performance metrics (es-

1 tablISHED pursuant to paragraph
2 (9)(A)(iii)) to evaluate the effectiveness of
3 each Joint Task Force in measuring
4 progress with respect to the mission, stra-
5 tegic goals, and objectives (established pur-
6 suant to paragraph (9)(A)(i)) of such
7 Joint Task Force.”; and
8 (5) in paragraph (13), by striking “2022” and
9 inserting “2024”.

10 **SEC. 7112. HOMELAND PROCUREMENT REFORM ACT.**

11 (a) IN GENERAL.—Subtitle D of title VIII of the
12 Homeland Security Act of 2002 (6 U.S.C. 391 et seq.)
13 is amended by adding at the end the following new section:

14 **“SEC. 836. REQUIREMENTS TO BUY CERTAIN ITEMS RE-**
15 **LATED TO NATIONAL SECURITY INTERESTS.**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED ITEM.—The term ‘covered item’
18 means any of the following:

19 “(A) Footwear provided as part of a uni-
20 form.

21 “(B) Uniforms.

22 “(C) Holsters and tactical pouches.

23 “(D) Patches, insignia, and embellish-
24 ments.

1 “(E) Chemical, biological, radiological, and
2 nuclear protective gear.

3 “(F) Body armor components intended to
4 provide ballistic protection for an individual,
5 consisting of 1 or more of the following:

6 “(i) Soft ballistic panels.

7 “(ii) Hard ballistic plates.

8 “(iii) Concealed armor carriers worn
9 under a uniform.

10 “(iv) External armor carriers worn
11 over a uniform.

12 “(G) Any other item of clothing or protec-
13 tive equipment as determined appropriate by
14 the Secretary.

15 “(2) FRONTLINE OPERATIONAL COMPONENT.—
16 The term ‘frontline operational component’ means
17 any of the following entities of the Department:

18 “(A) U.S. Customs and Border Protection.

19 “(B) U.S. Immigration and Customs En-
20 forcement.

21 “(C) The United States Secret Service.

22 “(D) The Transportation Security Admin-
23 istration.

24 “(E) The Federal Protective Service.

1 “(F) The Federal Emergency Management
2 Agency.

3 “(G) The Federal Law Enforcement
4 Training Centers.

5 “(H) The Cybersecurity and Infrastructure
6 Security Agency.

7 “(b) REQUIREMENTS.—

8 “(1) IN GENERAL.—The Secretary shall ensure
9 that any procurement of a covered item for a front-
10 line operational component meets the following cri-
11 teria:

12 “(A)(i) To the maximum extent possible,
13 not less than one-third of funds obligated in a
14 specific fiscal year for the procurement of such
15 covered items shall be covered items that are
16 manufactured or supplied in the United States
17 by entities that qualify as small business con-
18 cerns, as such term is described under section
19 3 of the Small Business Act (15 U.S.C. 632).

20 “(ii) Covered items may only be supplied
21 pursuant to subparagraph (A) to the extent
22 that United States entities that qualify as small
23 business concerns—

24 “(I) are unable to manufacture cov-
25 ered items in the United States; and

1 “(II) meet the criteria identified in
2 subparagraph (B).

3 “(B) Each contractor with respect to the
4 procurement of such a covered item, including
5 the end-item manufacturer of such a covered
6 item—

7 “(i) is an entity registered with the
8 System for Award Management (or suc-
9 cessor system) administered by the General
10 Services Administration; and

11 “(ii) is in compliance with ISO
12 9001:2015 of the International Organiza-
13 tion for Standardization (or successor
14 standard) or a standard determined appro-
15 priate by the Secretary to ensure the qual-
16 ity of products and adherence to applicable
17 statutory and regulatory requirements.

18 “(C) Each supplier of such a covered item
19 with an insignia (such as any patch, badge, or
20 emblem) and each supplier of such an insignia,
21 if such covered item with such insignia or such
22 insignia, as the case may be, is not produced,
23 applied, or assembled in the United States,
24 shall—

1 “(i) store such covered item with such
2 insignia or such insignia in a locked area;

3 “(ii) report any pilferage or theft of
4 such covered item with such insignia or
5 such insignia occurring at any stage before
6 delivery of such covered item with such in-
7 signia or such insignia; and

8 “(iii) destroy any such defective or
9 unusable covered item with insignia or in-
10 signia in a manner established by the Sec-
11 retary, and maintain records, for three
12 years after the creation of such records, of
13 such destruction that include the date of
14 such destruction, a description of the cov-
15 ered item with insignia or insignia de-
16 stroyed, the quantity of the covered item
17 with insignia or insignia destroyed, and the
18 method of destruction.

19 “(2) WAIVER.—

20 “(A) IN GENERAL.—In the case of a na-
21 tional emergency declared by the President
22 under the National Emergencies Act (50 U.S.C.
23 1601 et seq.) or a major disaster declared by
24 the President under section 401 of the Robert
25 T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5170), the Secretary
2 may waive a requirement in subparagraph (A),
3 (B) or (C) of paragraph (1) if the Secretary de-
4 termines there is an insufficient supply of a
5 covered item that meets such requirement.

6 “(B) NOTICE.—Not later than 60 days
7 after the date on which the Secretary deter-
8 mines a waiver under subparagraph (A) is nec-
9 essary, the Secretary shall provide to the Com-
10 mittee on Homeland Security and Govern-
11 mental Affairs and the Committee on Appro-
12 priations of the Senate and the Committee on
13 Homeland Security, the Committee on Over-
14 sight and Reform, and the Committee on Ap-
15 propriations of the House of Representatives
16 notice of such determination, which shall in-
17 clude the following:

18 “(i) Identification of the national
19 emergency or major disaster declared by
20 the President.

21 “(ii) Identification of the covered item
22 for which the Secretary intends to issue
23 the waiver.

24 “(iii) A description of the demand for
25 the covered item and corresponding lack of

1 supply from contractors able to meet the
2 criteria described in subparagraph (B) or
3 (C) of paragraph (1).

4 “(c) PRICING.—The Secretary shall ensure that cov-
5 ered items are purchased at a fair and reasonable price,
6 consistent with the procedures and guidelines specified in
7 the Federal Acquisition Regulation.

8 “(d) REPORT.—Not later than one year after the
9 date of the enactment of this section and annually there-
10 after, the Secretary shall provide to the Committee on
11 Homeland Security, the Committee on Oversight and Re-
12 form, the Committee on Small Business, and the Com-
13 mittee on Appropriations of the House of Representatives,
14 and the Committee on Homeland Security and Govern-
15 mental Affairs, the Committee on Small Business and En-
16 trepreneurship, and the Committee on Appropriations of
17 the Senate a briefing on instances in which vendors have
18 failed to meet deadlines for delivery of covered items and
19 corrective actions taken by the Department in response
20 to such instances.

21 “(e) EFFECTIVE DATE.—This section applies with
22 respect to a contract entered into by the Department or
23 any frontline operational component on or after the date
24 that is 180 days after the date of the enactment of this
25 section.”.

1 (b) STUDY.—

2 (1) IN GENERAL.—Not later than 18 months
3 after the date of the enactment of this Act, the Sec-
4 retary of Homeland Security shall submit to the
5 Committee on Homeland Security and Governmental
6 Affairs of the Senate and the Committee on Home-
7 land Security of the House of Representatives a
8 study of the adequacy of uniform allowances pro-
9 vided to employees of frontline operational compo-
10 nents (as such term is defined in section 836 of the
11 Homeland Security Act of 2002, as added by sub-
12 section (a)).

13 (2) REQUIREMENTS.—The study conducted
14 under paragraph (1) shall—

15 (A) be informed by a Department-wide
16 survey of employees from across the Depart-
17 ment of Homeland Security who receive uni-
18 form allowances that seeks to ascertain what, if
19 any, improvements could be made to the cur-
20 rent uniform allowances and what, if any, im-
21 pacts current allowances have had on employee
22 morale and retention;

23 (B) assess the adequacy of the most recent
24 increase made to the uniform allowance for first
25 year employees; and

1 (C) consider increasing by 50 percent, at
2 minimum, the annual allowance for all other
3 employees.

4 (c) ADDITIONAL REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary of Homeland Security shall provide a report
8 with recommendations on how the Department of
9 Homeland Security could procure additional items
10 from domestic sources and bolster the domestic sup-
11 ply chain for items related to national security to—

12 (A) the Committee on Homeland Security
13 and Governmental Affairs, the Committee on
14 Small Business and Entrepreneurship, and the
15 Committee on Appropriations of the Senate;
16 and

17 (B) the Committee on Homeland Security,
18 the Committee on Oversight and Reform, the
19 Committee on Small Business, and the Com-
20 mittee on Appropriations of the House of Rep-
21 resentatives.

22 (2) CONTENTS.—The report required under
23 paragraph (1) shall include the following:

24 (A) A review of the compliance of the De-
25 partment of Homeland Security with the re-

1 quirements under section 604 of title VI of divi-
2 sion A of the American Recovery and Reinvest-
3 ment Act of 2009 (6 U.S.C. 453b) to buy cer-
4 tain items related to national security interests
5 from sources in the United States.

6 (B) An assessment of the capacity of the
7 Department of Homeland Security to procure
8 the following items from domestic sources:

9 (i) Personal protective equipment and
10 other items necessary to respond to a pan-
11 demic such as that caused by COVID–19.

12 (ii) Helmets that provide ballistic pro-
13 tection and other head protection and com-
14 ponents.

15 (iii) Rain gear, cold weather gear, and
16 other environmental and flame resistant
17 clothing.

18 (d) CLERICAL AMENDMENT.—The table of contents
19 in section 1(b) of the Homeland Security Act of 2002
20 (Public Law 107–296; 116 Stat. 2135) is amended by in-
21 serting after the item relating to section 835 the following:

 “Sec. 836. Requirements to buy certain items related to national security inter-
 ests.”.

1 **SEC. 7113. DAILY PUBLIC REPORT OF COVERED CONTRACT**

2 **AWARDS.**

3 (a) DAILY CONTRACT REPORTING REQUIRE-
4 MENTS.—

5 (1) REPORT.—

6 (A) IN GENERAL.—The Secretary shall
7 post, maintain, and update in accordance with
8 paragraph (2), on a publicly available website of
9 the Department, a daily report of all covered
10 contract awards.

11 (B) CONTENTS.—Each report under this
12 paragraph shall include, for each covered con-
13 tract award, information relating to the fol-
14 lowing:

15 (i) The contract number, modification
16 number, or delivery order number.

17 (ii) The contract type.

18 (iii) The amount obligated for the
19 award.

20 (iv) The total contract value for the
21 award, including all options.

22 (v) The description of the purpose for
23 the award.

24 (vi) The number of proposals or bids
25 received.

1 (vii) The name and address of the
2 vendor, and whether the vendor is a small
3 business.

4 (viii) The period and primary place of
5 performance for the award.

6 (ix) Whether the award is multiyear.

7 (x) The contracting office.

8 (2) UPDATE.—The Secretary shall make up-
9 dates referred to in paragraph (1) not later than five
10 business days after the date on which a covered con-
11 tract is authorized or modified.

12 (3) EFFECTIVE DATE.—Paragraph (1) shall
13 take effect on the date that is 180 days after the
14 date of the enactment of this Act.

15 (b) UNDEFINITIZED CONTRACT ACTION OR DEFINI-
16 TIZED AMOUNT.—If a covered contract award reported
17 under subsection (a) includes an undefinitized contract ac-
18 tion, the Secretary shall—

19 (1) report the estimated total contract value for
20 the award and the amount obligated upon award;
21 and

22 (2) once there is a definitized amount for the
23 award, update the total contract value and amount
24 obligated.

1 (c) EXEMPTION.—Each report required under sub-
2 section (a) shall not include covered contract awards for
3 which synopsis was exempted under section 5.202(a)(1)
4 of the Federal Acquisition Regulation, or any successor
5 thereto.

6 (d) DEFINITIONS.—In this section:

7 (1) COVERED CONTRACT AWARD.—The term
8 “covered contract award”—

9 (A) means a contract action of the Depart-
10 ment with a total contract value of not less
11 than \$4,000,000, including unexercised options;
12 and

13 (B) includes—

14 (i) contract awards governed by the
15 Federal Acquisition Regulation;

16 (ii) modifications to a contract award
17 that increase the total value, expand the
18 scope of work, or extend the period of per-
19 formance;

20 (iii) orders placed on a multiple-award
21 or multiple-agency contract that includes
22 delivery or quantity terms that are indefi-
23 nite;

24 (iv) other transaction authority agree-
25 ments; and

1 (v) contract awards made with other
2 than full and open competition.

3 (2) DEFINITIZED AMOUNT.—The term “defini-
4 tized amount” means the final amount of a covered
5 contract award after agreement between the Depart-
6 ment and the contractor at issue.

7 (3) DEPARTMENT.—The term “Department”
8 means the Department of Homeland Security.

9 (4) SECRETARY.—The term “Secretary” means
10 the Secretary of Homeland Security.

11 (5) SMALL BUSINESS.—The term “small busi-
12 ness” means an entity that qualifies as a small busi-
13 ness concern, as defined under section 3 of the
14 Small Business Act (15 U.S.C. 632).

15 (6) TOTAL CONTRACT VALUE.—The term “total
16 contract value” means the total amount of funds ex-
17 pected to be provided to the contractor at issue
18 under the terms of the contract through the full pe-
19 riod of performance.

20 (7) UNDEFINITIZED CONTRACT ACTION.—The
21 term “undefinitized contract action” means any con-
22 tract action for which the contract terms, specifica-
23 tions, or price is not established prior to the start
24 of the performance of the covered contract award.

1 (e) SUNSET.—This section shall cease to have force
2 or effect on the date that is five years after the date of
3 the enactment of this Act.

4 **SEC. 7114. PREFERENCE FOR UNITED STATES INDUSTRY.**

5 Section 308 of the Homeland Security Act of 2002
6 (6 U.S.C. 188) is amended by adding at the end the fol-
7 lowing new subsection:

8 “(d) PREFERENCE FOR UNITED STATES INDUS-
9 TRY.—

10 “(1) DEFINITIONS.—In this subsection:

11 “(A) COUNTRY OF CONCERN.—The term
12 ‘country of concern’ means a country that—

13 “(i) is a covered nation, as such term
14 is defined in section 4872(d) of title 10,
15 United States Code; or

16 “(ii) the Secretary determines is en-
17 gaged in conduct that is detrimental to the
18 national security of the United States.

19 “(B) NONPROFIT ORGANIZATION; SMALL
20 BUSINESS FIRM; SUBJECT INVENTION.—The
21 terms ‘nonprofit organization’, ‘small business
22 firm’, and ‘subject invention’ have the meanings
23 given such terms in section 201 of title 35,
24 United States Code.

1 “(C) MANUFACTURED SUBSTANTIALLY IN
2 THE UNITED STATES.—The term ‘manufac-
3 tured substantially in the United States’ means
4 an item is a domestic end product.

5 “(D) DOMESTIC END PRODUCT.—The
6 term ‘domestic end product’ has the meaning
7 given such term in section 25.003 of title 48,
8 Code of Federal Regulations, or any successor
9 thereto.

10 “(3) WAIVERS.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), in individual cases, the requirements
13 under section 204 of title 35, United States
14 Code, may be waived by the Secretary upon a
15 showing by the small business firm, nonprofit
16 organization, or assignee that reasonable but
17 unsuccessful efforts have been made to grant li-
18 censes on similar terms to potential licensees
19 that would be likely to manufacture substan-
20 tially in the United States or that under the
21 circumstances domestic manufacture is not
22 commercially feasible.

23 “(B) CONDITIONS ON WAIVERS GRANTED
24 BY DEPARTMENT.—

1 “(i) BEFORE GRANT OF WAIVER.—Be-
2 fore granting a waiver under subparagraph
3 (A), the Secretary shall comply with the
4 procedures developed and implemented by
5 the Department pursuant to section
6 70923(b)(2) of the Build America, Buy
7 America Act (enacted as subtitle A of title
8 IX of division G of Public Law 117–58).

9 “(ii) PROHIBITION ON GRANTING CER-
10 TAIN WAIVERS.—The Secretary may not
11 grant a waiver under subparagraph (A) if,
12 as a result of such waiver, products em-
13 bodying the applicable subject invention, or
14 produced through the use of the applicable
15 subject invention, would be manufactured
16 substantially in a country of concern.”.

17 **SEC. 7115. DEPARTMENT OF HOMELAND SECURITY MEN-**
18 **TOR-PROTÉGÉ PROGRAM.**

19 (a) IN GENERAL.—Subtitle H of title VIII of the
20 Homeland Security Act of 2002 (6 U.S.C. 451 et seq.),
21 as amended by subtitle A, is further amended by adding
22 at the end the following new section:

23 **“SEC. 890D. MENTOR-PROTÉGÉ PROGRAM.**

24 “(a) ESTABLISHMENT.—There is established in the
25 Department a mentor-protégé program (in this section re-

1 ferred to as the ‘Program’) under which a mentor firm
2 enters into an agreement with a protégé firm for the pur-
3 pose of assisting the protégé firm to compete for prime
4 contracts and subcontracts of the Department.

5 “(b) ELIGIBILITY.—The Secretary shall establish cri-
6 teria for mentor firms and protégé firms to be eligible to
7 participate in the Program, including a requirement that
8 a firm is not included on any list maintained by the Fed-
9 eral Government of contractors that have been suspended
10 or debarred.

11 “(c) PROGRAM APPLICATION AND APPROVAL.—

12 “(1) APPLICATION.—The Secretary, acting
13 through the Office of Small and Disadvantaged
14 Business Utilization of the Department, shall estab-
15 lish a process for submission of an application joint-
16 ly by a mentor firm and the protégé firm selected by
17 the mentor firm. The application shall include each
18 of the following:

19 “(A) A description of the assistance to be
20 provided by the mentor firm, including, to the
21 extent available, the number and a brief de-
22 scription of each anticipated subcontract to be
23 awarded to the protégé firm.

1 “(B) A schedule with milestones for
2 achieving the assistance to be provided over the
3 period of participation in the Program.

4 “(C) An estimate of the costs to be in-
5 curred by the mentor firm for providing assist-
6 ance under the Program.

7 “(D) Attestations that Program partici-
8 pants will submit to the Secretary reports at
9 times specified by the Secretary to assist the
10 Secretary in evaluating the protégé firm’s devel-
11 opmental progress.

12 “(E) Attestations that Program partici-
13 pants will inform the Secretary in the event of
14 a change in eligibility or voluntary withdrawal
15 from the Program.

16 “(2) APPROVAL.—Not later than 60 days after
17 receipt of an application pursuant to paragraph (1),
18 the head of the Office of Small and Disadvantaged
19 Business Utilization shall notify applicants of ap-
20 proval or, in the case of disapproval, the process for
21 resubmitting an application for reconsideration.

22 “(3) RESCISSION.—The head of the Office of
23 Small and Disadvantaged Business Utilization may
24 rescind the approval of an application under this

1 subsection if it determines that such action is in the
2 best interest of the Department.

3 “(d) PROGRAM DURATION.—A mentor firm and
4 protégé firm approved under subsection (c) shall enter into
5 an agreement to participate in the Program for a period
6 of not less than 36 months.

7 “(e) PROGRAM BENEFITS.—A mentor firm and
8 protégé firm that enter into an agreement under sub-
9 section (d) may receive the following Program benefits:

10 “(1) With respect to an award of a contract
11 that requires a subcontracting plan, a mentor firm
12 may receive evaluation credit for participating in the
13 Program.

14 “(2) With respect to an award of a contract
15 that requires a subcontracting plan, a mentor firm
16 may receive credit for a protégé firm performing as
17 a first tier subcontractor or a subcontractor at any
18 tier in an amount equal to the total dollar value of
19 any subcontracts awarded to such protégé firm.

20 “(3) A protégé firm may receive technical, man-
21 agerial, financial, or any other mutually agreed upon
22 benefit from a mentor firm, including a subcontract
23 award.

24 “(f) REPORTING.—Not later than one year after the
25 date of the enactment of this section and annually there-

1 after, the head of the Office of Small and Disadvantaged
2 Business Utilization shall submit to the Committee on
3 Homeland Security and Governmental Affairs and the
4 Committee on Small Business and Entrepreneurship of
5 the Senate and the Committee on Homeland Security and
6 the Committee on Small Business of the House of Rep-
7 resentatives a report that—

8 “(1) identifies each agreement between a men-
9 tor firm and a protégé firm entered into under this
10 section, including the number of protégé firm par-
11 ticipants that are—

12 “(A) small business concerns;

13 “(B) small business concerns owned and
14 controlled by veterans;

15 “(C) small business concerns owned and
16 controlled by service-disabled veterans;

17 “(D) qualified HUBZone small business
18 concerns;

19 “(E) small business concerns owned and
20 controlled by socially and economically dis-
21 advantaged individuals;

22 “(F) small business concerns owned and
23 controlled by women;

24 “(G) historically Black colleges and univer-
25 sities; and

1 “(H) minority-serving institutions;

2 “(2) describes the type of assistance provided
3 by mentor firms to protégé firms;

4 “(3) identifies contracts within the Department
5 in which a mentor firm serving as the prime con-
6 tractor provided subcontracts to a protégé firm
7 under the Program; and

8 “(4) assesses the degree to which there has
9 been—

10 “(A) an increase in the technical capabili-
11 ties of protégé firms; and

12 “(B) an increase in the quantity and esti-
13 mated value of prime contract and subcontract
14 awards to protégé firms for the period covered
15 by the report.

16 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to limit, diminish, impair, or other-
18 wise affect the authority of the Department to participate
19 in any program carried out by or requiring approval of
20 the Small Business Administration or adopt or follow any
21 regulation or policy that the Administrator of the Small
22 Business Administration may promulgate, except that, to
23 the extent that any provision of this section (including
24 subsection (h)) conflicts with any other provision of law,
25 regulation, or policy, this section shall control.

1 “(h) DEFINITIONS.—In this section:

2 “(1) HISTORICALLY BLACK COLLEGE OR UNI-
3 VERSITY.—The term ‘historically Black college or
4 university’ has the meaning given the term ‘part B
5 institution’ in section 322 of the Higher Education
6 Act of 1965 (20 U.S.C. 1061).

7 “(2) MENTOR FIRM.—The term ‘mentor firm’
8 means a for-profit business concern that is not a
9 small business concern that—

10 “(A) has the ability to assist and commits
11 to assisting a protégé to compete for Federal
12 prime contracts and subcontracts; and

13 “(B) satisfies any other requirements im-
14 posed by the Secretary.

15 “(3) MINORITY-SERVING INSTITUTION.—The
16 term ‘minority-serving institution’ means an institu-
17 tion of higher education described in section 317 of
18 the Higher Education Act of 1965 (20 U.S.C.
19 1067q(a)).

20 “(4) PROTÉGÉ FIRM.—The term ‘protégé firm’
21 means a small business concern, a historically Black
22 college or university, or a minority-serving institu-
23 tion that—

24 “(A) is eligible to enter into a prime con-
25 tract or subcontract with the Department; and

1 “(B) satisfies any other requirements im-
2 posed by the Secretary.

3 “(5) SMALL BUSINESS ACT DEFINITIONS.—The
4 terms ‘small business concern’, ‘small business con-
5 cern owned and controlled by veterans’, ‘small busi-
6 ness concern owned and controlled by service-dis-
7 abled veterans’, ‘qualified HUBZone small business
8 concern’, ‘and small business concern owned and
9 controlled by women’ have the meanings given such
10 terms, respectively, under section 3 of the Small
11 Business Act (15 U.S.C. 632). The term ‘small busi-
12 ness concern owned and controlled by socially and
13 economically disadvantaged individuals’ has the
14 meaning given such term in section 8(d)(3)(C) of
15 the Small Business Act (15 U.S.C. 637(d)(3)(C)).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of the Homeland Security Act of 2002 is
18 amended by inserting after the item relating to section
19 890C (as added by subtitle A) the following new item:

 “Sec. 890D. Mentor-protégé program.”.

20 **SEC. 7116. DHS ECONOMIC SECURITY COUNCIL.**

21 (a) ESTABLISHMENT OF THE COUNCIL.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) COUNCIL.—The term “Council” means
24 the council established under paragraph (2).

1 (B) DEPARTMENT.—The term “Depart-
2 ment” means the Department of Homeland Se-
3 curity.

4 (C) ECONOMIC SECURITY.—The term
5 “economic security” has the meaning given
6 such term in section 890B(c)(2) of the Home-
7 land Security Act of 2002 (6 U.S.C. 474(c)(2)).

8 (D) SECRETARY.—The term “Secretary”
9 means the Secretary of Homeland Security.

10 (2) ESTABLISHMENT.—In accordance with the
11 mission of the Department under section 101(b) of
12 the Homeland Security Act of 2002 (6 U.S.C.
13 111(b)), and in particular paragraph (1)(F) of such
14 section, the Secretary shall establish a standing
15 council of Department component heads or their
16 designees, to carry out the duties described in para-
17 graph (3).

18 (3) DUTIES OF THE COUNCIL.—Pursuant to
19 the scope of the mission of the Department as de-
20 scribed in paragraph (2), the Council shall provide
21 to the Secretary advice and recommendations on
22 matters of economic security, including relating to
23 the following:

24 (A) Identifying concentrated risks for
25 trade and economic security.

1 (B) Setting priorities for securing the
2 trade and economic security of the United
3 States.

4 (C) Coordinating Department-wide activity
5 on trade and economic security matters.

6 (D) With respect to the development of the
7 continuity of the economy plan of the President
8 under section 9603 of the William M. (Mac)
9 Thornberry National Defense Authorization Act
10 of Fiscal Year 2021 (6 U.S.C. 322).

11 (E) Proposing statutory and regulatory
12 changes impacting trade and economic security.

13 (F) Any other matters the Secretary con-
14 siders appropriate.

15 (4) CHAIR AND VICE CHAIR.—The Under Sec-
16 retary for Strategy, Policy, and Plans of the Depart-
17 ment—

18 (A) shall serve as Chair of the Council;

19 and

20 (B) may designate a Council member as a
21 Vice Chair.

22 (5) MEETINGS.—The Council shall meet not
23 less frequently than quarterly, as well as—

24 (A) at the call of the Chair; or

25 (B) at the direction of the Secretary.

1 (6) BRIEFINGS.—Not later than 180 days after
2 the date of the enactment of this Act and every 180
3 days thereafter for four years, the Council shall brief
4 the Committee on Homeland Security and Govern-
5 mental Affairs of the Senate, the Committee on
6 Homeland Security of the House of Representatives,
7 the Committee on Finance of the Senate, the Com-
8 mittee on Ways and Means of the House of Rep-
9 resentatives, the Committee on Commerce, Science,
10 and Transportation of the Senate, and Committee
11 on Energy and Commerce of the House of Rep-
12 resentatives on the actions and activities of the
13 Council.

14 (b) ASSISTANT SECRETARY.—Section 709 of the
15 Homeland Security Act of 2002 (6 U.S.C. 349) is amend-
16 ed—

17 (1) by redesignating subsection (g) as sub-
18 section (h); and

19 (2) by inserting after subsection (f) the fol-
20 lowing new subsection:

21 “(g) ASSISTANT SECRETARY.—

22 “(1) IN GENERAL.—There is established within
23 the Office of Strategy, Policy, and Plans an Assist-
24 ant Secretary, who shall assist the Secretary in car-
25 rying out the duties under paragraph (2) and the re-

1 sponsibilities under paragraph (3). Notwithstanding
2 section 103(a)(1), the Assistant Secretary estab-
3 lished under this paragraph shall be appointed by
4 the President without the advice and consent of the
5 Senate.

6 “(2) DUTIES.—At the direction of the Sec-
7 retary, the Assistant Secretary established under
8 paragraph (1) shall be responsible for policy formu-
9 lation regarding matters relating to economic secu-
10 rity and trade, as such matters relate to the mission
11 and the operations of the Department.

12 “(3) ADDITIONAL RESPONSIBILITIES.—In addi-
13 tion to the duties specified in paragraph (2), the As-
14 sistant Secretary established under paragraph (1),
15 at the direction of the Secretary, may—

16 “(A) oversee—

17 “(i) coordination of supply chain pol-
18 icy; and

19 “(ii) assessments and reports to Con-
20 gress related to critical economic security
21 domains;

22 “(B) coordinate with stakeholders in other
23 Federal departments and agencies and non-
24 governmental entities with trade and economic

1 security interests, authorities, and responsibil-
2 ities; and

3 “(C) perform such additional duties as the
4 Secretary or the Under Secretary of Strategy,
5 Policy, and Plans may prescribe.

6 “(4) DEFINITIONS.—In this subsection:

7 “(A) CRITICAL ECONOMIC SECURITY DO-
8 MAIN.—The term ‘critical economic security do-
9 main’ means any infrastructure, industry, tech-
10 nology, or intellectual property (or combination
11 thereof) that is essential for the economic secu-
12 rity of the United States.

13 “(B) ECONOMIC SECURITY.—The term
14 ‘economic security’ has the meaning given such
15 term in section 890B(c)(2).”.

16 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion or the amendments made by this section may be con-
18 strued to affect or diminish the authority otherwise grant-
19 ed to any other officer of the Department of Homeland
20 Security.

1 **Subtitle C—Enhancing Cybersecu-**
2 **rity Training and Operations**

3 **SEC. 7121. PRESIDENT'S CUP CYBERSECURITY COMPETI-**
4 **TION.**

5 (a) IN GENERAL.—The Director of the Cybersecurity
6 and Infrastructure Security Agency (in this section re-
7 ferred to as the “Director”) of the Department of Home-
8 land Security is authorized to hold an annual cybersecu-
9 rity competition to be known as the “Department of
10 Homeland Security Cybersecurity and Infrastructure Se-
11 curity Agency’s President’s Cup Cybersecurity Competi-
12 tion” (in this section referred to as the “competition”) for
13 the purpose of identifying, challenging, and competitively
14 awarding prizes, including cash prizes, to the United
15 States Government’s best cybersecurity practitioners and
16 teams across offensive and defensive cybersecurity dis-
17 ciplines.

18 (b) ELIGIBILITY.—To be eligible to participate in the
19 competition, an individual shall be a Federal civilian em-
20 ployee or member of the uniformed services (as such term
21 is defined in section 2101(3) of title 5, United States
22 Code) and shall comply with any rules promulgated by the
23 Director regarding the competition.

24 (c) COMPETITION ADMINISTRATION.—The Director
25 may enter into a grant, contract, cooperative agreement,

1 or other agreement with a private sector for-profit or non-
2 profit entity or State or local government agency to ad-
3 minister the competition.

4 (d) COMPETITION PARAMETERS.—Each competition
5 shall incorporate the following elements:

6 (1) Cybersecurity skills outlined in the National
7 Initiative for Cybersecurity Education Framework,
8 or any successor framework.

9 (2) Individual and team events.

10 (3) Categories demonstrating offensive and de-
11 fensive cyber operations, such as software reverse
12 engineering and exploitation, network operations,
13 forensics, big data analysis, cyber analysis, cyber de-
14 fense, cyber exploitation, secure programming, ob-
15 fuscated coding, or cyber-physical systems.

16 (4) Any other elements related to paragraphs
17 (1), (2), or (3), as determined necessary by the Di-
18 rector.

19 (e) USE OF FUNDS.—

20 (1) IN GENERAL.—In order to further the goals
21 and objectives of the competition, the Director may
22 use amounts made available to the Director for the
23 competition for reasonable expenses for the fol-
24 lowing:

1 (A) Advertising, marketing, and promoting
2 the competition.

3 (B) Meals for participants and organizers
4 of the competition if attendance at the meal
5 during the competition is necessary to maintain
6 the integrity of the competition.

7 (C) Promotional items, including merchan-
8 dise and apparel.

9 (D) Consistent with section 4503 of title 5,
10 United States Code, necessary expenses for the
11 honorary recognition of competition partici-
12 pants, including members of the uniformed
13 services.

14 (E) Monetary and nonmonetary awards for
15 competition participants, including members of
16 the uniformed services, subject to subsection
17 (f).

18 (2) APPLICATION.—This subsection shall apply
19 to amounts appropriated on or after the date of the
20 enactment of this Act.

21 (f) PRIZE LIMITATION.—

22 (1) AWARDS BY THE DIRECTOR.—The Director
23 may make one or more awards per competition, ex-
24 cept that the amount or value of each shall not ex-
25 ceed \$10,000.

1 (2) AWARDS BY THE SECRETARY OF HOME-
2 LAND SECURITY.—The Secretary of Homeland Secu-
3 rity may make one or more awards per competition,
4 except the amount or the value of each shall not ex-
5 ceed \$25,000.

6 (3) REGULAR PAY.—A monetary award under
7 this section shall be in addition to the regular pay
8 of the recipient.

9 (4) OVERALL YEARLY AWARD LIMIT.—The total
10 amount or value of awards made under this Act dur-
11 ing a fiscal year may not exceed \$100,000.

12 (g) REPORTING REQUIREMENTS.—The Director shall
13 annually provide to the Committee on Homeland Security
14 of the House of Representatives and the Committee on
15 Homeland Security and Governmental Affairs of the Sen-
16 ate a report that includes the following with respect to
17 each competition conducted in the preceding year:

18 (1) A description of available amounts.

19 (2) A description of authorized expenditures.

20 (3) Information relating to participation.

21 (4) Information relating to lessons learned, and
22 how such lessons may be applied to improve cyberse-
23 curity operations and recruitment of the Cybersecu-
24 rity and Infrastructure Security Agency of the De-
25 partment of Homeland Security.

1 **SEC. 7122. INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING.**
2

3 (a) IN GENERAL.—Subtitle A of title XXII of the
4 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
5 is amended by adding at the end the following new section:

6 **“SEC. 2220E. INDUSTRIAL CONTROL SYSTEMS CYBERSECURITY TRAINING INITIATIVE.**
7

8 “(a) ESTABLISHMENT.—

9 “(1) IN GENERAL.—The Industrial Control Sys-
10 tems Cybersecurity Training Initiative (in this sec-
11 tion referred to as the ‘Initiative’) is established
12 within the Agency.

13 “(2) PURPOSE.—The purpose of the Initiative
14 is to develop and strengthen the skills of the cyber-
15 security workforce related to securing industrial con-
16 trol systems.

17 “(b) REQUIREMENTS.—In carrying out the Initiative,
18 the Director shall—

19 “(1) ensure the Initiative includes—

20 “(A) virtual and in-person trainings and
21 courses provided at no cost to participants;

22 “(B) trainings and courses available at dif-
23 ferent skill levels, including introductory level
24 courses;

25 “(C) trainings and courses that cover
26 cyber defense strategies for industrial control

1 systems, including an understanding of the
2 unique cyber threats facing industrial control
3 systems and the mitigation of security
4 vulnerabilities in industrial control systems
5 technology; and

6 “(D) appropriate consideration regarding
7 the availability of trainings and courses in dif-
8 ferent regions of the United States; and

9 “(2) engage in—

10 “(A) collaboration with the National Lab-
11 oratories of the Department of Energy in ac-
12 cordance with section 309;

13 “(B) consultation with Sector Risk Man-
14 agement Agencies;

15 “(C) as appropriate, consultation with pri-
16 vate sector entities with relevant expertise, such
17 as vendors of industrial control systems tech-
18 nologies; and

19 “(3) consult, to the maximum extent prac-
20 ticable, with commercial training providers and aca-
21 demia to minimize the potential for duplication of
22 other training opportunities.

23 “(c) REPORTS.—

24 “(1) IN GENERAL.—Not later than one year
25 after the date of the enactment of this section and

1 annually thereafter, the Director shall submit to the
2 Committee on Homeland Security of the House of
3 Representatives and the Committee on Homeland
4 Security and Governmental Affairs of the Senate a
5 report on the Initiative.

6 “(2) CONTENTS.—Each report submitted under
7 paragraph (1) shall include the following:

8 “(A) A description of the courses provided
9 under the Initiative.

10 “(B) A description of outreach efforts to
11 raise awareness of the availability of such
12 courses.

13 “(C) The number of participants in each
14 course.

15 “(D) Voluntarily provided information on
16 the demographics of participants in such
17 courses, including by sex, race, and place of res-
18 idence.

19 “(E) Information on the participation in
20 such courses of workers from each critical in-
21 frastructure sector.

22 “(F) Plans for expanding access to indus-
23 trial control systems education and training, in-
24 cluding expanding access to women and under-

1 represented populations, and expanding access
2 to different regions of the United States.

3 “(G) Recommendations regarding how to
4 strengthen the state of industrial control sys-
5 tems cybersecurity education and training.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1(b) of the Homeland Security Act of 2002 is
8 amended by inserting after the item relating to section
9 2220D the following new item:

“Sec. 2220E. Industrial Control Systems Cybersecurity Training Initiative.”.

10 **SEC. 7123. NATIONAL COMPUTER FORENSICS INSTITUTE**
11 **REAUTHORIZATION.**

12 Section 822 of the Homeland Security Act of 2002
13 (6 U.S.C. 383) is amended—

14 (1) in subsection (a)—

15 (A) in the subsection heading, by striking
16 “IN GENERAL” and inserting “IN GENERAL;
17 MISSION”;

18 (B) by striking “2017 through 2022” and
19 inserting “2023 through 2028”; and

20 (C) by striking the second sentence and in-
21 serting “The Institute’s mission shall be to edu-
22 cate, train, and equip State, local, territorial,
23 and Tribal law enforcement officers, prosecu-
24 tors, and judges, as well as participants in the
25 United States Secret Service’s network of cyber

1 fraud task forces who are Federal employees,
2 members of the uniformed services, or State,
3 local, Tribal, or territorial employees, regarding
4 the investigation and prevention of cybersecu-
5 rity incidents, electronic crimes, and related cy-
6 bersecurity threats, including through the dis-
7 semination of homeland security information, in
8 accordance with relevant Federal law regarding
9 privacy, civil rights, and civil liberties protec-
10 tions.”;

11 (2) by amending subsection (b) to read as fol-
12 lows:

13 “(b) CURRICULUM.—In furtherance of subsection
14 (a), all education and training of the Institute shall be
15 conducted in accordance with relevant Federal law regard-
16 ing privacy, civil rights, and civil liberties protections.
17 Education and training provided pursuant to subsection
18 (a) shall relate to the following:

19 “(1) Investigating and preventing cybersecurity
20 incidents, electronic crimes, and related cybersecu-
21 rity threats, including relating to instances involving
22 illicit use of digital assets and emerging trends in cy-
23 bersecurity and electronic crime.

1 “(2) Conducting forensic examinations of com-
2 puters, mobile devices, and other information sys-
3 tems.

4 “(3) Prosecutorial and judicial considerations
5 related to cybersecurity incidents, electronic crimes,
6 related cybersecurity threats, and forensic examina-
7 tions of computers, mobile devices, and other infor-
8 mation systems.

9 “(4) Methods to obtain, process, store, and
10 admit digital evidence in court.”.

11 (3) in subsection (c)—

12 (A) by striking “cyber and electronic crime
13 and related threats is shared with State, local,
14 tribal, and territorial law enforcement officers
15 and prosecutors” and inserting “cybersecurity
16 incidents, electronic crimes, and related cyberse-
17 curity threats is shared with recipients of edu-
18 cation and training provided pursuant to sub-
19 section (a)”;

20 (B) by adding at the end the following new
21 sentence: “When selecting participants for such
22 training, the Institute shall prioritize, to the ex-
23 tent reasonable and practicable, providing edu-
24 cation and training to individuals from geo-
25 graphically-diverse jurisdictions throughout the

1 United States, and the Institute shall prioritize,
2 to the extent reasonable and practicable, State,
3 local, tribal, and territorial law enforcement of-
4 ficers, prosecutors, judges, and other employ-
5 ees.”;

6 (4) in subsection (d)—

7 (A) by striking “State, local, tribal, and
8 territorial law enforcement officers” and insert-
9 ing “recipients of education and training pro-
10 vided pursuant to subsection (a)”;

11 (B) by striking “necessary to conduct
12 cyber and electronic crime and related threat
13 investigations and computer and mobile device
14 forensic examinations” and inserting “for inves-
15 tigating and preventing cybersecurity incidents,
16 electronic crimes, and related cybersecurity
17 threats, and for forensic examinations of com-
18 puters, mobile devices, and other information
19 systems”;

20 (5) in subsection (e)—

21 (A) by amending the heading to read as
22 follows: “CYBER FRAUD TASK FORCES”;

23 (B) by striking “Electronic Crime” and in-
24 serting “Cyber Fraud”;

1 (C) by striking “State, local, tribal, and
2 territorial law enforcement officers” and insert-
3 ing “recipients of education and training pro-
4 vided pursuant to subsection (a)”; and

5 (D) by striking “at” and inserting “by”;
6 and

7 (6) by inserting after subsection (f) the fol-
8 lowing new subsections:

9 “(g) EXPENSES.—The Director of the United States
10 Secret Service may pay for all or a part of the education,
11 training, or equipment provided by the Institute, including
12 relating to the travel, transportation, and subsistence ex-
13 penses of recipients of education and training provided
14 pursuant to subsection (a).

15 “(h) ANNUAL REPORTS TO CONGRESS.—

16 “(1) IN GENERAL.—The Secretary shall include
17 in the annual report required under section 1116 of
18 title 31, United States Code, information regarding
19 the activities of the Institute, including, where pos-
20 sible, the following:

21 “(A) An identification of jurisdictions with
22 recipients of the education and training pro-
23 vided pursuant to subsection (a) during such
24 year.

1 “(B) Information relating to the costs as-
2 sociated with that education and training.

3 “(C) Any information regarding projected
4 future demand for the education and training
5 provided pursuant to subsection (a).

6 “(D) Impacts of the activities of the Insti-
7 tute on the capability of jurisdictions to inves-
8 tigate and prevent cybersecurity incidents, elec-
9 tronic crimes, and related cybersecurity threats.

10 “(E) A description of the nomination proc-
11 ess for potential recipients of the information
12 and training provided pursuant to subsection
13 (a).

14 “(F) Any other issues determined relevant
15 by the Secretary.

16 “(2) EXCEPTION.—Any information required
17 under paragraph (1) that is submitted as part of the
18 annual budget submitted by the President to Con-
19 gress under section 1105 of title 31, United States
20 Code, is not required to be included in the report re-
21 quired under paragraph (1).

22 “(i) DEFINITIONS.—In this section:

23 “(1) CYBERSECURITY THREAT.—The term ‘cy-
24 bersecurity threat’ has the meaning given such term
25 in section 102 of the Cybersecurity Act of 2015 (en-

1 acted as division N of the Consolidated Appropria-
2 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
3 1501)).

4 “(2) INCIDENT.—The term ‘incident’ has the
5 meaning given such term in section 2209(a).

6 “(3) INFORMATION SYSTEM.—The term ‘infor-
7 mation system’ has the meaning given such term in
8 section 102 of the Cybersecurity Act of 2015 (en-
9 acted as division N of the Consolidated Appropria-
10 tions Act, 2016 (Public Law 114–113; 6 U.S.C.
11 1501(9))).”.

12 **SEC. 7124. REPORT ON CYBERSECURITY ROLES AND RE-**
13 **SPONSIBILITIES OF THE DEPARTMENT OF**
14 **HOMELAND SECURITY.**

15 (a) IN GENERAL.—Not later than one year after the
16 date of the enactment of this Act, the Secretary of Home-
17 land Security, in coordination with the Director of the Cy-
18 bersecurity and Infrastructure Security Agency of the De-
19 partment of Homeland Security, shall submit to the Com-
20 mittee on Homeland Security of the House of Representa-
21 tives and the Committee on Homeland Security and Gov-
22 ernmental Affairs of the Senate a report on the roles and
23 responsibilities of the Department and its components re-
24 lating to cyber incident response.

1 (b) CONTENTS.—The report required under sub-
2 section (a) shall include the following:

3 (1) A review of how the cyber incident response
4 plans under section 2210(c) of the Homeland Secu-
5 rity Act of 2002 (6 U.S.C. 660(c)) are utilized in
6 the Federal Government’s response to a cyber inci-
7 dent.

8 (2) An explanation of the roles and responsibil-
9 ities of the Department of Homeland Security and
10 its components with responsibility for, or in support
11 of, the Federal Government’s response to a cyber in-
12 cident, including primary responsibility for working
13 with impacted private sector entities.

14 (3) An explanation of which and how authori-
15 ties of the Department and its components are uti-
16 lized in the Federal Government’s response to a
17 cyber incident.

18 (4) Recommendations to provide further clarity
19 for roles and responsibilities of the Department and
20 its components relating to cyber incident response.

1 **Subtitle D—Enhancing Transport-**
2 **ation and Border Security Op-**
3 **erations**

4 **SEC. 7131. TSA REACHING ACROSS NATIONALITIES, SOCI-**
5 **ETIES, AND LANGUAGES TO ADVANCE TRAV-**
6 **ELER EDUCATION.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Administrator of
9 the Transportation Security Administration (TSA) shall
10 submit to the Committee on Homeland Security of the
11 House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate a plan
13 to ensure that TSA material disseminated in major air-
14 ports can be better understood by more people accessing
15 such airports.

16 (b) CONTENTS.—The plan required under subsection
17 (a) shall include the following:

18 (1) An identification of the most common lan-
19 guages other than English that are the primary lan-
20 guages of individuals that travel through or work in
21 each major airport.

22 (2) A plan to improve—

23 (A) TSA materials to communicate infor-
24 mation in languages identified pursuant to
25 paragraph (1); and

1 (B) the communication of TSA material to
2 individuals with vision or hearing impairments
3 or other possible barriers to understanding such
4 material.

5 (c) CONSIDERATIONS.—In developing the plan re-
6 quired under subsection (a), the Administrator of the
7 TSA, acting through the Office of Civil Rights and Lib-
8 erties, Ombudsman, and Traveler Engagement of the
9 TSA, shall take into consideration data regarding the fol-
10 lowing:

11 (1) International enplanements.

12 (2) Local populations surrounding major air-
13 ports.

14 (3) Languages spoken by members of Indian
15 Tribes within each service area population in which
16 a major airport is located.

17 (d) IMPLEMENTATION.—Not later than 180 days
18 after the submission of the plan required under subsection
19 (a), the Administrator of the TSA, in consultation with
20 the owner or operator of each major airport, shall imple-
21 ment such plan.

22 (e) GAO REVIEW.—Not later than one year after the
23 implementation pursuant to subsection (d) of the plan re-
24 quired under subsection (a), the Comptroller General of
25 the United States shall submit to the Committee on

1 Homeland Security of the House of Representatives and
2 the Committee on Commerce, Science, and Transportation
3 of the Senate a review of such implementation.

4 (f) DEFINITIONS.—In this section:

5 (1) AIRPORT.—The term “airport” has the
6 meaning given such term in section 40102 of title
7 49, United States Code.

8 (2) INDIAN TRIBE.—The term “Indian Tribe”
9 has the meaning given the term “Indian tribe” in
10 section 102 of the Federally Recognized Indian
11 Tribe List Act of 1994 (25 U.S.C. 5130), individ-
12 ually identified (including parenthetically) in the list
13 published most recently as of the date of the enact-
14 ment of this Act pursuant to section 104 of that Act
15 (25 U.S.C. 5131).

16 (3) MAJOR AIRPORTS.—The term “major air-
17 ports” means Category X and Category I airports.

18 (4) NON-TRAVELING INDIVIDUAL.—The term
19 “non-traveling individual” has the meaning given
20 such term in section 1560.3 of title 49, Code of Fed-
21 eral Regulations.

22 (5) TSA MATERIAL.—The term “TSA mate-
23 rial” means signs, videos, audio messages, websites,
24 press releases, social media postings, and other com-
25 munications published and disseminated by the Ad-

1 administrator of the TSA in Category X and Category
2 I airports for use by both traveling and non-trav-
3 eling individuals.

4 **SEC. 7132. ONE-STOP PILOT PROGRAM.**

5 (a) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Transpor-
8 tation Security Administration.

9 (2) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means—

12 (A) the Committee on Homeland Security
13 and Committee on Foreign Affairs of the House
14 of Representatives; and

15 (B) the Committee on Homeland Security
16 and Governmental Affairs, the Committee on
17 Commerce, Science, and Transportation, and
18 the Committee on Foreign Relations of the Sen-
19 ate.

20 (3) TSA.—The term “TSA” means the Trans-
21 portation Security Administration of the Depart-
22 ment of Homeland Security.

23 (b) IMPLEMENTATION.—Notwithstanding 44901(a)
24 of title 49, United States Code, the Administrator, in co-
25 ordination with the Commissioner of U.S. Customs and

1 Border Protection and the Secretary of State, may imple-
2 ment a pilot program at not more than six foreign last
3 point of departure airports to permit passengers and their
4 accessible property arriving on direct flights or flight seg-
5 ments originating at such participating foreign airports to
6 continue on additional flights or flight segments origi-
7 nating in the United States without additional security re-
8 screening if—

9 (1) the initial screening was conducted in ac-
10 cordance with an aviation security screening agree-
11 ment described in subsection (e);

12 (2) passengers arriving from participating for-
13 eign airports are unable to access their checked bag-
14 gage until the arrival at their final destination; and

15 (3) upon arrival in the United States, pas-
16 sengers arriving from participating foreign airports
17 do not come into contact with other arriving inter-
18 national passengers, those passengers' property, or
19 other persons who have not been screened or sub-
20 jected to other appropriate security controls required
21 for entry into the airport's sterile area.

22 (c) REQUIREMENTS FOR PILOT PROGRAM.—In car-
23 rying out this section, the Administrator shall ensure that
24 there is no reduction in the level of security or specific
25 TSA aviation security standards or requirements for

1 screening passengers and their property prior to boarding
2 an international flight bound for the United States, in-
3 cluding specific aviation security standards and require-
4 ments regarding the following:

5 (1) High risk passengers and their property.

6 (2) Weapons, explosives, and incendiaries.

7 (3) Screening passengers and property transfer-
8 ring at a foreign last point of departure airport from
9 another airport and bound for the United States,
10 and addressing any commingling of such passengers
11 and property with passengers and property screened
12 under the pilot program described in subsection (b).

13 (4) Insider risk at foreign last point of depar-
14 ture airports.

15 (d) RE-SCREENING OF CHECKED BAGGAGE.—Sub-
16 ject to subsection (f), the Administrator may determine
17 whether checked baggage arriving from participating for-
18 eign airports referenced in subsection (b) that screen
19 using an explosives detection system must be re-screened
20 in the United States by an explosives detection system be-
21 fore such baggage continues on any additional flight or
22 flight segment.

23 (e) AVIATION SECURITY SCREENING AGREEMENT.—

24 (1) IN GENERAL.—An aviation security screen-
25 ing agreement described in this subsection is a trea-

1 ty, executive agreement, or non-binding instrument
2 entered into with a foreign country that delineates
3 and implements security standards and protocols
4 utilized at a foreign last point of departure airport
5 that are determined by the Administrator—

6 (A) to be comparable to those of the
7 United States; and

8 (B) sufficiently effective to enable pas-
9 sengers and their accessible property to deplane
10 into sterile areas of airports in the United
11 States without the need for re-screening.

12 (2) NON-DELEGATION.—The authority to ap-
13 prove an aviation security screening agreement may
14 not be delegated below the level of the Secretary of
15 State, the Secretary of Homeland Security, or the
16 Administrator.

17 (f) RE-SCREENING REQUIREMENT.—

18 (1) IN GENERAL.—If the Administrator deter-
19 mines that a foreign country participating in the
20 aviation security screening agreement has not main-
21 tained and implemented security standards and pro-
22 tocols comparable to those of the United States at
23 foreign last point of departure airports at which a
24 pilot program has been established in accordance
25 with this section, the Administrator shall ensure that

1 passengers and their property arriving from such
2 airports are re-screened in the United States, includ-
3 ing by using explosives detection systems in accord-
4 ance with section 44901(d)(1) of title 49, United
5 States Code, and implementing regulations and di-
6 rectives, before such passengers and their property
7 are permitted into sterile areas of airports in the
8 United States.

9 (2) CONSULTATION.—If the Administrator has
10 reasonable grounds to believe the other party to an
11 aviation security screening agreement has not com-
12 plied with such agreement, the Administrator shall
13 request immediate consultation with such party.

14 (3) SUSPENSION OR TERMINATION OF AGREE-
15 MENT.—If a satisfactory resolution between TSA
16 and a foreign country is not reached within 45 days
17 after a consultation request under paragraph (2) or
18 in the case of the foreign country's continued or
19 egregious failure to maintain the security standards
20 and protocols described in paragraph (1), the Presi-
21 dent, or with the concurrence of the Secretary of
22 State, the Secretary of Homeland Security or the
23 Administrator, as appropriate, shall suspend or ter-
24minate the aviation security screening agreement
25 with such country, as determined appropriate by the

1 President, the Secretary of Homeland Security, or
2 the Administrator. The Administrator shall notify
3 the appropriate congressional committees of such
4 consultation and suspension or termination, as the
5 case may be, not later than seven days after such
6 consultation and suspension or termination.

7 (g) BRIEFINGS TO CONGRESS.—Not later than 45
8 days before an aviation security screening agreement de-
9 scribed in subsection (e) enters into force, the Adminis-
10 trator, in coordination with the Secretary of State, shall
11 submit to the appropriate congressional committees the
12 following:

13 (1) An aviation security threat assessment for
14 the country in which such foreign last point of de-
15 parture airport is located.

16 (2) Information regarding any corresponding
17 mitigation efforts to address any security issues
18 identified in such threat assessment, including any
19 plans for joint covert testing.

20 (3) Information on potential security
21 vulnerabilities associated with commencing a pilot
22 program at such foreign last point of departure air-
23 port pursuant to subsection (b) and mitigation plans
24 to address such potential security vulnerabilities.

1 (4) An assessment of the impacts such pilot
2 program will have on aviation security.

3 (5) An assessment of the screening performed
4 at such foreign last point of departure airport, in-
5 cluding the feasibility of TSA personnel monitoring
6 screening, security protocols, and standards.

7 (6) Information regarding identifying the entity
8 or entities responsible for screening passengers and
9 property at such foreign last point of departure air-
10 port.

11 (7) The name of the entity or local authority
12 and any contractor or subcontractor.

13 (8) Information regarding the screening re-
14 quirements relating to such aviation security screen-
15 ing agreement.

16 (9) Details regarding information sharing
17 mechanisms between the TSA and such foreign last
18 point of departure airport, screening authority, or
19 entity responsible for screening provided for under
20 such aviation security screening agreement.

21 (10) A copy of the aviation security screening
22 agreement, which shall identify the foreign last point
23 of departure airport or airports at which a pilot pro-
24 gram under this section is to be established.

1 (h) CERTIFICATIONS RELATING TO THE PILOT PRO-
2 GRAM FOR ONE-STOP SECURITY.—For each aviation secu-
3 rity screening agreement described in subsection (e), the
4 Administrator, in coordination with the Secretary of State,
5 shall submit to the appropriate congressional committees
6 the following:

7 (1)(A) A certification that such agreement sat-
8 isfies all of the requirements specified in subsection
9 (e); or

10 (B) in the event that one or more of such re-
11 quirements are not so satisfied, a description of the
12 unsatisfied requirement and information on what ac-
13 tions the Administrator will take to ensure that such
14 remaining requirements are satisfied before such
15 agreement enters into force.

16 (2) A certification that TSA and U.S. Customs
17 and Border Protection have ensured that any nec-
18 essary physical modifications or appropriate mitiga-
19 tions exist in the domestic one-stop security pilot
20 program airport prior to receiving international pas-
21 sengers from a last point of departure airport under
22 the aviation security screening agreement.

23 (3) A certification that a foreign last point of
24 departure airport covered by an aviation security
25 screening agreement has an operation to screen all

1 checked bags as required by law, regulation, or
2 international agreement, including the full utilization
3 of explosives detection systems to the extent applica-
4 ble.

5 (4) A certification that the Administrator con-
6 sulted with stakeholders, including air carriers, avia-
7 tion nonprofit labor organizations, airport operators,
8 relevant interagency partners, and other stake-
9 holders that the Administrator determines appro-
10 priate.

11 (i) REPORT TO CONGRESS.—Not later than five years
12 after the date of the enactment of this Act, the Secretary
13 of Homeland Security, in coordination with the Adminis-
14 trator, shall submit to the appropriate congressional com-
15 mittees a report regarding the implementation of the pilot
16 program authorized under this section, including informa-
17 tion relating to the following:

18 (1) The impact of such program on homeland
19 security and international aviation security, includ-
20 ing any benefits and challenges of such program.

21 (2) The impact of such program on passengers,
22 airports, and air carriers, including any benefits and
23 challenges of such program.

24 (3) The impact and feasibility of continuing
25 such program or expanding it into a more perma-

1 nent program, including any benefits and challenges
2 of such continuation or expansion.

3 (j) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion may be construed as limiting the authority of U.S.
5 Customs and Border Protection to inspect persons and
6 baggage arriving in the United States in accordance with
7 applicable law.

8 (k) **SUNSET.**—The pilot program authorized under
9 this section shall terminate on the date that is six years
10 after the date of the enactment of this Act.

11 **SEC. 7133. REPORT ON EFFORTS OF THE DEPARTMENT OF**
12 **HOMELAND SECURITY TO DETER VEHICULAR**
13 **TERRORIST ATTACKS (DARREN DRAKE).**

14 (a) **IN GENERAL.**—Not later than one year after the
15 date of the enactment of this Act, the Secretary of Home-
16 land Security shall submit to Congress a report on the
17 efforts of the Department of Homeland Security to deter
18 vehicular terrorist attacks, including engagement with the
19 private sector and other stakeholders. Such report shall
20 include assessment of the following:

21 (1) The impact of such engagement on efforts
22 to protect the United States against terrorist at-
23 tacks.

1 (2) A description of the Department’s engage-
2 ment with privacy, civil rights, and civil liberties
3 stakeholders.

4 (3) Ways to improve engagement among the
5 following:

6 (A) The Department.

7 (B) Federal, State, local, and Tribal law
8 enforcement agencies.

9 (C) Other relevant stakeholders.

10 (b) **FORMAT.**—The report required under subsection
11 (a) may be submitted in a classified or protected format,
12 as determined appropriate by the Secretary of Homeland
13 Security.

14 **SEC. 7134. DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE.**

15 (a) **COUNTER ILLICIT CROSS-BORDER TUNNEL OP-**
16 **ERATIONS STRATEGIC PLAN.**—

17 (1) **IN GENERAL.**—Not later than 180 days
18 after the date of the enactment of this Act, the
19 Commissioner of U.S. Customs and Border Protec-
20 tion, in coordination with the Under Secretary for
21 Science and Technology, and, as appropriate, other
22 officials of the Department of Homeland Security,
23 shall develop a counter illicit cross-border tunnel op-
24 erations strategic plan (in this section referred to as
25 the “strategic plan”) to address the following:

1 (A) Risk-based criteria to be used to
2 prioritize the identification, breach, assessment,
3 and remediation of illicit cross-border tunnels.

4 (B) Promote the use of innovative tech-
5 nologies to identify, breach, assess, and reme-
6 diate illicit cross-border tunnels in a manner
7 that, among other considerations, reduces the
8 impact of such activities on surrounding com-
9 munities.

10 (C) Processes to share relevant illicit cross-
11 border tunnel location, operations, and technical
12 information.

13 (D) Indicators of specific types of illicit
14 cross-border tunnels found in each U.S. Border
15 Patrol sector identified through operations to be
16 periodically disseminated to U.S. Border Patrol
17 sector chiefs to educate field personnel.

18 (E) A counter illicit cross-border tunnel
19 operations resource needs assessment that in-
20 cludes consideration of the following:

21 (i) Technology needs.

22 (ii) Staffing needs, including the fol-
23 lowing:

1 (I) A position description for
2 counter illicit cross-border tunnel op-
3 erations personnel.

4 (II) Any specialized skills re-
5 quired of such personnel.

6 (III) The number of such full
7 time personnel, disaggregated by U.S.
8 Border Patrol sector.

9 (2) REPORT TO CONGRESS ON STRATEGIC
10 PLAN.—Not later than one year after the develop-
11 ment of the strategic plan, the Commissioner of U.S.
12 Customs and Border Protection shall submit to the
13 Committee on Homeland Security of the House of
14 Representatives and the Committee on Homeland
15 Security and Governmental Affairs of the Senate a
16 report on the implementation of the strategic plan.

17 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to the Commissioner of U.S.
19 Customs and Border Protection \$1,000,000 for each of
20 fiscal years 2023 and 2024 to carry out—

21 (1) the development of the strategic plan; and

22 (2) remediation operations of illicit cross-border
23 tunnels in accordance with the strategic plan to the
24 maximum extent practicable.

1 **SEC. 7135. PROVIDING TRAINING FOR U.S. CUSTOMS AND**
2 **BORDER PROTECTION PERSONNEL ON THE**
3 **USE OF CONTAINMENT DEVICES TO PREVENT**
4 **SECONDARY EXPOSURE TO FENTANYL AND**
5 **OTHER POTENTIALLY LETHAL SUBSTANCES.**

6 (a) TRAINING.—Paragraph (1) of section 416(b) of
7 the Homeland Security Act of 2002 (6 U.S.C. 216(b)) is
8 amended by adding at the end the following new subpara-
9 graph:

10 “(C) How to use containment devices to
11 prevent potential synthetic opioid exposure.”.

12 (b) AVAILABILITY OF CONTAINMENT DEVICES.—Sec-
13 tion 416(c) of the Homeland Security Act of 2002 (6
14 U.S.C. 216(c)) is amended—

15 (1) in the subsection heading, by inserting “,
16 CONTAINMENT DEVICES,” after “EQUIPMENT”; and

17 (2) by striking “and opioid receptor antago-
18 nists, including naloxone” and inserting “, opioid re-
19 ceptor antagonists, including naloxone, and contain-
20 ment devices”.

21 (c) APPLICABILITY TO OTHER COMPONENTS.—If the
22 Secretary of Homeland Security determines that officers,
23 agents, other personnel, or canines of a component of the
24 Department of Homeland Security other than U.S. Cus-
25 toms and Border Protection are at risk of potential syn-
26 thetic opioid exposure in the course of their duties, the

1 head of such component shall carry out the responsibilities
2 under section 416 of the Homeland Security Act of 2002
3 (6 U.S.C. 216) in the same manner and to the same de-
4 gree as the Commissioner of U.S. Customs and Border
5 Protection carries out such responsibilities.

6 **SEC. 7136. REPORTS, EVALUATIONS, AND RESEARCH RE-**
7 **GARDING DRUG INTERDICTION AT AND BE-**
8 **TWEEN PORTS OF ENTRY.**

9 (a) RESEARCH ON ADDITIONAL TECHNOLOGIES TO
10 DETECT FENTANYL.—Not later than one year after the
11 date of the enactment of this Act, the Secretary of Home-
12 land Security, in consultation with the Attorney General,
13 the Secretary of Health and Human Services, and the Di-
14 rector of the Office of National Drug Control Policy, shall
15 research additional technological solutions to—

16 (1) target and detect illicit fentanyl, fentanyl
17 analogs, and precursor chemicals, including low-pu-
18 rity fentanyl, especially in counterfeit pressed tab-
19 lets, and illicit pill press molds; and

20 (2) enhance detection of such counterfeit
21 pressed tablets through nonintrusive, noninvasive,
22 and other advanced screening technologies.

23 (b) EVALUATION OF CURRENT TECHNOLOGIES AND
24 STRATEGIES IN ILLICIT DRUG INTERDICTION AND PRO-
25 CUREMENT DECISIONS.—

1 (1) IN GENERAL.—The Secretary of Homeland
2 Security, in consultation with the Attorney General,
3 the Secretary of Health and Human Services, and
4 the Director of the Office of National Drug Control
5 Policy, shall establish a program to collect available
6 data and develop metrics to measure how tech-
7 nologies and strategies used by the Department of
8 Homeland Security, U.S. Customs and Border Pro-
9 tection, U.S. Immigration and Customs Enforce-
10 ment, and other relevant Federal agencies have
11 helped detect trafficked illicit fentanyl, fentanyl
12 analogs, and precursor chemicals or deter illicit
13 fentanyl, fentanyl analogs, and precursor chemicals
14 from being trafficked into the United States at and
15 between land, air, and sea ports of entry.

16 (2) CONSIDERATIONS.—The data and metrics
17 program established pursuant to paragraph (1) may
18 consider—

19 (A) the rate of detection of illicit fentanyl,
20 fentanyl analogs, and precursor chemicals at
21 land, air, and sea ports of entry;

22 (B) investigations and intelligence sharing
23 into the origins of illicit fentanyl, fentanyl
24 analogs, and precursor chemicals within the
25 United States; and

1 (C) other data or metrics considered ap-
2 propriate by the Secretary of Homeland Secu-
3 rity.

4 (3) UPDATES.—The Secretary of Homeland Se-
5 curity, as appropriate and in the coordination with
6 the officials referred to in paragraph (1), may up-
7 date the data and metrics program established pur-
8 suant to paragraph (1).

9 (4) REPORTS.—

10 (A) SECRETARY OF HOMELAND SECUR-
11 ITY.—Not later than one year after the date
12 of the enactment of this Act and biennially
13 thereafter, the Secretary of Homeland Security,
14 in consultation with the Attorney General, the
15 Secretary of Health and Human Services, and
16 the Director of the Office of National Drug
17 Control Policy shall, based on the data collected
18 and metrics developed pursuant to the program
19 established pursuant to paragraph (1), submit
20 to the Committee on Homeland Security, the
21 Committee on Energy and Commerce, the Com-
22 mittee on Science, Space, and Technology, and
23 the Committee on the Judiciary of the House of
24 Representatives and the Committee on Home-
25 land Security and Governmental Affairs, the

1 Committee on Commerce, Science, and Trans-
2 portation, and the Committee on the Judiciary
3 of the Senate a report that—

4 (i) examines and analyzes current
5 technologies, including pilot technologies,
6 deployed at land, air, and sea ports of
7 entry to assess how well such technologies
8 detect, deter, and address illicit fentanyl,
9 fentanyl analogs, and precursor chemicals;
10 and

11 (ii) examines and analyzes current
12 technologies, including pilot technologies,
13 deployed between land ports of entry to as-
14 sess how well and accurately such tech-
15 nologies detect, deter, interdict, and ad-
16 dress illicit fentanyl, fentanyl analogs, and
17 precursor chemicals;

18 (B) GOVERNMENT ACCOUNTABILITY OF-
19 FICE.—Not later than one year after the sub-
20 mission of each of the first three reports re-
21 quired under subparagraph (A), the Comp-
22 troller General of the United States shall sub-
23 mit to the Committee on Homeland Security,
24 the Committee on Energy and Commerce, the
25 Committee on Science, Space, and Technology,

1 and the Committee on the Judiciary of the
2 House of Representatives and the Committee
3 on Homeland Security and Governmental Af-
4 fairs, the Committee on Commerce, Science,
5 and Transportation, and the Committee on the
6 Judiciary of the Senate a report that evaluates
7 and, as appropriate, makes recommendations to
8 improve, the collection of data under the pro-
9 gram established pursuant to paragraph (1)
10 and metrics used in the subsequent reports re-
11 quired under such subparagraph.

12 **Subtitle E—Technical Corrections,**
13 **Conforming Changes, and Im-**
14 **provements**

15 **SEC. 7141. QUADRENNIAL HOMELAND SECURITY REVIEW**
16 **TECHNICAL CORRECTIONS.**

17 (a) IN GENERAL.—Section 707 of the Homeland Se-
18 curity Act of 2002 (6 U.S.C. 347) is amended—

19 (1) in subsection (a)(3)—

20 (A) in subparagraph (B), by striking
21 “and” after the semicolon at the end;

22 (B) by redesignating subparagraph (C) as
23 subparagraph (D); and

24 (C) by inserting after subparagraph (B)
25 the following new subparagraph:

1 “(C) representatives from appropriate ad-
2 visory committees established pursuant to sec-
3 tion 871, including the Homeland Security Ad-
4 visory Council and the Homeland Security
5 Science and Technology Advisory Committee, or
6 otherwise established, including the Aviation
7 Security Advisory Committee established pursu-
8 ant to section 44946 of title 49, United States
9 Code; and”;

10 (2) in subsection (b)—

11 (A) in paragraph (2), by inserting before
12 the semicolon at the end the following: “based
13 on the risk assessment required pursuant to
14 subsection (c)(2)(B)”;

15 (B) in paragraph (3)—

16 (i) by inserting “, to the extent prac-
17 ticable,” after “describe”; and

18 (ii) by striking “budget plan” and in-
19 serting “resources required”;

20 (C) in paragraph (4)—

21 (i) by inserting “, to the extent prac-
22 ticable,” after “identify”;

23 (ii) by striking “budget plan required
24 to provide sufficient resources to success-

1 fully” and inserting “resources required
2 to”; and

3 (iii) by striking the semicolon at the
4 end and inserting the following: “, includ-
5 ing any resources identified from redun-
6 dant, wasteful, or unnecessary capabilities
7 or capacities that may be redirected to bet-
8 ter support other existing capabilities or
9 capacities, as the case may be; and”;

10 (D) in paragraph (5), by striking “; and”
11 and inserting a period; and

12 (E) by striking paragraph (6);

13 (3) in subsection (c)—

14 (A) in paragraph (1), by striking “Decem-
15 ber 31 of the year” and inserting “60 days
16 after the date of the submission of the Presi-
17 dent’s budget for the fiscal year after the fiscal
18 year”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (B), by striking
21 “description of the threats to” and insert-
22 ing “risk assessment of”;

23 (ii) in subparagraph (C), by inserting
24 “, as required under subsection (b)(2)” be-
25 fore the semicolon at the end;

- 1 (iii) in subparagraph (D)—
- 2 (I) by inserting “to the extent
- 3 practicable,” before “a description”;
- 4 and
- 5 (II) by striking “budget plan”
- 6 and inserting “resources required”;
- 7 (iv) in subparagraph (F)—
- 8 (I) by inserting “to the extent
- 9 practicable,” before “a discussion”;
- 10 and
- 11 (II) by striking “the status of”;
- 12 (v) in subparagraph (G)—
- 13 (I) by inserting “to the extent
- 14 practicable,” before “a discussion”;
- 15 (II) by striking “the status of”;
- 16 (III) by inserting “and risks” be-
- 17 fore “to national homeland”; and
- 18 (IV) by inserting “and” after the
- 19 semicolon at the end;
- 20 (vi) by striking subparagraph (H);
- 21 and
- 22 (vii) by redesignating subparagraph
- 23 (I) as subparagraph (H);
- 24 (C) by redesignating paragraph (3) as
- 25 paragraph (4); and

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

3 “(3) DOCUMENTATION.—The Secretary shall
4 retain and, upon request, provide to Congress the
5 following documentation regarding each quadrennial
6 homeland security review:

7 “(A) Records regarding the consultation
8 carried out pursuant to subsection (a)(3), in-
9 cluding the following:

10 “(i) All written communications, in-
11 cluding communications sent out by the
12 Secretary and feedback submitted to the
13 Secretary through technology, online com-
14 munications tools, in-person discussions,
15 and the interagency process.

16 “(ii) Information on how feedback re-
17 ceived by the Secretary informed each such
18 quadrennial homeland security review.

19 “(B) Information regarding the risk as-
20 sessment required pursuant to subsection
21 (c)(2)(B), including the following:

22 “(i) The risk model utilized to gen-
23 erate such risk assessment.

1 “(ii) Information, including data used
2 in the risk model, utilized to generate such
3 risk assessment.

4 “(iii) Sources of information, includ-
5 ing other risk assessments, utilized to gen-
6 erate such risk assessment.

7 “(iv) Information on assumptions,
8 weighing factors, and subjective judgments
9 utilized to generate such risk assessment,
10 together with information on the rationale
11 or basis thereof.”;

12 (4) by redesignating subsection (d) as sub-
13 section (e); and

14 (5) by inserting after subsection (c) the fol-
15 lowing new subsection:

16 “(d) REVIEW.—Not later than 90 days after the sub-
17 mission of each report required under subsection (c)(1),
18 the Secretary shall provide to the Committee on Homeland
19 Security of the House of Representatives and the Com-
20 mittee on Homeland Security and Governmental Affairs
21 of the Senate information on the degree to which the find-
22 ings and recommendations developed in the quadrennial
23 homeland security review that is the subject of such report
24 were integrated into the acquisition strategy and expendi-
25 ture plans for the Department.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 this Act shall apply with respect to a quadrennial home-
3 land security review conducted after December 31, 2021.

4 **SEC. 7142. TECHNICAL, CONFORMING, AND CLERICAL**
5 **AMENDMENTS.**

6 The table of contents in section 1(b) of the Homeland
7 Security Act of 2002 is amended by—

8 (1) amending the items relating to sections 435
9 and 436 to read as follows:

“Sec. 435. Maritime operations coordination plan.
“Sec. 436. Maritime security capabilities assessments.”;

10 (2) amending the item relating to section 1617
11 to read as follows:

“Sec. 1617. Diversified security technology industry marketplace.”;

12 (3) amending the item relating to section 1621
13 to read as follows:

“Sec. 1621. Maintenance validation and oversight.”; and

14 (4) amending the item relating to section 2103
15 to read as follows:

“Sec. 2103. Protection and sharing of information.”.

16 **SEC. 7143. CISA TECHNICAL CORRECTIONS AND IMPROVE-**
17 **MENTS.**

18 (a) TECHNICAL AMENDMENT RELATING TO
19 DOTGOV ACT OF 2020.—

20 (1) AMENDMENT.—Section 904(b)(1) of the
21 DOTGOV Act of 2020 (title IX of division U of
22 Public Law 116–260) is amended, in the matter pre-

1 ceding subparagraph (A), by striking “Homeland
2 Security Act” and inserting “Homeland Security Act
3 of 2002”.

4 (2) EFFECTIVE DATE.—The amendment made
5 by paragraph (1) shall take effect as if enacted as
6 part of the DOTGOV Act of 2020 (title IX of divi-
7 sion U of Public Law 116–260).

8 (b) CONSOLIDATION OF DEFINITIONS.—

9 (1) IN GENERAL.—Title XXII of the Homeland
10 Security Act of 2002 (6 U.S.C. 651 et seq.) is
11 amended by inserting before the subtitle A heading
12 the following:

13 **“SEC. 2200. DEFINITIONS.**

14 “Except as otherwise specifically provided, in this
15 title:

16 “(1) AGENCY.—The term ‘Agency’ means the
17 Cybersecurity and Infrastructure Security Agency.

18 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term ‘appropriate congressional com-
20 mittees’ means—

21 “(A) the Committee on Homeland Security
22 and Governmental Affairs of the Senate; and

23 “(B) the Committee on Homeland Security
24 of the House of Representatives.

1 “(3) CLOUD SERVICE PROVIDER.—The term
2 ‘cloud service provider’ means an entity offering
3 products or services related to cloud computing, as
4 defined by the National Institute of Standards and
5 Technology in NIST Special Publication 800–145
6 and any amendatory or superseding document relat-
7 ing thereto.

8 “(4) CRITICAL INFRASTRUCTURE INFORMA-
9 TION.—The term ‘critical infrastructure information’
10 means information not customarily in the public do-
11 main and related to the security of critical infra-
12 structure or protected systems—

13 “(A) actual, potential, or threatened inter-
14 ference with, attack on, compromise of, or inca-
15 pacitation of critical infrastructure or protected
16 systems by either physical or computer-based
17 attack or other similar conduct (including the
18 misuse of or unauthorized access to all types of
19 communications and data transmission systems)
20 that violates Federal, State, or local law, harms
21 interstate commerce of the United States, or
22 threatens public health or safety;

23 “(B) the ability of any critical infrastruc-
24 ture or protected system to resist such inter-
25 ference, compromise, or incapacitation, includ-

1 ing any planned or past assessment, projection,
2 or estimate of the vulnerability of critical infra-
3 structure or a protected system, including secu-
4 rity testing, risk evaluation thereto, risk man-
5 agement planning, or risk audit; or

6 “(C) any planned or past operational prob-
7 lem or solution regarding critical infrastructure
8 or protected systems, including repair, recovery,
9 reconstruction, insurance, or continuity, to the
10 extent it is related to such interference, com-
11 promise, or incapacitation.

12 “(5) CYBER THREAT INDICATOR.—The term
13 ‘cyber threat indicator’ means information that is
14 necessary to describe or identify—

15 “(A) malicious reconnaissance, including
16 anomalous patterns of communications that ap-
17 pear to be transmitted for the purpose of gath-
18 ering technical information related to a cyberse-
19 curity threat or security vulnerability;

20 “(B) a method of defeating a security con-
21 trol or exploitation of a security vulnerability;

22 “(C) a security vulnerability, including
23 anomalous activity that appears to indicate the
24 existence of a security vulnerability;

1 “(D) a method of causing a user with le-
2 gitimate access to an information system or in-
3 formation that is stored on, processed by, or
4 transiting an information system to unwittingly
5 enable the defeat of a security control or exploi-
6 tation of a security vulnerability;

7 “(E) malicious cyber command and con-
8 trol;

9 “(F) the actual or potential harm caused
10 by an incident, including a description of the in-
11 formation exfiltrated as a result of a particular
12 cybersecurity threat;

13 “(G) any other attribute of a cybersecurity
14 threat, if disclosure of such attribute is not oth-
15 erwise prohibited by law; or

16 “(H) any combination thereof.

17 “(6) CYBERSECURITY PURPOSE.—The term ‘cy-
18 bersecurity purpose’ means the purpose of protecting
19 an information system or information that is stored
20 on, processed by, or transiting an information sys-
21 tem from a cybersecurity threat or security vulner-
22 ability.

23 “(7) CYBERSECURITY RISK.—The term ‘cyber-
24 security risk’—

1 “(A) means threats to and vulnerabilities
2 of information or information systems and any
3 related consequences caused by or resulting
4 from unauthorized access, use, disclosure, deg-
5 radation, disruption, modification, or destruc-
6 tion of such information or information sys-
7 tems, including such related consequences
8 caused by an act of terrorism; and

9 “(B) does not include any action that sole-
10 ly involves a violation of a consumer term of
11 service or a consumer licensing agreement.

12 “(8) CYBERSECURITY THREAT.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), the term ‘cybersecurity
15 threat’ means an action, not protected by the
16 First Amendment to the Constitution of the
17 United States, on or through an information
18 system that may result in an unauthorized ef-
19 fort to adversely impact the security, avail-
20 ability, confidentiality, or integrity of an infor-
21 mation system or information that is stored on,
22 processed by, or transiting an information sys-
23 tem.

24 “(B) EXCLUSION.—The term ‘cybersecu-
25 rity threat’ does not include any action that

1 solely involves a violation of a consumer term of
2 service or a consumer licensing agreement.

3 “(9) DEFENSIVE MEASURE.—

4 “(A) IN GENERAL.—Except as provided in
5 subparagraph (B), the term ‘defensive measure’
6 means an action, device, procedure, signature,
7 technique, or other measure applied to an infor-
8 mation system or information that is stored on,
9 processed by, or transiting an information sys-
10 tem that detects, prevents, or mitigates a
11 known or suspected cybersecurity threat or se-
12 curity vulnerability.

13 “(B) EXCLUSION.—The term ‘defensive
14 measure’ does not include a measure that de-
15 stroys, renders unusable, provides unauthorized
16 access to, or substantially harms an information
17 system or information stored on, processed by,
18 or transiting such information system not
19 owned by—

20 “(i) the private entity, as defined in
21 section 102 of the Cybersecurity Informa-
22 tion Sharing Act of 2015 (6 U.S.C. 1501),
23 operating the measure; or

24 “(ii) another entity or Federal entity
25 that is authorized to provide consent and

1 has provided consent to that private entity
2 for operation of such measure.

3 “(10) DIRECTOR.—The term ‘Director’ means
4 the Director of the Cybersecurity and Infrastructure
5 Security Agency.

6 “(11) HOMELAND SECURITY ENTERPRISE.—
7 The term ‘Homeland Security Enterprise’ means rel-
8 evant governmental and nongovernmental entities in-
9 volved in homeland security, including Federal,
10 State, local, and Tribal government officials, private
11 sector representatives, academics, and other policy
12 experts.

13 “(12) INCIDENT.—The term ‘incident’ means
14 an occurrence that actually or imminently jeopard-
15 izes, without lawful authority, the integrity, con-
16 fidentiality, or availability of information on an in-
17 formation system, or actually or imminently jeopard-
18 izes, without lawful authority, an information sys-
19 tem.

20 “(13) INFORMATION SHARING AND ANALYSIS
21 ORGANIZATION.—The term ‘Information Sharing
22 and Analysis Organization’ means any formal or in-
23 formal entity or collaboration created or employed by
24 public or private sector organizations, for purposes
25 of—

1 “(A) gathering and analyzing critical infra-
2 structure information, including information re-
3 lated to cybersecurity risks and incidents, in
4 order to better understand security problems
5 and interdependencies related to critical infra-
6 structure, including cybersecurity risks and in-
7 cidents, and protected systems, so as to ensure
8 the availability, integrity, and reliability thereof;

9 “(B) communicating or disclosing critical
10 infrastructure information, including cybersecu-
11 rity risks and incidents, to help prevent, detect,
12 mitigate, or recover from the effects of an inter-
13 ference, a compromise, or an incapacitation
14 problem related to critical infrastructure, in-
15 cluding cybersecurity risks and incidents, or
16 protected systems; and

17 “(C) voluntarily disseminating critical in-
18 frastructure information, including cybersecu-
19 rity risks and incidents, to its members, State,
20 local, and Federal Governments, or any other
21 entities that may be of assistance in carrying
22 out the purposes specified in subparagraphs (A)
23 and (B).

24 “(14) INFORMATION SYSTEM.—The term ‘infor-
25 mation system’—

1 “(A) has the meaning given the term in
2 section 3502 of title 44, United States Code;
3 and

4 “(B) includes industrial control systems,
5 such as supervisory control and data acquisition
6 systems, distributed control systems, and pro-
7 grammable logic controllers.

8 “(15) INTELLIGENCE COMMUNITY.—The term
9 ‘intelligence community’ has the meaning given the
10 term in section 3(4) of the National Security Act of
11 1947 (50 U.S.C. 3003(4)).

12 “(16) MALICIOUS CYBER COMMAND AND CON-
13 TROL.—The term ‘malicious cyber command and
14 control’ means a method for unauthorized remote
15 identification of, access to, or use of, an information
16 system or information that is stored on, processed
17 by, or transiting an information system.

18 “(17) MALICIOUS RECONNAISSANCE.—The term
19 ‘malicious reconnaissance’ a method for actively
20 probing or passively monitoring an information sys-
21 tem for the purpose of discerning security
22 vulnerabilities of the information system, if such
23 method is associated with a known or suspected cy-
24 bersecurity threat.

1 “(18) MANAGED SERVICE PROVIDER.—The
2 term ‘managed service provider’ means an entity
3 that delivers services, such as network, application,
4 infrastructure, or security services, via ongoing and
5 regular support and active administration on the
6 premises of a customer, in the data center of the en-
7 tity (such as hosting), or in a third party data cen-
8 ter.

9 “(19) MONITOR.—The term ‘monitor’ means to
10 acquire, identify, or scan, or to possess, information
11 that is stored on, processed by, or transiting an in-
12 formation system.

13 “(20) NATIONAL CYBERSECURITY ASSET RE-
14 SPONSE ACTIVITIES.—The term ‘national cybersecu-
15 rity asset response activities’ means—

16 “(A) furnishing cybersecurity technical as-
17 sistance to entities affected by cybersecurity
18 risks to protect assets, mitigate vulnerabilities,
19 and reduce impacts of cyber incidents;

20 “(B) identifying other entities that may be
21 at risk of an incident and assessing risk to the
22 same or similar vulnerabilities;

23 “(C) assessing potential cybersecurity risks
24 to a sector or region, including potential cas-

1 cading effects, and developing courses of action
2 to mitigate such risks;

3 “(D) facilitating information sharing and
4 operational coordination with threat response;
5 and

6 “(E) providing guidance on how best to
7 utilize Federal resources and capabilities in a
8 timely, effective manner to speed recovery from
9 cybersecurity risks.

10 “(21) NATIONAL SECURITY SYSTEM.—The term
11 ‘national security system’ has the meaning given the
12 term in section 11103 of title 40, United States
13 Code.

14 “(22) RANSOMWARE ATTACK.—The term
15 ‘ransomware attack’—

16 “(A) means an incident that includes the
17 use or threat of use of unauthorized or mali-
18 cious code on an information system, or the use
19 or threat of use of another digital mechanism
20 such as a denial of service attack, to interrupt
21 or disrupt the operations of an information sys-
22 tem or compromise the confidentiality, avail-
23 ability, or integrity of electronic data stored on,
24 processed by, or transiting an information sys-

1 tem to extort a demand for a ransom payment;
2 and

3 “(B) does not include any such event in
4 which the demand for payment is—

5 “(i) not genuine; or

6 “(ii) made in good faith by an entity
7 in response to a specific request by the
8 owner or operator of the information sys-
9 tem.

10 “(23) SECTOR RISK MANAGEMENT AGENCY.—

11 The term ‘Sector Risk Management Agency’ means
12 a Federal department or agency, designated by law
13 or Presidential directive, with responsibility for pro-
14 viding institutional knowledge and specialized exper-
15 tise of a sector, as well as leading, facilitating, or
16 supporting programs and associated activities of its
17 designated critical infrastructure sector in the all
18 hazards environment in coordination with the De-
19 partment.

20 “(24) SECURITY CONTROL.—The term ‘security
21 control’ means the management, operational, and
22 technical controls used to protect against an unau-
23 thorized effort to adversely affect the confidentiality,
24 integrity, and availability of an information system
25 or its information.

1 “(25) SECURITY VULNERABILITY.—The term
2 ‘security vulnerability’ means any attribute of hard-
3 ware, software, process, or procedure that could en-
4 able or facilitate the defeat of a security control.

5 “(26) SHARING.—The term ‘sharing’ (including
6 all conjugations thereof) means providing, receiving,
7 and disseminating (including all conjugations of each
8 such terms).

9 “(27) SLTT ENTITY.—The term ‘SLTT entity’
10 means a domestic government entity that is a State
11 government, local government, Tribal government,
12 territorial government, or any subdivision thereof.

13 “(28) SUPPLY CHAIN COMPROMISE.—The term
14 ‘supply chain compromise’ means an incident within
15 the supply chain of an information system that an
16 adversary can leverage, or does leverage, to jeop-
17 ardize the confidentiality, integrity, or availability of
18 the information system or the information the sys-
19 tem processes, stores, or transmits, and can occur at
20 any point during the life cycle.”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENTS.—The Homeland Security Act of 2002 (6
23 U.S.C. 101 et seq.) is amended—

1 (A) in section 320(d)(3)(C) (6 U.S.C.
2 195f(d)(3)(C)), by striking “section 2201” and
3 inserting “section 2200”;

4 (B) by amending section 2201 (6 U.S.C.
5 651) to read as follows:

6 **“SEC. 2201. DEFINITION.**

7 “In this subtitle, the term ‘Cybersecurity Advisory
8 Committee’ means the advisory committee established
9 under section 2219(a).”;

10 (C) in section 2202 (6 U.S.C. 652)—

11 (i) in subsection (a)(1), by striking
12 “(in this subtitle referred to as the Agen-
13 cy)”;

14 (ii) in subsection (b)(1), by striking
15 “a Director of Cybersecurity and Infra-
16 structure Security (in this subtitle referred
17 to as the ‘Director’)” and inserting “the
18 Director”; and

19 (iii) in subsection (f)—

20 (I) in paragraph (1), by inserting
21 “Executive” before “Assistant Direc-
22 tor”;

23 (II) in paragraph (2), by insert-
24 ing “Executive” before “Assistant Di-
25 rector”; and

1 (III) in paragraph (3), by insert-
2 ing “Executive” before “Assistant Di-
3 rector”;

4 (D) in section 2209 (6 U.S.C. 659)—

5 (i) by striking subsection (a) and in-
6 sserting the following:

7 “(a) DEFINITION.—The term ‘cybersecurity vulner-
8 ability’ has the meaning given the term ‘security vulner-
9 ability’ in section 2200.”;

10 (ii) in subsection (b), by inserting
11 “Executive” before “Assistant Director for
12 Cybersecurity”;

13 (iii) in subsection (d)(1)—

14 (I) in subparagraph (A)(iii), by
15 striking “, as that term is defined
16 under section 3(4) of the National Se-
17 curity Act of 1947 (50 U.S.C.
18 3003(4))”; and

19 (II) in subparagraph (B)(ii), by
20 striking “information sharing and
21 analysis organizations” and inserting
22 “Information Sharing and Analysis
23 Organizations”;

24 (iv) in subsection (e)(1)(E)(ii)(II), by
25 striking “information sharing and analysis

1 organizations” and inserting “Information
2 Sharing and Analysis Organizations”;

3 (v) in the second subsection (p), by
4 striking “(p) COORDINATION ON CYBERSE-
5 CURITY FOR SLTT ENTITIES.—” and in-
6 serting “(r) COORDINATION ON CYBERSE-
7 CURITY FOR SLTT ENTITIES.—”; and

8 (vi) in the second subsection (q), by
9 striking “(q) REPORT.—” and inserting
10 “(s) REPORT.—”;

11 (E) in section 2210 (6 U.S.C. 660)—

12 (i) in subsection (a), by striking “sec-
13 tion—” and all that follows and inserting
14 “section, the term ‘agency information sys-
15 tem’ means an information system used or
16 operated by an agency or by another entity
17 on behalf of an agency.”;

18 (ii) in subsection (c)—

19 (I) by striking “information shar-
20 ing and analysis organizations (as de-
21 fined in section 2222(5))” and insert-
22 ing “Information Sharing and Anal-
23 ysis Organizations”; and

24 (II) by striking “(as defined in
25 section 2209)”; and

1 (iii) in subsection (e)—

2 (I) in paragraph (1)(B), by strik-
3 ing “(as such term is defined in sec-
4 tion 2209)”; and

5 (II) in paragraph (3)(C), by
6 striking “(as such term is defined in
7 section 102 of the Cybersecurity In-
8 formation Sharing Act of 2015 (6
9 U.S.C. 1501))”;

10 (F) in section 2211 (6 U.S.C. 661), by
11 striking subsection (h);

12 (G) in section 2212 (6 U.S.C. 662), by
13 striking “information sharing and analysis or-
14 ganizations (as defined in section 2222(5))”
15 and inserting “Information Sharing and Anal-
16 ysis Organizations”;

17 (H) in section 2213(a) (6 U.S.C. 663(a)),
18 by striking paragraph (4); and

19 (I) in section 2216 (6 U.S.C. 665b)—

20 (i) in subsection (d)(2), by striking
21 “information sharing and analysis organi-
22 zations” and inserting “Information Shar-
23 ing and Analysis Organizations”; and

24 (ii) in subsection (f), by striking “sec-
25 tion:” and all that follows and inserting

1 “section, the term ‘cyber defense operation’
2 means the defensive activities performed
3 for a cybersecurity purpose.”;

4 (J) in section 2218(c)(4)(A) (6 U.S.C.
5 665d(4)(A)), by striking “information sharing
6 and analysis organizations” and inserting “In-
7 formation Sharing and Analysis Organiza-
8 tions”;

9 (K) in section 2220A (6 U.S.C. 665g)—

10 (i) in subsection (a)—

11 (I) by striking paragraphs (1),
12 (2), (5), (6), and (7); and

13 (II) by redesignating paragraphs
14 (3), (4), (8), (9), (10), (11), and (12)
15 as paragraphs (1) through (7), respec-
16 tively;

17 (ii) in subsection
18 (e)(2)(B)(xiv)(II)(aa), by striking “infor-
19 mation sharing and analysis organization”
20 and inserting “Information Sharing and
21 Analysis Organization”;

22 (iii) in subsection (p), by striking “ap-
23 propriate committees of Congress” and in-
24 serting “appropriate congressional commit-
25 tees”; and

1 (iv) in subsection (q)(4), in the matter
2 preceding clause (i), by striking “appro-
3 priate committees of Congress” and insert-
4 ing “appropriate congressional commit-
5 tees”;

6 (L) in section 2220C (6 U.S.C. 665i), by
7 striking subsection (f) and inserting the fol-
8 lowing:

9 “(f) DEFINITION.—In this section, the term ‘indus-
10 trial control system’ means an information system used
11 to monitor and/or control industrial processes such as
12 manufacturing, product handling, production, and dis-
13 tribution, including supervisory control and data acquisi-
14 tion (SCADA) systems used to monitor and/or control geo-
15 graphically dispersed assets, distributed control systems
16 (DCSs), Human-Machine Interfaces (HMIs), and pro-
17 grammable logic controllers that control localized pro-
18 cesses.”;

19 (M) in section 2222 (6 U.S.C. 671)—

20 (i) by striking paragraph (3) and in-
21 serting the following:

22 “(3) CRITICAL INFRASTRUCTURE INFORMA-
23 TION.—The term ‘critical infrastructure information’
24 has the meaning given the term in section 2200.”;

1 (ii) by striking paragraphs (5) and
2 (8); and

3 (iii) by redesignating paragraphs (6)
4 and (7) as paragraphs (5) and (6), respec-
5 tively; and

6 (N) in section 2240 (6 U.S.C. 681)—

7 (i) by striking paragraph (2);

8 (ii) by redesignating paragraphs (3)
9 through (7) as paragraphs (2) through (6);

10 (iii) in paragraph (6), as so redesign-
11 ated, by striking “section 2201” and in-
12 sserting “section 2200”;

13 (iv) by striking paragraph (8), and in-
14 sserting the following:

15 “(7) FEDERAL ENTITY.—The term ‘Federal en-
16 tity’ has the meaning given the term in section 102
17 of the Cybersecurity Information Sharing Act of
18 2015 (6 U.S.C. 1501).”;

19 (v) by striking paragraphs (9)
20 through (12), (14), (15), and (17); and

21 (vi) by redesignating paragraphs (13),
22 (16), (18), and (19) as paragraphs (8),
23 (9), (10), and (11), respectively.

24 (3) TABLE OF CONTENTS AMENDMENTS.—The
25 table of contents in section 1(b) of the Homeland

1 Security Act of 2002 (Public Law 107–296; 116
2 Stat. 2135) is amended—

3 (A) by inserting before the item relating to
4 subtitle A of title XXII the following:

“Sec. 2200. Definitions.”;

5 (B) by striking the item relating to section
6 2201 and insert the following:

“Sec. 2201. Definition.”; and

7 (C) by moving the item relating to section
8 2220D to appear after the item relating to sec-
9 tion 2220C.

10 (4) CYBERSECURITY INFORMATION SHARING
11 ACT OF 2015 DEFINITIONS.—Section 102 of the Cy-
12 bersecurity Information Sharing Act of 2015 (6
13 U.S.C. 1501) is amended—

14 (A) by striking paragraphs (4) through (7)
15 and inserting the following:

16 “(4) CYBERSECURITY PURPOSE.—The term ‘cy-
17 bersecurity purpose’ has the meaning given the term
18 in section 2200 of the Homeland Security Act of
19 2002.

20 “(5) CYBERSECURITY THREAT.—The term ‘cy-
21 bersecurity threat’ has the meaning given the term
22 in section 2200 of the Homeland Security Act of
23 2002.

1 “(6) CYBER THREAT INDICATOR.—The term
2 ‘cyber threat indicator’ has the meaning given the
3 term in section 2200 of the Homeland Security Act
4 of 2002.

5 “(7) DEFENSIVE MEASURE.—The term ‘defen-
6 sive measure’ has the meaning given the term in sec-
7 tion 2200 of the Homeland Security Act of 2002.”;

8 (B) by striking paragraph (9) and insert-
9 ing the following:

10 “(9) INFORMATION SYSTEM.—The term ‘infor-
11 mation system’ has the meaning given the term in
12 section 2200 of the Homeland Security Act of
13 2002.”.

14 (C) by striking paragraphs (11), (12), and
15 (13) and inserting the following:

16 “(11) MALICIOUS CYBER COMMAND AND CON-
17 TROL.—The term ‘malicious cyber command and
18 control’ has the meaning given the term in section
19 2200 of the Homeland Security Act of 2002.

20 “(12) MALICIOUS RECONNAISSANCE.—The term
21 ‘malicious reconnaissance’ has the meaning given the
22 term in section 2200 of the Homeland Security Act
23 of 2002.

1 “(13) MONITOR.— The term ‘monitor’ has the
2 meaning given the term in section 2200 of the
3 Homeland Security Act of 2002.”; and

4 (D) by striking paragraphs (16) and (17)
5 and inserting the following:

6 “(16) SECURITY CONTROL.—The term ‘security
7 control’ has the meaning given the term in section
8 2200 of the Homeland Security Act of 2002.

9 “(17) SECURITY VULNERABILITY.—The term
10 ‘security vulnerability’ has the meaning given the
11 term in section 2200 of the Homeland Security Act
12 of 2002.”.

13 (c) CORRECTION TO THE TITLE OF THE DIRECTOR
14 OF THE CYBERSECURITY AND INFRASTRUCTURE SECU-
15 RITY AGENCY.—The Homeland Security Act of 2002 (6
16 U.S.C. 101 et seq.) is amended—

17 (1) in section 523 (6 U.S.C. 3211)—

18 (A) in subsection (a), in the matter pre-
19 ceding paragraph (1), by striking “Director of
20 Cybersecurity and Infrastructure Security” and
21 inserting “Director of the Cybersecurity and In-
22 frastructure Security Agency”; and

23 (B) in subsection (c), by striking “Director
24 of Cybersecurity and Infrastructure Security”

1 and inserting “Director of the Cybersecurity
2 and Infrastructure Security Agency”;

3 (2) in section 884(d)(4)(A)(ii) (6 U.S.C.
4 464(d)(4)(A)(ii)), by striking “Director of Cyberse-
5 curity and Infrastructure Security” and inserting
6 “Director of the Cybersecurity and Infrastructure
7 Security Agency”;

8 (3) in section 1801(b) (6 U.S.C. 571(b)), in the
9 second and third sentences, by striking “Director of
10 Cybersecurity and Infrastructure Security” and in-
11 serting “Director of the Cybersecurity and Infra-
12 structure Security Agency”;

13 (4) in section 2104(c)(2) (6 U.S.C. 624(c)(2)),
14 by striking “Director of Cybersecurity and Infra-
15 structure Security” and inserting “Director of the
16 Cybersecurity and Infrastructure Security Agency”;

17 (5) in section 2202 (6 U.S.C. 652)—

18 (A) in subsection (b)(3), by striking “Di-
19 rector of Cybersecurity and Infrastructure Se-
20 curity of the Department” and inserting “Di-
21 rector of the Cybersecurity and Infrastructure
22 Security Agency”; and

23 (B) in subsection (d), in the matter pre-
24 ceding paragraph (1), by striking “Director of
25 Cybersecurity and Infrastructure Security” and

1 inserting “Director of the Cybersecurity and In-
2 frastructure Security Agency”;

3 (6) in section 2205, in the matter preceding
4 paragraph (1), by striking “Director of Cybersecu-
5 rity and Infrastructure Security” and inserting “Di-
6 rector of the Cybersecurity and Infrastructure Secu-
7 rity Agency”;

8 (7) in section 2206, by striking “Director of
9 Cybersecurity and Infrastructure Security” and in-
10 serting “Director of the Cybersecurity and Infra-
11 structure Security Agency”; and

12 (8) in section 2210(c), by striking “Director of
13 Cybersecurity and Infrastructure Security” and in-
14 serting “Director of the Cybersecurity and Infra-
15 structure Security Agency”.

16 (d) **ADDITIONAL TECHNICAL AND CONFORMING**
17 **AMENDMENTS.**—

18 (1) **FEDERAL CYBERSECURITY ENHANCEMENT**
19 **ACT OF 2015.**—The Federal Cybersecurity Enhance-
20 ment Act of 2015 (6 U.S.C. 1521 et seq.) is amend-
21 ed—

22 (A) in section 222(4) (6 U.S.C. 1521(4)),
23 by striking “section 2209” and inserting “sec-
24 tion 2200”; and

1 (B) in section 226(a)(2) (6 U.S.C.
2 1524(a)(2)), by striking “section 102” and in-
3 sserting “section 2200 of the Homeland Security
4 Act of 2002”.

5 (2) FEDERAL POWER ACT.—Section 219A(a)(1)
6 of the Federal Power Act (16 U.S.C. 824s–1(a)(1))
7 is amended by striking “section 102 of the Cyberse-
8 curity Act of 2015 (6 U.S.C. 1501)” and inserting
9 “section 2200 of the Homeland Security Act of
10 2002”.

11 (3) INFRASTRUCTURE INVESTMENT AND JOBS
12 ACT.—Section 40124(a)(1) of the Infrastructure In-
13 vestment and Jobs Act (42 U.S.C. 18723(a)(1)) is
14 amended by striking “section 102 of the Cybersecu-
15 rity Act of 2015 (6 U.S.C. 1051)” and inserting
16 “section 2200 of the Homeland Security Act of
17 2002”.

18 (4) PUBLIC HEALTH SERVICE ACT.—Section
19 2811(b)(4)(D) of the Public Health Service Act (42
20 U.S.C. 300hh–10(b)(4)(D)) is amended by striking
21 “section 228(c) of the Homeland Security Act of
22 2002 (6 U.S.C. 149(c))” and inserting “section
23 2210(b) of the Homeland Security Act of 2002 (6
24 U.S.C. 660(b))”.

1 (5) WILLIAM M. (MAC) THORNBERRY NATIONAL
2 DEFENSE AUTHORIZATION ACT OF FISCAL YEAR
3 2021.—Section 9002 of the William M. (Mac) Thorn-
4 berry National Defense Authorization Act for Fiscal
5 Year 2021 (6 U.S.C. 652a) is amended—

6 (A) in subsection (a)—

7 (i) by striking paragraph (5);

8 (ii) by redesignating paragraphs (6)
9 and (7) as paragraphs (5) and (6), respec-
10 tively; and

11 (iii) by amending paragraph (7) to
12 read as follows:

13 “(7) SECTOR RISK MANAGEMENT AGENCY.—
14 The term ‘Sector Risk Management Agency’ has the
15 meaning given the term in section 2200 of the
16 Homeland Security Act of 2002.”;

17 (B) in subsection (c)(3)(B), by striking
18 “given such term in section 2201(5) (6 U.S.C.
19 651(5))” and inserting “given such term in sec-
20 tion 2200”; and

21 (C) in subsection (d), by striking “section
22 2215 of the Homeland Security Act of 2002, as
23 added by this section” and inserting “section
24 2218 of the Homeland Security Act of 2002 (6
25 U.S.C. 665d)”.

1 (6) NATIONAL SECURITY ACT OF 1947.—Section
2 113B(b)(4) of the National Security Act of 1947
3 (50 U.S.C. 3049a(b)(4)) is amended by striking sec-
4 tion “226 of the Homeland Security Act of 2002 (6
5 U.S.C. 147)” and inserting “section 2208 of the
6 Homeland Security Act of 2002 (6 U.S.C. 658)”.

7 (7) NATIONAL DEFENSE AUTHORIZATION ACT
8 FOR FISCAL YEAR 2020.—Section 6503(a)(3) of the
9 National Defense Authorization Act for Fiscal Year
10 2020 (50 U.S.C. 3371a(a)(3)) is amended by strik-
11 ing “section 102 of the Cybersecurity Information
12 Sharing Act of 2015 (6 U.S.C. 1501)” and inserting
13 “section 2200 of the Homeland Security Act of
14 2002”.

15 (8) IOT CYBERSECURITY IMPROVEMENT ACT OF
16 2020.—Section 3(8) of the IoT Cybersecurity Im-
17 provement Act of 2020 (15 U.S.C. 278g-3a(8)) is
18 amended by striking “section 102(17) of the Cyber-
19 security Information Sharing Act of 2015 (6 U.S.C.
20 1501(17))” and inserting “section 2200 of the
21 Homeland Security Act of 2002”.

22 (9) SMALL BUSINESS ACT.—Section
23 21(a)(8)(B) of the Small Business Act (15 U.S.C.
24 648(a)(8)(B)) is amended by striking “section
25 2209(a)” and inserting “section 2200”.

1 (10) TITLE 46.—Section 70101(2) of title 46,
2 United States Code, is amended by striking “section
3 227 of the Homeland Security Act of 2002 (6
4 U.S.C. 148)” and inserting “section 2200 of the
5 Homeland Security Act of 2002”.

6 (e) CLARIFYING AND TECHNICAL AMENDMENTS TO
7 THE CYBER INCIDENT REPORTING FOR CRITICAL INFRA-
8 STRUCTURE ACT OF 2022.—The Homeland Security Act
9 of 2002 (6 U.S.C. 101 et seq.) is amended—

10 (1) in section 2243(6 U.S.C. 681c), by striking
11 subsection (c) and inserting the following:

12 “(c) APPLICATION OF SECTION 2245.—Section 2245
13 shall apply in the same manner and to the same extent
14 to reports and information submitted under subsections
15 (a) and (b) as it applies to reports and information sub-
16 mitted under section 2242.”; and

17 (2) in section 2244(b)(2) (6 U.S.C.
18 681d(b)(2)), by inserting “including that section
19 2245 shall apply to such information in the same
20 manner and to the same extent to information sub-
21 mitted in response to requests under paragraph (1)
22 as it applies to information submitted under section
23 2242” after “section 2242”.

24 (f) RULE OF CONSTRUCTION.—

1 (1) INTERPRETATION OF TECHNICAL CORREC-
2 TIONS.—Nothing in the amendments made by sub-
3 sections (a) through (d) shall be construed to alter
4 the authorities, responsibilities, functions, or activi-
5 ties of any agency (as such term is defined in section
6 3502 of title 44, United States Code) or officer or
7 employee of the United States on or before the date
8 of enactment of this Act.

9 (2) INTERPRETATION OF REFERENCES TO
10 DEFINITIONS.—Any reference to a term defined in
11 the Homeland Security Act of 2002 (6 U.S.C. 101
12 et seq.) on the day before the date of enactment of
13 this Act that is defined in section 2200 of that Act
14 pursuant to the amendments made under this Act
15 shall be deemed to be a reference to that term as de-
16 fined in section 2200 of the Homeland Security Act
17 of 2002, as added by this Act.

18 **TITLE LXXII—GOVERNMENTAL**
19 **AFFAIRS**

Subtitle A—Intragovernmental Cybersecurity Information Sharing Act

Sec. 7201. Requirement for information sharing agreements.

Subtitle A—Improving Government for America's Taxpayers

Sec. 7211. Government Accountability Office unimplemented priority rec-
ommendations.

Subtitle B—Advancing American AI Act

Sec. 7221. Short title.
Sec. 7222. Purposes.
Sec. 7223. Definitions.

- Sec. 7224. Principles and policies for use of artificial intelligence in Government.
- Sec. 7225. Agency inventories and artificial intelligence use cases.
- Sec. 7226. Rapid pilot, deployment and scale of applied artificial intelligence capabilities to demonstrate modernization activities related to use cases.
- Sec. 7227. Enabling entrepreneurs and agency missions.
- Sec. 7228. Intelligence community exception.

Subtitle C—Strategic EV Management

- Sec. 7231. Short Title.
- Sec. 7232. Definitions.
- Sec. 7233. Strategic guidance.
- Sec. 7234. Study of Federal fleet vehicles.

Subtitle D—Congressionally Mandated Reports

- Sec. 7241. Short title.
- Sec. 7242. Definitions.
- Sec. 7243. Establishment of online portal for congressionally mandated reports.
- Sec. 7244. Federal agency responsibilities.
- Sec. 7245. Changing or removing reports.
- Sec. 7246. Withholding of information.
- Sec. 7247. Implementation.
- Sec. 7248. Determination of budgetary effects.

1 **Subtitle A—Intragovernmental Cy-**
2 **bersecurity Information Sharing**
3 **Act**

4 **SEC. 7201. REQUIREMENT FOR INFORMATION SHARING**
5 **AGREEMENTS.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “Intragovernmental Cybersecurity and Counterintelligence
8 Information Sharing Act”.

9 (b) **FINDINGS.**—Congress finds the following:

10 (1) The legislative branch, as a separate and
11 equal branch of the United States Government, is a
12 target of adversary cyber actors and intelligence
13 services.

1 (2) The legislative branch relies on the execu-
2 tive branch to provide timely and urgent tactical and
3 operational information to ensure that Congress can
4 protect the constitutional officers, personnel, and fa-
5 cilities of Congress and the institution of Congress
6 more broadly.

7 (3) The legislative branch currently is not re-
8 ceiving this information in a timely manner nor as
9 a matter of course.

10 (c) DEFINITIONS.—In this section—

11 (1) the term “congressional leadership”
12 means—

13 (A) the Majority and Minority Leader of
14 the Senate with respect to an agreement with
15 the Sergeant at Arms and Doorkeeper of the
16 Senate or the Secretary of the Senate; and

17 (B) the Speaker and Minority Leader of
18 the House of Representatives with respect to an
19 agreement with the Chief Administrative Officer
20 of the House of Representatives or the Sergeant
21 at Arms of the House of Representatives; and

22 (2) the terms “cybersecurity threat” and “secu-
23 rity vulnerability” have the meanings given those
24 terms in section 2200 of the Homeland Security Act
25 of 2002, as added by section 5171 of this division.

1 (d) REQUIREMENT.—

2 (1) DESIGNATION.—

3 (A) IN GENERAL.—Not later than 30 days
4 after the date of enactment of this Act, the
5 President shall designate—

6 (i) an individual appointed by the
7 President, by and with the advice and con-
8 sent of the Senate, to serve as a single
9 point of contact to the legislative branch
10 on matters related to tactical and oper-
11 ational cybersecurity threats and security
12 vulnerabilities; and

13 (ii) an individual appointed by the
14 President, by and with the advice and con-
15 sent of the Senate, to serve as a single
16 point of contact to the legislative branch
17 on matters related to tactical and oper-
18 ational counterintelligence.

19 (B) COORDINATION.—The individuals des-
20 igned by the President under subparagraph
21 (A) shall coordinate with appropriate Executive
22 agencies (as defined in section 105 of title 5,
23 United States Code, including the Executive Of-
24 fice of the President) and appropriate officers

1 in the executive branch in entering any agree-
2 ment described in paragraph (2).

3 (2) INFORMATION SHARING AGREEMENTS.—

4 (A) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this Act, the in-
6 dividuals designated by the President under
7 paragraph (1)(A) shall enter into 1 or more in-
8 formation sharing agreements with—

9 (i) the Sergeant at Arms and Door-
10 keeper of the Senate with respect to cyber-
11 security information sharing, subject to the
12 approval of congressional leadership and in
13 consultation with the chairman and the
14 ranking minority member of the Com-
15 mittee on Rules and Administration of the
16 Senate;

17 (ii) the Secretary of the Senate with
18 respect to counterintelligence information
19 sharing, subject to the approval of congres-
20 sional leadership and in consultation with
21 the chairman and ranking minority mem-
22 ber of the Committee on Rules and Admin-
23 istration of the Senate;

24 (iii) the Chief Administrative Officer
25 of the House of Representatives with re-

1 spect to cybersecurity information sharing,
2 subject to the approval of the chair of the
3 Committee on House Administration of the
4 House of Representatives and in consulta-
5 tion with the ranking minority member of
6 the committee and congressional leader-
7 ship; and

8 (iv) the Sergeant at Arms of the
9 House of Representatives with respect to
10 counterintelligence information sharing,
11 subject to the approval of the chair of the
12 Committee on House Administration of the
13 House of Representatives and in consulta-
14 tion with the ranking minority member of
15 the committee and congressional leader-
16 ship.

17 (B) PURPOSE.—The agreements described
18 in subparagraph (A) shall establish procedures
19 for timely sharing of tactical and operational
20 cybersecurity threat and security vulnerability
21 information and planned or ongoing counter-
22 intelligence operations or targeted collection ef-
23 forts with the legislative branch.

24 (3) IMPLEMENTATION.—Not less frequently
25 than semiannually during the 3-year period begin-

1 ning on the date of enactment of this Act, the indi-
2 viduals designated by the President under paragraph
3 (1)(A) shall meet with the officers referenced in
4 clauses (i), (ii), (iii), and (iv) of paragraph (2)(A),
5 the chairman and ranking minority member of the
6 Committee on Homeland Security and Governmental
7 Affairs of the Senate, with respect to an agreement
8 with the Sergeant at Arms and Doorkeeper of the
9 Senate, and the chair and ranking minority member
10 of the Committee on Oversight and Reform of the
11 House of Representatives, with respect to an agree-
12 ment with the Chief Administrative Officer of the
13 House of Representatives or the Sergeant at Arms
14 of the House of Representatives, to ensure the
15 agreements with such officers are being implemented
16 in a manner consistent with applicable laws, includ-
17 ing this Act.

18 (e) ELEMENTS.—

19 (1) IN GENERAL.—The parties to an informa-
20 tion sharing agreement under subsection (d)(2) shall
21 jointly develop such elements of the agreement as
22 the parties find appropriate, which—

23 (A) with respect to an agreement covered
24 by subsection (d)(2)(A)(i) or (ii), shall, at a

1 minimum, include the applicable elements speci-
2 fied in paragraph (2); and

3 (B) with respect to an agreement covered
4 by subsection (d)(2)(A)(iii) or (iv), may include
5 the applicable elements specified in paragraph
6 (2).

7 (2) ELEMENTS SPECIFIED.—The elements spec-
8 ified in this paragraph are—

9 (A) direct and timely sharing of technical
10 indicators and contextual information on cyber
11 threats and security vulnerabilities, and the
12 means for such sharing;

13 (B) direct and timely sharing of counter-
14 intelligence threats and vulnerabilities, includ-
15 ing trends of counterintelligence activity, and
16 the means for such sharing;

17 (C) identification, by position, of the offi-
18 cials at the operational and tactical level re-
19 sponsible for daily management of the agree-
20 ment;

21 (D) the ability to seat cybersecurity per-
22 sonnel of the Office of the Sergeant at Arms
23 and Doorkeeper of the Senate or the Office of
24 the Chief Administrative Officer of the House

1 of Representatives at cybersecurity operations
2 centers within the executive branch; and

3 (E) any other elements the parties find ap-
4 propriate.

5 **Subtitle A—Improving Government**
6 **for America’s Taxpayers**

7 **SEC. 7211. GOVERNMENT ACCOUNTABILITY OFFICE**
8 **UNIMPLEMENTED PRIORITY RECOMMENDA-**
9 **TIONS.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall, as part of the Comptroller General’s
12 annual reporting to committees of Congress—

13 (1) consolidate Matters for Congressional Con-
14 sideration from the Government Accountability Of-
15 fice in one report organized by policy topic that in-
16 cludes the amount of time such Matters have been
17 unimplemented and submit such report to congress-
18 sional leadership and the oversight committees of
19 each House;

20 (2) with respect to the annual letters sent by
21 the Comptroller General to individual agency heads
22 and relevant congressional committees on the status
23 of unimplemented priority recommendations, identify
24 any additional congressional oversight actions that
25 can help agencies implement such priority rec-

1 ommendations and address any underlying issues re-
2 lating to such implementation;

3 (3) make publicly available the information de-
4 scribed in paragraphs (1) and (2); and

5 (4) publish any known costs of unimplemented
6 priority recommendations, if applicable.

7 (b) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to require reporting relating to
9 unimplemented priority recommendations or any other re-
10 port, recommendation, information, or item relating to any
11 element of the intelligence community, as defined in sec-
12 tion 3 of the National Security Act of 1947 (50 U.S.C.
13 3003).

14 **Subtitle B—Advancing American** 15 **AI Act**

16 **SEC. 7221. SHORT TITLE.**

17 This subtitle may be cited as the “Advancing Amer-
18 ican AI Act”.

19 **SEC. 7222. PURPOSES.**

20 The purposes of this subtitle are to—

21 (1) encourage agency artificial intelligence-re-
22 lated programs and initiatives that enhance the com-
23 petitiveness of the United States and foster an ap-
24 proach to artificial intelligence that builds on the

1 strengths of the United States in innovation and
2 entrepreneurialism;

3 (2) enhance the ability of the Federal Govern-
4 ment to translate research advances into artificial
5 intelligence applications to modernize systems and
6 assist agency leaders in fulfilling their missions;

7 (3) promote adoption of modernized business
8 practices and advanced technologies across the Fed-
9 eral Government that align with the values of the
10 United States, including the protection of privacy,
11 civil rights, and civil liberties; and

12 (4) test and harness applied artificial intel-
13 ligence to enhance mission effectiveness, agency pro-
14 gram integrity, and business practice efficiency.

15 **SEC. 7223. DEFINITIONS.**

16 In this subtitle:

17 (1) AGENCY.—The term “agency” has the
18 meaning given the term in section 3502 of title 44,
19 United States Code.

20 (2) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means—

23 (A) the Committee on Homeland Security
24 and Governmental Affairs of the Senate;

1 (B) the Committee on Oversight and Re-
2 form of the House of Representatives; and

3 (C) the Committee on Homeland Security
4 of the House of Representatives.

5 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
6 tificial intelligence” has the meaning given the term
7 in section 238(g) of the John S. McCain National
8 Defense Authorization Act for Fiscal Year 2019 (10
9 U.S.C. 2358 note).

10 (4) ARTIFICIAL INTELLIGENCE SYSTEM.—The
11 term “artificial intelligence system”—

12 (A) means any data system, software, ap-
13 plication, tool, or utility that operates in whole
14 or in part using dynamic or static machine
15 learning algorithms or other forms of artificial
16 intelligence, whether—

17 (i) the data system, software, applica-
18 tion, tool, or utility is established primarily
19 for the purpose of researching, developing,
20 or implementing artificial intelligence tech-
21 nology; or

22 (ii) artificial intelligence capability is
23 integrated into another system or agency
24 business process, operational activity, or
25 technology system; and

1 (B) does not include any common commer-
2 cial product within which artificial intelligence
3 is embedded, such as a word processor or map
4 navigation system.

5 (5) DEPARTMENT.—The term “Department”
6 means the Department of Homeland Security.

7 (6) DIRECTOR.—The term “Director” means
8 the Director of the Office of Management and Budg-
9 et.

10 **SEC. 7224. PRINCIPLES AND POLICIES FOR USE OF ARTIFI-**
11 **CIAL INTELLIGENCE IN GOVERNMENT.**

12 (a) GUIDANCE.—The Director shall, when developing
13 the guidance required under section 104(a) of the AI in
14 Government Act of 2020 (title I of division U of Public
15 Law 116–260), consider—

16 (1) the considerations and recommended prac-
17 tices identified by the National Security Commission
18 on Artificial Intelligence in the report entitled “Key
19 Considerations for the Responsible Development and
20 Fielding of AI”, as updated in April 2021;

21 (2) the principles articulated in Executive
22 Order 13960 (85 Fed. Reg. 78939; relating to pro-
23 moting the use of trustworthy artificial intelligence
24 in Government); and

25 (3) the input of—

1 (A) the Administrator of General Services;

2 (B) relevant interagency councils, such as
3 the Federal Privacy Council, the Chief Finan-
4 cial Officers Council, the Chief Information Of-
5 ficers Council, and the Chief Data Officers
6 Council;

7 (C) other governmental and nongovern-
8 mental privacy, civil rights, and civil liberties
9 experts;

10 (D) academia;

11 (E) industry technology and data science
12 experts; and

13 (F) any other individual or entity the Di-
14 rector determines to be appropriate.

15 (b) DEPARTMENT POLICIES AND PROCESSES FOR
16 PROCUREMENT AND USE OF ARTIFICIAL INTELLIGENCE-
17 ENABLED SYSTEMS.—Not later than 180 days after the
18 date of enactment of this Act—

19 (1) the Secretary of Homeland Security, with
20 the participation of the Chief Procurement Officer,
21 the Chief Information Officer, the Chief Privacy Of-
22 ficer, and the Officer for Civil Rights and Civil Lib-
23 erties of the Department and any other person de-
24 termined to be relevant by the Secretary of Home-

1 land Security, shall issue policies and procedures for
2 the Department related to—

3 (A) the acquisition and use of artificial in-
4 telligence; and

5 (B) considerations for the risks and im-
6 pacts related to artificial intelligence-enabled
7 systems, including associated data of machine
8 learning systems, to ensure that full consider-
9 ation is given to—

10 (i) the privacy, civil rights, and civil
11 liberties impacts of artificial intelligence-
12 enabled systems; and

13 (ii) security against misuse, degrada-
14 tion, or rendering inoperable of artificial in-
15 telligence-enabled systems; and

16 (2) the Chief Privacy Officer and the Officer
17 for Civil Rights and Civil Liberties of the Depart-
18 ment shall report to Congress on any additional
19 staffing or funding resources that may be required
20 to carry out the requirements of this subsection.

21 (c) INSPECTOR GENERAL.—Not later than 180 days
22 after the date of enactment of this Act, the Inspector Gen-
23 eral of the Department shall identify any training and in-
24 vestments needed to enable employees of the Office of the

1 Inspector General to continually advance their under-
2 standing of—

3 (1) artificial intelligence systems;

4 (2) best practices for governance, oversight, and
5 audits of the use of artificial intelligence systems;
6 and

7 (3) how the Office of the Inspector General is
8 using artificial intelligence to enhance audit and in-
9 vestigative capabilities, including actions to—

10 (A) ensure the integrity of audit and inves-
11 tigative results; and

12 (B) guard against bias in the selection and
13 conduct of audits and investigations.

14 (d) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-
15 TECTION OF GOVERNMENT INFORMATION, PRIVACY,
16 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

17 (1) ESTABLISHMENT.—Not later than 1 year
18 after the date of enactment of this Act, the Director,
19 in consultation with a working group consisting of
20 members selected by the Director from appropriate
21 interagency councils, shall develop an initial means
22 by which to—

23 (A) ensure that contracts for the acquisi-
24 tion of an artificial intelligence system or serv-
25 ice—

1 (i) align with the guidance issued to
2 the head of each agency under section
3 104(a) of the AI in Government Act of
4 2020 (title I of division U of Public Law
5 116–260);

6 (ii) address protection of privacy, civil
7 rights, and civil liberties;

8 (iii) address the ownership and secu-
9 rity of data and other information created,
10 used, processed, stored, maintained, dis-
11 seminated, disclosed, or disposed of by a
12 contractor or subcontractor on behalf of
13 the Federal Government; and

14 (iv) include considerations for secur-
15 ing the training data, algorithms, and
16 other components of any artificial intel-
17 ligence system against misuse, unauthor-
18 ized alteration, degradation, or rendering
19 inoperable; and

20 (B) address any other issue or concern de-
21 termined to be relevant by the Director to en-
22 sure appropriate use and protection of privacy
23 and Government data and other information.

24 (2) CONSULTATION.—In developing the consid-
25 erations under paragraph (1)(A)(iv), the Director

1 shall consult with the Secretary of Homeland Secu-
2 rity, the Secretary of Energy, the Director of the
3 National Institute of Standards and Technology, and
4 the Director of National Intelligence.

5 (3) REVIEW.—The Director—

6 (A) should continuously update the means
7 developed under paragraph (1); and

8 (B) not later than 2 years after the date
9 of enactment of this Act and not less frequently
10 than every 2 years thereafter, shall update the
11 means developed under paragraph (1).

12 (4) BRIEFING.—The Director shall brief the ap-
13 propriate congressional committees—

14 (A) not later than 90 days after the date
15 of enactment of this Act and thereafter on a
16 quarterly basis until the Director first imple-
17 ments the means developed under paragraph
18 (1); and

19 (B) annually thereafter on the implementa-
20 tion of this subsection.

21 (5) SUNSET.—This subsection shall cease to be
22 effective on the date that is 5 years after the date
23 of enactment of this Act.

1 **SEC. 7225. AGENCY INVENTORIES AND ARTIFICIAL INTEL-**
2 **LIGENCE USE CASES.**

3 (a) INVENTORY.—Not later than 60 days after the
4 date of enactment of this Act, and continuously thereafter
5 for a period of 5 years, the Director, in consultation with
6 the Chief Information Officers Council, the Chief Data Of-
7 ficers Council, and other interagency bodies as determined
8 to be appropriate by the Director, shall require the head
9 of each agency to—

10 (1) prepare and maintain an inventory of the
11 artificial intelligence use cases of the agency, includ-
12 ing current and planned uses;

13 (2) share agency inventories with other agen-
14 cies, to the extent practicable and consistent with
15 applicable law and policy, including those concerning
16 protection of privacy and of sensitive law enforce-
17 ment, national security, and other protected infor-
18 mation; and

19 (3) make agency inventories available to the
20 public, in a manner determined by the Director, and
21 to the extent practicable and in accordance with ap-
22 plicable law and policy, including those concerning
23 the protection of privacy and of sensitive law en-
24 forcement, national security, and other protected in-
25 formation.

1 (b) CENTRAL INVENTORY.—The Director is encour-
2 aged to designate a host entity and ensure the creation
3 and maintenance of an online public directory to—

4 (1) make agency artificial intelligence use case
5 information available to the public and those wishing
6 to do business with the Federal Government; and

7 (2) identify common use cases across agencies.

8 (c) SHARING.—The sharing of agency inventories de-
9 scribed in subsection (a)(2) may be coordinated through
10 the Chief Information Officers Council, the Chief Data Of-
11 ficers Council, the Chief Financial Officers Council, the
12 Chief Acquisition Officers Council, or other interagency
13 bodies to improve interagency coordination and informa-
14 tion sharing for common use cases.

15 (d) DEPARTMENT OF DEFENSE.—Nothing in this
16 section shall apply to the Department of Defense.

17 **SEC. 7226. RAPID PILOT, DEPLOYMENT AND SCALE OF AP-**
18 **PLIED ARTIFICIAL INTELLIGENCE CAPABILI-**
19 **TIES TO DEMONSTRATE MODERNIZATION AC-**
20 **TIVITIES RELATED TO USE CASES.**

21 (a) IDENTIFICATION OF USE CASES.—Not later than
22 270 days after the date of enactment of this Act, the Di-
23 rector, in consultation with the Chief Information Officers
24 Council, the Chief Data Officers Council, the Chief Finan-
25 cial Officers Council, and other interagency bodies as de-

1 terminated to be appropriate by the Director, shall identify
2 4 new use cases for the application of artificial intel-
3 ligence-enabled systems to support interagency or intra-
4 agency modernization initiatives that require linking mul-
5 tiple siloed internal and external data sources, consistent
6 with applicable laws and policies, including those relating
7 to the protection of privacy and of sensitive law enforce-
8 ment, national security, and other protected information.

9 (b) PILOT PROGRAM.—

10 (1) PURPOSES.—The purposes of the pilot pro-
11 gram under this subsection include—

12 (A) to enable agencies to operate across or-
13 ganizational boundaries, coordinating between
14 existing established programs and silos to im-
15 prove delivery of the agency mission;

16 (B) to demonstrate the circumstances
17 under which artificial intelligence can be used
18 to modernize or assist in modernizing legacy
19 agency systems; and

20 (C) to leverage commercially available arti-
21 ficial intelligence technologies that—

22 (i) operate in secure cloud environ-
23 nments that can deploy rapidly without the
24 need to replace existing systems; and

1 (ii) do not require extensive staff or
2 training to build.

3 (2) DEPLOYMENT AND PILOT.—Not later than
4 1 year after the date of enactment of this Act, the
5 Director, in coordination with the heads of relevant
6 agencies and Federal entities, including the Admin-
7 istrator of General Services, the Bureau of Fiscal
8 Service of the Department of the Treasury, the
9 Council of the Inspectors General on Integrity and
10 Efficiency, and the Pandemic Response Account-
11 ability Committee, and other officials as the Director
12 determines to be appropriate, shall ensure the initi-
13 ation of the piloting of the 4 new artificial intel-
14 ligence use case applications identified under sub-
15 section (a), leveraging commercially available tech-
16 nologies and systems to demonstrate scalable artifi-
17 cial intelligence-enabled capabilities to support the
18 use cases identified under subsection (a).

19 (3) RISK EVALUATION AND MITIGATION
20 PLAN.—In carrying out paragraph (2), the Director
21 shall require the heads of agencies to—

22 (A) evaluate risks in utilizing artificial in-
23 telligence systems; and

24 (B) develop a risk mitigation plan to ad-
25 dress those risks, including consideration of—

1 (i) the artificial intelligence system
2 not performing as expected or as designed;

3 (ii) the quality and relevancy of the
4 data resources used in the training of the
5 algorithms used in an artificial intelligence
6 system;

7 (iii) the processes for training and
8 testing, evaluating, validating, and modi-
9 fying an artificial intelligence system; and

10 (iv) the vulnerability of a utilized arti-
11 ficial intelligence system to unauthorized
12 manipulation or misuse, including the use
13 of data resources that substantially differ
14 from the training data.

15 (4) **PRIORITIZATION.**—In carrying out para-
16 graph (2), the Director shall prioritize modernization
17 projects that—

18 (A) would benefit from commercially avail-
19 able privacy-preserving techniques, such as use
20 of differential privacy, federated learning, and
21 secure multiparty computing; and

22 (B) otherwise take into account consider-
23 ations of civil rights and civil liberties.

24 (5) **PRIVACY PROTECTIONS.**—In carrying out
25 paragraph (2), the Director shall require the heads

1 of agencies to use privacy-preserving techniques
2 when feasible, such as differential privacy, federated
3 learning, and secure multiparty computing, to miti-
4 gate any risks to individual privacy or national secu-
5 rity created by a project or data linkage.

6 (6) USE CASE MODERNIZATION APPLICATION
7 AREAS.—Use case modernization application areas
8 described in paragraph (2) shall include not less
9 than 1 from each of the following categories:

10 (A) Applied artificial intelligence to drive
11 agency productivity efficiencies in predictive
12 supply chain and logistics, such as—

13 (i) predictive food demand and opti-
14 mized supply;

15 (ii) predictive medical supplies and
16 equipment demand and optimized supply;

17 or

18 (iii) predictive logistics to accelerate
19 disaster preparedness, response, and recov-
20 ery.

21 (B) Applied artificial intelligence to accel-
22 erate agency investment return and address
23 mission-oriented challenges, such as—

24 (i) applied artificial intelligence port-
25 folio management for agencies;

1 (ii) workforce development and
2 upskilling;

3 (iii) redundant and laborious analyses;

4 (iv) determining compliance with Gov-
5 ernment requirements, such as with Fed-
6 eral financial management and grants
7 management, including implementation of
8 chapter 64 of subtitle V of title 31, United
9 States Code;

10 (v) addressing fraud, waste, and
11 abuse in agency programs and mitigating
12 improper payments; or

13 (vi) outcomes measurement to meas-
14 ure economic and social benefits.

15 (7) REQUIREMENTS.—Not later than 3 years
16 after the date of enactment of this Act, the Director,
17 in coordination with the heads of relevant agencies
18 and other officials as the Director determines to be
19 appropriate, shall establish an artificial intelligence
20 capability within each of the 4 use case pilots under
21 this subsection that—

22 (A) solves data access and usability issues
23 with automated technology and eliminates or
24 minimizes the need for manual data cleansing
25 and harmonization efforts;

1 (B) continuously and automatically ingests
2 data and updates domain models in near real-
3 time to help identify new patterns and predict
4 trends, to the extent possible, to help agency
5 personnel to make better decisions and take
6 faster actions;

7 (C) organizes data for meaningful data vis-
8 ualization and analysis so the Government has
9 predictive transparency for situational aware-
10 ness to improve use case outcomes;

11 (D) is rapidly configurable to support mul-
12 tiple applications and automatically adapts to
13 dynamic conditions and evolving use case re-
14 quirements, to the extent possible;

15 (E) enables knowledge transfer and col-
16 laboration across agencies; and

17 (F) preserves intellectual property rights to
18 the data and output for benefit of the Federal
19 Government and agencies and protects sensitive
20 personally identifiable information.

21 (c) BRIEFING.—Not earlier than 270 days but not
22 later than 1 year after the date of enactment of this Act,
23 and annually thereafter for 4 years, the Director shall
24 brief the appropriate congressional committees on the ac-

1 tivities carried out under this section and results of those
2 activities.

3 (d) SUNSET.—The section shall cease to be effective
4 on the date that is 5 years after the date of enactment
5 of this Act.

6 **SEC. 7227. ENABLING ENTREPRENEURS AND AGENCY MIS-**
7 **SIONS.**

8 (a) INNOVATIVE COMMERCIAL ITEMS.—Section 880
9 of the National Defense Authorization Act for Fiscal Year
10 2017 (41 U.S.C. 3301 note) is amended—

11 (1) in subsection (c), by striking “\$10,000,000”
12 and inserting “\$25,000,000”;

13 (2) by amending subsection (f) to read as fol-
14 lows:

15 “(f) DEFINITIONS.—In this section—

16 “(1) the term ‘commercial product’—

17 “(A) has the meaning given the term ‘com-
18 mercial item’ in section 2.101 of the Federal
19 Acquisition Regulation; and

20 “(B) includes a commercial product or a
21 commercial service, as defined in sections 103
22 and 103a, respectively, of title 41, United
23 States Code; and

24 “(2) the term ‘innovative’ means—

1 “(A) any new technology, process, or meth-
2 od, including research and development; or

3 “(B) any new application of an existing
4 technology, process, or method.”; and

5 (3) in subsection (g), by striking “2022” and
6 insert “2027”.

7 (b) DHS OTHER TRANSACTION AUTHORITY.—Sec-
8 tion 831 of the Homeland Security Act of 2002 (6 U.S.C.
9 391) is amended—

10 (1) in subsection (a)—

11 (A) in the matter preceding paragraph (1),
12 by striking “September 30, 2017” and inserting
13 “September 30, 2024”; and

14 (B) by amending paragraph (2) to read as
15 follows:

16 “(2) PROTOTYPE PROJECTS.—The Secretary—

17 “(A) may, under the authority of para-
18 graph (1), carry out prototype projects under
19 section 4022 of title 10, United States Code;
20 and

21 “(B) in applying the authorities of such
22 section 4022, the Secretary shall perform the
23 functions of the Secretary of Defense as pre-
24 scribed in such section.”;

1 (2) in subsection (c)(1), by striking “September
2 30, 2017” and inserting “September 30, 2024”; and
3 (3) in subsection (d), by striking “section
4 845(e)” and all that follows and inserting “section
5 4022(e) of title 10, United States Code.”.

6 (c) COMMERCIAL OFF THE SHELF SUPPLY CHAIN
7 RISK MANAGEMENT TOOLS.—

8 (1) IN GENERAL.—The General Services Ad-
9 ministration is encouraged to pilot commercial off
10 the shelf supply chain risk management tools to im-
11 prove the ability of the Federal Government to char-
12 acterize, monitor, predict, and respond to specific
13 supply chain threats and vulnerabilities that could
14 inhibit future Federal acquisition operations.

15 (2) CONSULTATION.—In carrying out this sub-
16 section, the General Services Administration shall
17 consult with the Federal Acquisition Security Coun-
18 cil established under section 1322 of title 41, United
19 States Code.

20 **SEC. 7228. INTELLIGENCE COMMUNITY EXCEPTION.**

21 Nothing in this subtitle shall apply to any element
22 of the intelligence community, as defined in section 3 of
23 the National Security Act of 1947 (50 U.S.C. 3003).

1 **Subtitle C—Strategic EV**
2 **Management**

3 **SEC. 7231. SHORT TITLE.**

4 This subtitle may be cited as the “Strategic EV Man-
5 agement Act of 2022”.

6 **SEC. 7232. DEFINITIONS.**

7 In this subtitle:

8 (1) **ADMINISTRATOR.**—The term “Adminis-
9 trator” means the Administrator of General Serv-
10 ices.

11 (2) **AGENCY.**—The term “agency” has the
12 meaning given the term in section 551 of title 5,
13 United States Code.

14 (3) **APPROPRIATE CONGRESSIONAL COMMIT-**
15 **TEES.**—The term “appropriate congressional com-
16 mittees” means—

17 (A) the Committee on Homeland Security
18 and Governmental Affairs of the Senate;

19 (B) the Committee on Oversight and Re-
20 form of the House of Representatives;

21 (C) the Committee on Environment and
22 Public Works of the Senate;

23 (D) the Committee on Energy and Natural
24 Resources of the Senate;

1 (E) the Committee on Energy and Com-
2 merce of the House of Representatives;

3 (F) the Committee on Appropriations of
4 the Senate; and

5 (G) the Committee on Appropriations of
6 the House of Representatives.

7 (4) DIRECTOR.—The term “Director” means
8 the Director of the Office of Management and Budg-
9 et.

10 **SEC. 7233. STRATEGIC GUIDANCE.**

11 (a) IN GENERAL.—Not later than 2 years after the
12 date of enactment of this Act, the Administrator, in con-
13 sultation with the Director, shall coordinate with the
14 heads of agencies to develop a comprehensive, strategic
15 plan for Federal electric vehicle fleet battery management.

16 (b) CONTENTS.—The strategic plan required under
17 subsection (a) shall—

18 (1) maximize both cost and environmental effi-
19 ciencies; and

20 (2) incorporate—

21 (A) guidelines for optimal charging prac-
22 tices that will maximize battery longevity and
23 prevent premature degradation;

24 (B) guidelines for reusing and recycling
25 the batteries of retired vehicles;

1 (C) guidelines for disposing electric vehicle
2 batteries that cannot be reused or recycled; and

3 (D) any other considerations determined
4 appropriate by the Administrator and Director.

5 (c) MODIFICATION.—The Administrator, in consulta-
6 tion with the Director, may periodically update the stra-
7 tegic plan required under subsection (a) as the Adminis-
8 trator and Director may determine necessary based on
9 new information relating to electric vehicle batteries that
10 becomes available.

11 (d) CONSULTATION.—In developing the strategic
12 plan required under subsection (a) the Administrator, in
13 consultation with the Director, may consult with appro-
14 priate entities, including—

15 (1) the Secretary of Energy;

16 (2) the Administrator of the Environmental
17 Protection Agency;

18 (3) the Chair of the Council on Environmental
19 Quality;

20 (4) scientists who are studying electric vehicle
21 batteries and reuse and recycling solutions;

22 (5) laboratories, companies, colleges, univer-
23 sities, or start-ups engaged in battery use, reuse,
24 and recycling research;

1 (6) industries interested in electric vehicle bat-
2 tery reuse and recycling;

3 (7) electric vehicle equipment manufacturers
4 and recyclers; and

5 (8) any other relevant entities, as determined
6 by the Administrator and Director.

7 (e) REPORT.—

8 (1) IN GENERAL.—Not later than 3 years after
9 the date of enactment of this Act, the Administrator
10 and the Director shall submit to the appropriate
11 congressional committees a report that describes the
12 strategic plan required under subsection (a).

13 (2) BRIEFING.—Not later than 4 years after
14 the date of enactment of this Act, the Administrator
15 and the Director shall brief the appropriate congres-
16 sional committees on the implementation of the stra-
17 tegic plan required under subsection (a) across agen-
18 cies.

19 **SEC. 7234. STUDY OF FEDERAL FLEET VEHICLES.**

20 Not later than 2 years after the date of enactment
21 of this Act, the Comptroller General of the United States
22 shall submit to Congress a report on how the costs and
23 benefits of operating and maintaining electric vehicles in
24 the Federal fleet compare to the costs and benefits of op-

1 erating and maintaining internal combustion engine vehi-
2 cles.

3 **Subtitle D—Congressionally**
4 **Mandated Reports**

5 **SEC. 7241. SHORT TITLE.**

6 This subtitle may be cited as the “Access to Congres-
7 sionally Mandated Reports Act”.

8 **SEC. 7242. DEFINITIONS.**

9 In this subtitle:

10 (1) CONGRESSIONAL LEADERSHIP.—The term
11 “congressional leadership” means the Speaker, ma-
12 jority leader, and minority leader of the House of
13 Representatives and the majority leader and minor-
14 ity leader of the Senate.

15 (2) CONGRESSIONALLY MANDATED REPORT.—

16 (A) IN GENERAL.—The term “congression-
17 ally mandated report” means a report of a Fed-
18 eral agency that is required by statute to be
19 submitted to either House of Congress or any
20 committee of Congress or subcommittee thereof.

21 (B) EXCLUSIONS.—

22 (i) PATRIOTIC AND NATIONAL ORGA-
23 NIZATIONS.—The term “congressionally
24 mandated report” does not include a re-

1 port required under part B of subtitle II of
2 title 36, United States Code.

3 (ii) INSPECTORS GENERAL.—The
4 term “congressionally mandated report”
5 does not include a report by an office of an
6 inspector general.

7 (iii) NATIONAL SECURITY EXCEP-
8 TION.—The term “congressionally man-
9 dated report” does not include a report
10 that is required to be submitted to one or
11 more of the following committees:

12 (I) The Select Committee on In-
13 telligence, the Committee on Armed
14 Services, the Committee on Appro-
15 priations, or the Committee on For-
16 eign Relations of the Senate.

17 (II) The Permanent Select Com-
18 mittee on Intelligence, the Committee
19 on Armed Services, the Committee on
20 Appropriations, or the Committee on
21 Foreign Affairs of the House of Rep-
22 resentatives.

23 (3) DIRECTOR.—The term “Director” means
24 the Director of the Government Publishing Office.

1 (4) FEDERAL AGENCY.—The term “Federal
2 agency” has the meaning given the term “federal
3 agency” under section 102 of title 40, United States
4 Code, but does not include the Government Account-
5 ability Office or an element of the intelligence com-
6 munity.

7 (5) INTELLIGENCE COMMUNITY.—The term
8 “intelligence community” has the meaning given
9 that term in section 3 of the National Security Act
10 of 1947 (50 U.S.C. 3003).

11 (6) REPORTS ONLINE PORTAL.—The term “re-
12 ports online portal” means the online portal estab-
13 lished under section 5243(a).

14 **SEC. 7243. ESTABLISHMENT OF ONLINE PORTAL FOR CON-**
15 **GRESSIONALLY MANDATED REPORTS.**

16 (a) REQUIREMENT TO ESTABLISH ONLINE POR-
17 TAL.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Director shall
20 establish and maintain an online portal accessible by
21 the public that allows the public to obtain electronic
22 copies of congressionally mandated reports in one
23 place.

24 (2) EXISTING FUNCTIONALITY.—To the extent
25 possible, the Director shall meet the requirements

1 under paragraph (1) by using existing online portals
2 and functionality under the authority of the Director
3 in consultation with the Director of National Intel-
4 ligence.

5 (3) CONSULTATION.—In carrying out this sub-
6 title, the Director shall consult with congressional
7 leadership, the Clerk of the House of Representa-
8 tives, the Secretary of the Senate, and the Librarian
9 of Congress regarding the requirements for and
10 maintenance of congressionally mandated reports on
11 the reports online portal.

12 (b) CONTENT AND FUNCTION.—The Director shall
13 ensure that the reports online portal includes the fol-
14 lowing:

15 (1) Subject to subsection (c), with respect to
16 each congressionally mandated report, each of the
17 following:

18 (A) A citation to the statute requiring the
19 report.

20 (B) An electronic copy of the report, in-
21 cluding any transmittal letter associated with
22 the report, that—

23 (i) is based on an underlying open
24 data standard that is maintained by a
25 standards organization;

1 (ii) allows the full text of the report to
2 be searchable; and

3 (iii) is not encumbered by any restric-
4 tions that would impede the reuse or
5 searchability of the report.

6 (C) The ability to retrieve a report, to the
7 extent practicable, through searches based on
8 each, and any combination, of the following:

9 (i) The title of the report.

10 (ii) The reporting Federal agency.

11 (iii) The date of publication.

12 (iv) Each congressional committee or
13 subcommittee receiving the report, if appli-
14 cable.

15 (v) The statute requiring the report.

16 (vi) Subject tags.

17 (vii) A unique alphanumeric identifier
18 for the report that is consistent across re-
19 port editions.

20 (viii) The serial number, Super-
21 intendent of Documents number, or other
22 identification number for the report, if ap-
23 plicable.

24 (ix) Key words.

25 (x) Full text search.

1 (xi) Any other relevant information
2 specified by the Director.

3 (D) The date on which the report was re-
4 quired to be submitted, and on which the report
5 was submitted, to the reports online portal.

6 (E) To the extent practicable, a permanent
7 means of accessing the report electronically.

8 (2) A means for bulk download of all congress-
9 sionally mandated reports.

10 (3) A means for downloading individual reports
11 as the result of a search.

12 (4) An electronic means for the head of each
13 Federal agency to submit to the reports online por-
14 tal each congressionally mandated report of the
15 agency, as required by sections 5244 and 5246.

16 (5) In tabular form, a list of all congressionally
17 mandated reports that can be searched, sorted, and
18 downloaded by—

19 (A) reports submitted within the required
20 time;

21 (B) reports submitted after the date on
22 which such reports were required to be sub-
23 mitted; and

24 (C) to the extent practicable, reports not
25 submitted.

1 (c) NONCOMPLIANCE BY FEDERAL AGENCIES.—

2 (1) REPORTS NOT SUBMITTED.—If a Federal
3 agency does not submit a congressionally mandated
4 report to the Director, the Director shall to the ex-
5 tent practicable—

6 (A) include on the reports online portal—

7 (i) the information required under
8 clauses (i), (ii), (iv), and (v) of subsection
9 (b)(1)(C); and

10 (ii) the date on which the report was
11 required to be submitted; and

12 (B) include the congressionally mandated
13 report on the list described in subsection
14 (b)(5)(C).

15 (2) REPORTS NOT IN OPEN FORMAT.—If a Fed-
16 eral agency submits a congressionally mandated re-
17 port that does not meet the criteria described in sub-
18 section (b)(1)(B), the Director shall still include the
19 congressionally mandated report on the reports on-
20 line portal.

21 (d) DEADLINE.—The Director shall ensure that in-
22 formation required to be published on the reports online
23 portal under this subtitle with respect to a congressionally
24 mandated report or information required under subsection
25 (c) of this section is published—

1 (1) not later than 30 days after the information
2 is received from the Federal agency involved; or

3 (2) in the case of information required under
4 subsection (c), not later than 30 days after the
5 deadline under this subtitle for the Federal agency
6 involved to submit information with respect to the
7 congressionally mandated report involved.

8 (e) EXCEPTION FOR CERTAIN REPORTS.—

9 (1) EXCEPTION DESCRIBED.—A congressionally
10 mandated report which is required by statute to be
11 submitted to a committee of Congress or a sub-
12 committee thereof, including any transmittal letter
13 associated with the report, shall not be submitted to
14 or published on the reports online portal if the chair
15 of a committee or subcommittee to which the report
16 is submitted notifies the Director in writing that the
17 report is to be withheld from submission and publi-
18 cation under this subtitle.

19 (2) NOTICE ON PORTAL.—If a report is with-
20 held from submission to or publication on the re-
21 ports online portal under paragraph (1), the Direc-
22 tor shall post on the portal—

23 (A) a statement that the report is withheld
24 at the request of a committee or subcommittee
25 involved; and

1 (B) the written notification provided by the
2 chair of the committee or subcommittee speci-
3 fied in paragraph (1).

4 (f) FREE ACCESS.—The Director may not charge a
5 fee, require registration, or impose any other limitation
6 in exchange for access to the reports online portal.

7 (g) UPGRADE CAPABILITY.—The reports online por-
8 tal shall be enhanced and updated as necessary to carry
9 out the purposes of this subtitle.

10 (h) SUBMISSION TO CONGRESS.—The submission of
11 a congressionally mandated report to the reports online
12 portal pursuant to this subtitle shall not be construed to
13 satisfy any requirement to submit the congressionally
14 mandated report to Congress, or a committee or sub-
15 committee thereof.

16 **SEC. 7244. FEDERAL AGENCY RESPONSIBILITIES.**

17 (a) SUBMISSION OF ELECTRONIC COPIES OF RE-
18 PORTS.—Not earlier than 30 days or later than 60 days
19 after the date on which a congressionally mandated report
20 is submitted to either House of Congress or to any com-
21 mittee of Congress or subcommittee thereof, the head of
22 the Federal agency submitting the congressionally man-
23 dated report shall submit to the Director the information
24 required under subparagraphs (A) through (D) of section
25 5243(b)(1) with respect to the congressionally mandated

1 report. Notwithstanding section 5246, nothing in this sub-
2 title shall relieve a Federal agency of any other require-
3 ment to publish the congressionally mandated report on
4 the online portal of the Federal agency or otherwise sub-
5 mit the congressionally mandated report to Congress or
6 specific committees of Congress, or subcommittees thereof.

7 (b) GUIDANCE.—Not later than 180 days after the
8 date of enactment of this Act, the Director of the Office
9 of Management and Budget, in consultation with the Di-
10 rector, shall issue guidance to agencies on the implementa-
11 tion of this subtitle.

12 (c) STRUCTURE OF SUBMITTED REPORT DATA.—
13 The head of each Federal agency shall ensure that each
14 congressionally mandated report submitted to the Director
15 complies with the guidance on the implementation of this
16 subtitle issued by the Director of the Office of Manage-
17 ment and Budget under subsection (b).

18 (d) POINT OF CONTACT.—The head of each Federal
19 agency shall designate a point of contact for congression-
20 ally mandated reports.

21 (e) REQUIREMENT FOR SUBMISSION.—The Director
22 shall not publish any report through the reports online
23 portal that is received from anyone other than the head
24 of the applicable Federal agency, or an officer or employee

1 of the Federal agency specifically designated by the head
2 of the Federal agency.

3 **SEC. 7245. CHANGING OR REMOVING REPORTS.**

4 (a) **LIMITATION ON AUTHORITY TO CHANGE OR RE-**
5 **MOVE REPORTS.**—Except as provided in subsection (b),
6 the head of the Federal agency concerned may change or
7 remove a congressionally mandated report submitted to be
8 published on the reports online portal only if—

9 (1) the head of the Federal agency consults
10 with each committee of Congress or subcommittee
11 thereof to which the report is required to be sub-
12 mitted (or, in the case of a report which is not re-
13 quired to be submitted to a particular committee of
14 Congress or subcommittee thereof, to each com-
15 mittee with jurisdiction over the agency, as deter-
16 mined by the head of the agency in consultation with
17 the Speaker of the House of Representatives and the
18 President pro tempore of the Senate) prior to chang-
19 ing or removing the report; and

20 (2) a joint resolution is enacted to authorize the
21 change in or removal of the report.

22 (b) **EXCEPTIONS.**—Notwithstanding subsection (a),
23 the head of the Federal agency concerned—

1 (1) may make technical changes to a report
2 submitted to or published on the reports online por-
3 tal;

4 (2) may remove a report from the reports on-
5 line portal if the report was submitted to or pub-
6 lished on the reports online portal in error; and

7 (3) may withhold information, records, or re-
8 ports from publication on the reports online portal
9 in accordance with section 5246.

10 **SEC. 7246. WITHHOLDING OF INFORMATION.**

11 (a) IN GENERAL.—Nothing in this subtitle shall be
12 construed to—

13 (1) require the disclosure of information,
14 records, or reports that are exempt from public dis-
15 closure under section 552 of title 5, United States
16 Code, or that are required to be withheld under sec-
17 tion 552a of title 5, United States Code; or

18 (2) impose any affirmative duty on the Director
19 to review congressionally mandated reports sub-
20 mitted for publication to the reports online portal
21 for the purpose of identifying and redacting such in-
22 formation or records.

23 (b) WITHHOLDING OF INFORMATION.—

24 (1) IN GENERAL.—Consistent with subsection
25 (a)(1), the head of a Federal agency may withhold

1 from the Director, and from publication on the re-
2 ports online portal, any information, records, or re-
3 ports that are exempt from public disclosure under
4 section 552 of title 5, United States Code, or that
5 are required to be withheld under section 552a of
6 title 5, United States Code.

7 (2) NATIONAL SECURITY.—Nothing in this sub-
8 title shall be construed to require the publication, on
9 the reports online portal or otherwise, of any report
10 containing information that is classified, the public
11 release of which could have a harmful effect on na-
12 tional security, or that is otherwise prohibited.

13 (3) LAW ENFORCEMENT SENSITIVE.—Nothing
14 in this subtitle shall be construed to require the pub-
15 lication on the reports online portal or otherwise of
16 any congressionally mandated report—

17 (A) containing information that is law en-
18 forcement sensitive; or

19 (B) that describe information security poli-
20 cies, procedures, or activities of the executive
21 branch.

22 (c) RESPONSIBILITY FOR WITHHOLDING OF INFOR-
23 MATION.—In publishing congressionally mandated reports
24 to the reports online portal in accordance with this sub-
25 title, the head of each Federal agency shall be responsible

1 for withholding information pursuant to the requirements
2 of this section.

3 **SEC. 7247. IMPLEMENTATION.**

4 (a) REPORTS SUBMITTED TO CONGRESS.—

5 (1) IN GENERAL.—This subtitle shall apply
6 with respect to any congressionally mandated report
7 which—

8 (A) is required by statute to be submitted
9 to the House of Representatives, or the Speaker
10 thereof, or the Senate, or the President or
11 President Pro Tempore thereof, at any time on
12 or after the date of the enactment of this Act;
13 or

14 (B) is included by the Clerk of the House
15 of Representatives or the Secretary of the Sen-
16 ate (as the case may be) on the list of reports
17 received by the House of Representatives or the
18 Senate (as the case may be) at any time on or
19 after the date of the enactment of this Act.

20 (2) TRANSITION RULE FOR PREVIOUSLY SUB-
21 MITTED REPORTS.—To the extent practicable, the
22 Director shall ensure that any congressionally man-
23 dated report described in paragraph (1) which was
24 required to be submitted to Congress by a statute
25 enacted before the date of the enactment of this Act

1 is published on the reports online portal under this
2 subtitle.

3 (b) REPORTS SUBMITTED TO COMMITTEES.—In the
4 case of congressionally mandated reports which are re-
5 quired by statute to be submitted to a committee of Con-
6 gress or a subcommittee thereof, this subtitle shall apply
7 with respect to—

8 (1) any such report which is first required to be
9 submitted by a statute which is enacted on or after
10 the date of the enactment of this Act; and

11 (2) to the maximum extent practical, any con-
12 gressionally mandated report which was required to
13 be submitted by a statute enacted before the date of
14 enactment of this Act unless—

15 (A) the chair of the committee, or sub-
16 committee thereof, to which the report was re-
17 quired to be submitted notifies the Director in
18 writing that the report is to be withheld from
19 publication; and

20 (B) the Director publishes the notification
21 on the reports online portal.

22 (c) ACCESS FOR CONGRESSIONAL LEADERSHIP.—
23 Notwithstanding any provision of this subtitle or any other
24 provision of law, congressional leadership shall have access
25 to any congressionally mandated report.

1 **SEC. 7248. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this subtitle, for the purpose
3 of complying with the Statutory Pay-As-You-Go-Act of
4 2010, shall be determined by reference to the latest state-
5 ment titled “Budgetary Effects of PAYGO Legislation”
6 for this subtitle, submitted for printing in the Congres-
7 sional Record by the Chairman of the Senate Budget Com-
8 mittee, provided that such statement has been submitted
9 prior to the vote on passage.

10 **TITLE LXXIII—TRANSPOR-**
11 **TATION AND INFRASTRUC-**
12 **TURE MATTERS**

Subtitle A—Global Catastrophic Risk Management Act of 2022

- Sec. 7301. Short title.
- Sec. 7302. Definitions.
- Sec. 7303. Assessment of global catastrophic risk.
- Sec. 7304. Report required.
- Sec. 7305. Enhanced catastrophic incident annex.
- Sec. 7306. Validation of the strategy through an exercise.
- Sec. 7307. Recommendations.
- Sec. 7308. Reporting requirements.
- Sec. 7309. Rules of construction.

Subtitle B—Technological Hazards Preparedness and Training

- Sec. 7311. Short title.
- Sec. 7312. Definitions.
- Sec. 7313. Assistance and training for communities with technological hazards
and related emerging threats.
- Sec. 7314. Authorization of appropriations.
- Sec. 7315. Savings provision.

Subtitle C—Other Matters

- Sec. 7321. Crisis counseling assistance and training.

1 **Subtitle A—Global Catastrophic**
2 **Risk Management Act of 2022**

3 **SEC. 7301. SHORT TITLE.**

4 This subtitle may be cited as the “Global Cata-
5 strophic Risk Management Act of 2022”.

6 **SEC. 7302. DEFINITIONS.**

7 In this subtitle:

8 (1) **ADMINISTRATOR.**—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Emergency Management Agency.

11 (2) **BASIC NEED.**—The term “basic need”—

12 (A) means any good, service, or activity
13 necessary to protect the health, safety, and gen-
14 eral welfare of the civilian population of the
15 United States; and

16 (B) includes—

17 (i) food;

18 (ii) water;

19 (iii) shelter;

20 (iv) basic communication services;

21 (v) basic sanitation and health serv-
22 ices; and

23 (vi) public safety.

24 (3) **CATASTROPHIC INCIDENT.**—The term “cat-
25 astrophic incident”—

1 (A) means any natural or man-made dis-
2 aster that results in extraordinary levels of cas-
3 ualties or damage, mass evacuations, or disrup-
4 tion severely affecting the population, infra-
5 structure, environment, economy, national mo-
6 rale, or government functions in an area; and

7 (B) may include an incident—

8 (i) with a sustained national impact
9 over a prolonged period of time;

10 (ii) that may rapidly exceed resources
11 available to State and local government
12 and private sector authorities in the im-
13 pacted area; or

14 (iii) that may significantly interrupt
15 governmental operations and emergency
16 services to such an extent that national se-
17 curity could be threatened.

18 (4) CRITICAL INFRASTRUCTURE.—The term
19 “critical infrastructure” has the meaning given such
20 term in section 1016(e) of the Critical Infrastruc-
21 ture Protection Act of 2001 (42 U.S.C. 5195c(e)).

22 (5) EXISTENTIAL RISK.—The term “existential
23 risk” means the potential for an outcome that would
24 result in human extinction.

1 (6) GLOBAL CATASTROPHIC RISK.—The term
2 “global catastrophic risk” means the risk of events
3 or incidents consequential enough to significantly
4 harm or set back human civilization at the global
5 scale.

6 (7) GLOBAL CATASTROPHIC AND EXISTENTIAL
7 THREATS.—The term “global catastrophic and exist-
8 tential threats” means threats that with varying
9 likelihood may produce consequences severe enough
10 to result in systemic failure or destruction of critical
11 infrastructure or significant harm to human civiliza-
12 tion. Examples of global catastrophic and existential
13 threats include severe global pandemics, nuclear war,
14 asteroid and comet impacts, supervolcanoes, sudden
15 and severe changes to the climate, and intentional or
16 accidental threats arising from the use and develop-
17 ment of emerging technologies.

18 (8) INDIAN TRIBAL GOVERNMENT.—The term
19 “Indian Tribal government” has the meaning given
20 the term “Indian tribal government” in section 102
21 of the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5122).

23 (9) LOCAL GOVERNMENT; STATE.—The terms
24 “local government” and “State” have the meanings
25 given such terms in section 102 of the Robert T.

1 Stafford Disaster Relief and Emergency Assistance
2 Act (42 U.S.C. 5122).

3 (10) NATIONAL EXERCISE PROGRAM.—The
4 term “national exercise program” means activities
5 carried out to test and evaluate the national pre-
6 paredness goal and related plans and strategies as
7 described in section 648(b) of the Post-Katrina
8 Emergency Management Reform Act of 2006 (6
9 U.S.C. 748(b)).

10 (11) SECRETARY.—The term “Secretary”
11 means the Secretary of Homeland Security.

12 **SEC. 7303. ASSESSMENT OF GLOBAL CATASTROPHIC RISK.**

13 (a) IN GENERAL.—The Secretary and the Adminis-
14 trator shall coordinate an assessment of global cata-
15 strophic risk.

16 (b) COORDINATION.—When coordinating the assess-
17 ment under subsection (a), the Secretary and the Adminis-
18 trator shall coordinate with senior designees of—

19 (1) the Assistant to the President for National
20 Security Affairs;

21 (2) the Director of the Office of Science and
22 Technology Policy;

23 (3) the Secretary of State and the Under Sec-
24 retary of State for Arms Control and International
25 Security;

1 (4) the Attorney General and the Director of
2 the Federal Bureau of Investigation;

3 (5) the Secretary of Energy, the Under Sec-
4 retary of Energy for Nuclear Security, and the Di-
5 rector of Science;

6 (6) the Secretary of Health and Human Serv-
7 ices, the Assistant Secretary for Preparedness and
8 Response, and the Assistant Secretary of Global Af-
9 fairs;

10 (7) the Secretary of Commerce, the Under Sec-
11 retary of Commerce for Oceans and Atmosphere,
12 and the Under Secretary of Commerce for Stand-
13 ards and Technology;

14 (8) the Secretary of the Interior and the Direc-
15 tor of the United States Geological Survey;

16 (9) the Administrator of the Environmental
17 Protection Agency and the Assistant Administrator
18 for Water;

19 (10) the Administrator of the National Aero-
20 nautics and Space Administration;

21 (11) the Director of the National Science Foun-
22 dation;

23 (12) the Secretary of the Treasury;

24 (13) the Secretary of Defense, the Assistant
25 Secretary of the Army for Civil Works, and the

1 Chief of Engineers and Commanding General of the
2 Army Corps of Engineers;
3 (14) the Chairman of the Joint Chiefs of Staff;
4 (15) the Administrator of the United States
5 Agency for International Development;
6 (16) the Secretary of Transportation; and
7 (17) other stakeholders the Secretary and the
8 Administrator determine appropriate.

9 **SEC. 7304. REPORT REQUIRED.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, and every 10 years there-
12 after, the Secretary, in coordination with the Adminis-
13 trator, shall submit to the Committee on Homeland Secu-
14 rity and Governmental Affairs and the Committee on
15 Armed Services of the Senate and the Committee on
16 Transportation and Infrastructure and the Committee on
17 Armed Services of the House of Representatives a report
18 containing a detailed assessment, based on the input and
19 coordination required under section 7303, of global cata-
20 strophic and existential risk.

21 (b) MATTERS COVERED.—Each report required
22 under subsection (a) shall include—

23 (1) expert estimates of cumulative global cata-
24 strophic and existential risk in the next 30 years, in-

1 including separate estimates for the likelihood of oc-
2 currence and potential consequences;

3 (2) expert-informed analyses of the risk of the
4 most concerning specific global catastrophic and ex-
5 istential threats, including separate estimates, where
6 reasonably feasible and credible, of each threat for
7 its likelihood of occurrence and its potential con-
8 sequences, as well as associated uncertainties;

9 (3) a comprehensive list of potential cata-
10 strophic or existential threats, including even those
11 that may have very low likelihood;

12 (4) technical assessments and lay explanations
13 of the analyzed global catastrophic and existential
14 risks, including their qualitative character and key
15 factors affecting their likelihood of occurrence and
16 potential consequences;

17 (5) an explanation of any factors that limit the
18 ability of the Secretary to assess the risk both cumu-
19 latively and for particular threats, and how those
20 limitations may be overcome through future research
21 or with additional resources, programs, or authori-
22 ties;

23 (6) a forecast of if and why global catastrophic
24 and existential risk is likely to increase or decrease
25 significantly in the next 10 years, both qualitatively

1 and quantitatively, as well as a description of associ-
2 ated uncertainties;

3 (7) proposals for how the Federal Government
4 may more adequately assess global catastrophic and
5 existential risk on an ongoing basis in future years;

6 (8) recommendations for legislative actions, as
7 appropriate, to support the evaluation and assess-
8 ment of global catastrophic and existential risk; and

9 (9) other matters deemed appropriate by the
10 Secretary, in coordination with the Administrator,
11 and based on the input and coordination required
12 under section 7303.

13 (c) CONSULTATION REQUIREMENT.—In producing
14 the report required under subsection (a), the Secretary
15 shall—

16 (1) regularly consult with experts on severe
17 global pandemics, nuclear war, asteroid and comet
18 impacts, supervolcanoes, sudden and severe changes
19 to the climate, and intentional or accidental threats
20 arising from the use and development of emerging
21 technologies; and

22 (2) share information gained through the con-
23 sultation required under paragraph (1) with relevant
24 Federal partners listed in section 7303(b).

1 **SEC. 7305. ENHANCED CATASTROPHIC INCIDENT ANNEX.**

2 (a) IN GENERAL.—The Secretary, in coordination
3 with the Administrator and the Federal partners listed in
4 section 7303(b), shall supplement each Federal Inter-
5 agency Operational Plan to include an annex containing
6 a strategy to ensure the health, safety, and general welfare
7 of the civilian population affected by catastrophic inci-
8 dents by—

9 (1) providing for the basic needs of the civilian
10 population of the United States that is impacted by
11 catastrophic incidents in the United States;

12 (2) coordinating response efforts with State,
13 local, and Indian Tribal governments, the private
14 sector, and nonprofit relief organizations;

15 (3) promoting personal and local readiness and
16 non-reliance on government relief during periods of
17 heightened tension or after catastrophic incidents;
18 and

19 (4) developing international partnerships with
20 allied nations for the provision of relief services and
21 goods.

22 (b) ELEMENTS OF THE STRATEGY.—The strategy re-
23 quired under subsection (a) shall include a description
24 of—

25 (1) actions the Federal Government should take
26 to ensure the basic needs of the civilian population

1 of the United States in a catastrophic incident are
2 met;

3 (2) how the Federal Government should coordi-
4 nate with non-Federal entities to multiply resources
5 and enhance relief capabilities, including—

6 (A) State and local governments;

7 (B) Indian Tribal governments;

8 (C) State disaster relief agencies;

9 (D) State and local disaster relief man-
10 agers;

11 (E) State National Guards;

12 (F) law enforcement and first response en-
13 tities; and

14 (G) nonprofit relief services;

15 (3) actions the Federal Government should take
16 to enhance individual resiliency to the effects of a
17 catastrophic incident, which actions shall include—

18 (A) readiness alerts to the public during
19 periods of elevated threat;

20 (B) efforts to enhance domestic supply and
21 availability of critical goods and basic neces-
22 sities; and

23 (C) information campaigns to ensure the
24 public is aware of response plans and services
25 that will be activated when necessary;

1 (4) efforts the Federal Government should un-
2 dertake and agreements the Federal Government
3 should seek with international allies to enhance the
4 readiness of the United States to provide for the
5 general welfare;

6 (5) how the strategy will be implemented should
7 multiple levels of critical infrastructure be destroyed
8 or taken offline entirely for an extended period of
9 time; and

10 (6) the authorities the Federal Government
11 should implicate in responding to a catastrophic inci-
12 dent.

13 (c) ASSUMPTIONS.—In designing the strategy under
14 subsection (a), the Secretary, in coordination with the Ad-
15 ministrators and the Federal partners listed in section
16 7303(b), shall account for certain factors to make the
17 strategy operationally viable, including the assumption
18 that—

19 (1) multiple levels of critical infrastructure have
20 been taken offline or destroyed by catastrophic inci-
21 dents or the effects of catastrophic incidents;

22 (2) impacted sectors may include—

23 (A) the transportation sector;

24 (B) the communication sector;

25 (C) the energy sector;

1 (D) the healthcare and public health sec-
2 tor; and

3 (E) the water and wastewater sector;

4 (3) State, local, Indian Tribal, and territorial
5 governments have been equally affected or made
6 largely inoperable by catastrophic incidents or the
7 effects of catastrophic incidents;

8 (4) the emergency has exceeded the response
9 capabilities of State, local, and Indian Tribal govern-
10 ments under the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5121 et
12 seq.) and other relevant disaster response laws; and

13 (5) the United States military is sufficiently en-
14 gaged in armed or cyber conflict with State or non-
15 State adversaries, or is otherwise unable to augment
16 domestic response capabilities in a significant man-
17 ner due to a catastrophic incident.

18 **SEC. 7306. VALIDATION OF THE STRATEGY THROUGH AN**
19 **EXERCISE.**

20 Not later than 1 year after the addition of the annex
21 required under section 7305, the Administrator shall lead
22 an exercise as part of the national exercise program to
23 test and enhance the operationalization of the strategy re-
24 quired under section 7305.

1 **SEC. 7307. RECOMMENDATIONS.**

2 (a) IN GENERAL.—The Secretary, in coordination
3 with the Administrator and the Federal partners listed in
4 section 7303(b) of this title, shall provide recommenda-
5 tions to Congress for—

6 (1) actions that should be taken to prepare the
7 United States to implement the strategy required
8 under section 7305, increase readiness, and address
9 preparedness gaps for responding to the impacts of
10 catastrophic incidents on citizens of the United
11 States; and

12 (2) additional authorities that should be consid-
13 ered for Federal agencies to more effectively imple-
14 ment the strategy required under section 7305.

15 (b) INCLUSION IN REPORTS.—The Secretary may in-
16 clude the recommendations required under subsection (a)
17 in a report submitted under section 7308.

18 **SEC. 7308. REPORTING REQUIREMENTS.**

19 Not later than 1 year after the date on which the
20 Administrator leads the exercise under section 7306, the
21 Secretary, in coordination with the Administrator, shall
22 submit to Congress a report that includes—

23 (1) a description of the efforts of the Secretary
24 and the Administrator to develop and update the
25 strategy required under section 7305; and

1 (2) an after-action report following the conduct
2 of the exercise described in section 7306.

3 **SEC. 7309. RULES OF CONSTRUCTION.**

4 (a) ADMINISTRATOR.—Nothing in this subtitle shall
5 be construed to supersede the civilian emergency manage-
6 ment authority of the Administrator under the Robert T.
7 Stafford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency
9 Management Reform Act (6 U.S.C. 701 et seq.).

10 (b) SECRETARY.—Nothing in this subtitle shall be
11 construed as providing new authority to the Secretary, ex-
12 cept to coordinate and facilitate the development of the
13 assessments and reports required pursuant to this sub-
14 title.

15 **Subtitle B—Technological Hazards**
16 **Preparedness and Training**

17 **SEC. 7311. SHORT TITLE.**

18 This subtitle may be cited as the “Technological Haz-
19 ards Preparedness and Training Act of 2022”.

20 **SEC. 7312. DEFINITIONS.**

21 In this subtitle:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Federal
24 Emergency Management Agency.

1 (2) INDIAN TRIBAL GOVERNMENT.—The term
2 “Indian Tribal government” has the meaning given
3 the term “Indian tribal government” in section 102
4 of the Robert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5122).

6 (3) LOCAL GOVERNMENT; STATE.—The terms
7 “local government” and “State” have the meanings
8 given such terms in section 102 of the Robert T.
9 Stafford Disaster Relief and Emergency Assistance
10 Act (42 U.S.C. 5122).

11 (4) TECHNOLOGICAL HAZARD AND RELATED
12 EMERGING THREAT.—The term “technological haz-
13 ard and related emerging threat”—

14 (A) means a hazard that involves materials
15 created by humans that pose a unique hazard
16 to the general public and environment and
17 which may result from—

18 (i) an accident;

19 (ii) an emergency caused by another
20 hazard; or

21 (iii) intentional use of the hazardous
22 materials; and

23 (B) includes a chemical, radiological, bio-
24 logical, and nuclear hazard.

1 **SEC. 7313. ASSISTANCE AND TRAINING FOR COMMUNITIES**
2 **WITH TECHNOLOGICAL HAZARDS AND RE-**
3 **LATED EMERGING THREATS.**

4 (a) IN GENERAL.—The Administrator shall maintain
5 the capacity to provide States, local, and Indian Tribal
6 governments with technological hazards and related
7 emerging threats technical assistance, training, and other
8 preparedness programming to build community resilience
9 to technological hazards and related emerging threats.

10 (b) AUTHORITIES.—The Administrator shall carry
11 out subsection (a) in accordance with—

12 (1) the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5121 et seq.);

14 (2) section 1236 of the Disaster Recovery Re-
15 form Act of 2018 (42 U.S.C. 5196g); and

16 (3) the Post-Katrina Emergency Management
17 Reform Act of 2006 (Public Law 109–295; 120
18 Stat. 1394).

19 (c) ASSESSMENT AND NOTIFICATION.—In carrying
20 out subsection (a), the Administrator shall—

21 (1) use any available and appropriate multi-
22 hazard risk assessment and mapping tools and capa-
23 bilities to identify the communities that have the
24 highest risk of and vulnerability to a technological
25 hazard in each State; and

1 (2) ensure each State and Indian Tribal govern-
2 ment is aware of—

3 (A) the communities identified under para-
4 graph (1); and

5 (B) the availability of programming under
6 this section for—

7 (i) technological hazards and related
8 emerging threats preparedness; and

9 (ii) building community capability.

10 (d) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, and annually thereafter, the Ad-
12 ministrator shall submit to the Committee on Homeland
13 Security and Governmental Affairs of the Senate, the
14 Committee on Appropriations of the Senate, the Com-
15 mittee on Energy and Natural Resources of the Senate,
16 the Committee on Health, Education, Labor, and Pen-
17 sions of the Senate, the Committee on Energy and Com-
18 merce of the House of Representatives, the Committee on
19 Homeland Security of the House of Representatives, the
20 Committee on Appropriations of the House of Representa-
21 tives, and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report relating
23 to—

24 (1) actions taken to implement this section; and

1 (2) technological hazards and related emerging
2 threats preparedness programming provided under
3 this section during the 1-year period preceding the
4 date of submission of the report.

5 (e) CONSULTATION.—The Secretary of Homeland Se-
6 curity may seek continuing input relating to technological
7 hazards and related emerging threats preparedness needs
8 by consulting State, Tribal, territorial, and local emer-
9 gency services organizations and private sector stake-
10 holders.

11 (f) COORDINATION.—The Secretary of Homeland Se-
12 curity shall coordinate with the Secretary of Energy relat-
13 ing to technological hazard preparedness and training for
14 a hazard that could result from activities or facilities au-
15 thorized or licensed by the Department of Energy.

16 (g) NON-DUPLICATION OF EFFORT.—In carrying out
17 activities under subsection (a), the Administrator shall en-
18 sure that such activities do not unnecessarily duplicate ef-
19 forts of other Federal departments or agencies, including
20 programs within the Department of Health and Human
21 Services.

22 **SEC. 7314. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this subtitle \$20,000,000 for each of fiscal years 2023
25 through 2024.

1 **SEC. 7315. SAVINGS PROVISION.**

2 Nothing in this subtitle shall diminish or divert re-
3 sources from—

4 (1) the full completion of federally-led chemical
5 surety material storage missions or chemical demili-
6 tarization missions that are underway as of the date
7 of enactment of this Act; or

8 (2) any transitional activities or other commu-
9 nity assistance incidental to the completion of the
10 missions described in paragraph (1).

11 **Subtitle C—Other Matters**

12 **SEC. 7321. CRISIS COUNSELING ASSISTANCE AND TRAIN-**
13 **ING.**

14 (a) **FEDERAL EMERGENCY ASSISTANCE.**—Section
15 502(a)(6) of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5192(a)(6)) is
17 amended by inserting “and section 416” after “section
18 408”.

19 (b) **APPLICABILITY.**—The amendment made by sub-
20 section (a) shall only apply to amounts appropriated on
21 or after the date of enactment of this Act.

1 **DIVISION H—WATER**
2 **RESOURCES**
3 **TITLE LXXXI—WATER RE-**
4 **SOURCES DEVELOPMENT ACT**
5 **OF 2022**

6 **SEC. 8001. SHORT TITLE; TABLE OF CONTENTS.**

7 (a) **SHORT TITLE.**—This title may be cited as the
8 “Water Resources Development Act of 2022”.

9 (b) **TABLE OF CONTENTS.**—The table of contents for
10 this title is as follows:

- Sec. 8001. Short title; table of contents.
- Sec. 8002. Secretary defined.

Subtitle A—General Provisions

- Sec. 8101. Federal breakwaters and jetties.
- Sec. 8102. Emergency response to natural disasters.
- Sec. 8103. Shoreline and riverbank protection and restoration mission.
- Sec. 8104. Floodplain management services.
- Sec. 8105. Public recreational amenities in ecosystem restoration projects.
- Sec. 8106. Scope of feasibility studies.
- Sec. 8107. Water supply conservation.
- Sec. 8108. Managed aquifer recharge study and working group.
- Sec. 8109. Updates to certain water control manuals.
- Sec. 8110. National coastal mapping study.
- Sec. 8111. Tribal partnership program.
- Sec. 8112. Tribal Liaison.
- Sec. 8113. Tribal assistance.
- Sec. 8114. Cost sharing provisions for the territories and Indian Tribes.
- Sec. 8115. Tribal and Economically Disadvantaged Communities Advisory
Committee.
- Sec. 8116. Workforce planning.
- Sec. 8117. Corps of Engineers support for underserved communities; outreach.
- Sec. 8118. Pilot programs for certain communities.
- Sec. 8119. Technical assistance.
- Sec. 8120. Technical assistance for levee inspections.
- Sec. 8121. Assessment of Corps of Engineers levees.
- Sec. 8122. National low-head dam inventory.
- Sec. 8123. Expediting hydropower at Corps of Engineers facilities.
- Sec. 8124. Reserve component training at water resources development
projects.
- Sec. 8125. Payment of pay and allowances of certain officers from appropria-
tion for improvements.

- Sec. 8126. Maintenance dredging permits.
- Sec. 8127. Environmental dredging.
- Sec. 8128. Assessment of regional confined aquatic disposal facilities.
- Sec. 8129. Studies for periodic nourishment.
- Sec. 8130. Beneficial use of dredged material; management plans.
- Sec. 8131. Criteria for funding operation and maintenance of small, remote, and subsistence harbors.
- Sec. 8132. Additional projects for underserved community harbors.
- Sec. 8133. Inland waterways regional dredge pilot program.
- Sec. 8134. NEPA reporting.
- Sec. 8135. Funding to process permits.
- Sec. 8136. Lease durations.
- Sec. 8137. Reforestation.
- Sec. 8138. Emergency streambank and shoreline protection.
- Sec. 8139. Lease deviations.
- Sec. 8140. Policy and technical standards.
- Sec. 8141. Corps records relating to harmful algal blooms in Lake Okeechobee, Florida.
- Sec. 8142. Forecasting models for the Great Lakes.
- Sec. 8143. Monitoring and assessment program for saline lakes in the Great Basin.
- Sec. 8144. Chattahoochee River program.
- Sec. 8145. Lower Mississippi River Basin demonstration program.
- Sec. 8146. Washington Aqueduct.
- Sec. 8147. Water infrastructure public-private partnership pilot program.
- Sec. 8148. Advance payment in lieu of reimbursement for certain Federal costs.
- Sec. 8149. Use of other Federal funds.
- Sec. 8150. Non-Federal Interest Advisory Committee.
- Sec. 8151. Materials, services, and funds for repair, restoration, or rehabilitation of certain public recreation facilities.
- Sec. 8152. Rehabilitation of pump stations.
- Sec. 8153. Report to Congress on Corps of Engineers reservoirs.
- Sec. 8154. Temporary relocation assistance pilot program.
- Sec. 8155. Continuation of construction.
- Sec. 8156. Federal interest determination.
- Sec. 8157. Inland waterway projects.
- Sec. 8158. Corps of Engineers Western Water Cooperative Committee.
- Sec. 8159. Support of Army civil works missions.
- Sec. 8160. Civil works research and development.
- Sec. 8161. Sense of Congress on operations and maintenance of recreation sites.
- Sec. 8162. Sense of Congress relating to post-disaster repairs.

Subtitle B—Studies and Reports

- Sec. 8201. Authorization of proposed feasibility studies.
- Sec. 8202. Expedited completion.
- Sec. 8203. Expedited modifications of existing feasibility studies.
- Sec. 8204. Corps of Engineers reservoir sedimentation assessment.
- Sec. 8205. Report and recommendations on dredge capacity.
- Sec. 8206. Assessment of impacts from changing operation and maintenance responsibilities.
- Sec. 8207. Maintenance dredging data.
- Sec. 8208. Western infrastructure study.

- Sec. 8209. Recreation and economic development at Corps facilities in Appalachia.
- Sec. 8210. Ouachita River watershed, Arkansas and Louisiana.
- Sec. 8211. Report on Santa Barbara streams, Lower Mission Creek, California.
- Sec. 8212. Disposition study on Salinas Dam and Reservoir, California.
- Sec. 8213. Excess lands report for Whittier Narrows Dam, California.
- Sec. 8214. Comprehensive central and southern Florida study.
- Sec. 8215. Northern estuaries ecosystem restoration, Florida.
- Sec. 8216. Study on shellfish habitat and seagrass, Florida Central Gulf Coast.
- Sec. 8217. Report on South Florida ecosystem restoration plan implementation.
- Sec. 8218. Great Lakes recreational boating.
- Sec. 8219. Hydraulic evaluation of Upper Mississippi River and Illinois River.
- Sec. 8220. Disposition study on hydropower in the Willamette Valley, Oregon.
- Sec. 8221. Houston Ship Channel Expansion Channel Improvement Project, Texas.
- Sec. 8222. Sabine–Neches waterway navigation improvement project, Texas.
- Sec. 8223. Norfolk Harbor and Channels, Virginia.
- Sec. 8224. Coastal Virginia, Virginia.
- Sec. 8225. West Virginia hydropower.
- Sec. 8226. Electronic preparation and submission of applications.
- Sec. 8227. Investments for recreation areas.
- Sec. 8228. Automated fee machines.
- Sec. 8229. Review of recreational hazards.
- Sec. 8230. Assessment of coastal flooding mitigation modeling and testing capacity.
- Sec. 8231. Report on socially and economically disadvantaged small business concerns.
- Sec. 8232. Report on solar energy opportunities.
- Sec. 8233. Report to Congress on economic valuation of preservation of open space, recreational areas, and habitat associated with project lands.
- Sec. 8234. Report on corrosion prevention activities.
- Sec. 8235. Report to Congress on easements related to water resources development projects.
- Sec. 8236. GAO studies.
- Sec. 8237. Assessment of forest, rangeland, and watershed restoration services on lands owned by the Corps of Engineers.

Subtitle C—Deauthorizations and Modifications

- Sec. 8301. Deauthorization of inactive projects.
- Sec. 8302. Watershed and river basin assessments.
- Sec. 8303. Forecast-informed reservoir operations.
- Sec. 8304. Lakes program.
- Sec. 8305. Invasive species.
- Sec. 8306. Maintenance of navigation channels.
- Sec. 8307. Project reauthorizations.
- Sec. 8308. Special rule for certain beach nourishment projects.
- Sec. 8309. Columbia River Basin.
- Sec. 8310. Evaluation of hydrologic changes in Souris River Basin.
- Sec. 8311. Acequias irrigation systems.
- Sec. 8312. Port of Nome, Alaska.
- Sec. 8313. St. George, Alaska.
- Sec. 8314. Unalaska (Dutch Harbor) Channels, Alaska.

- Sec. 8315. Storm damage prevention and reduction, coastal erosion, and ice and glacial damage, Alaska.
- Sec. 8316. St. Francis Lake Control Structure.
- Sec. 8317. South Platte River and Tributaries, Adams and Denver Counties, Colorado.
- Sec. 8318. Fruitvale Avenue Railroad Bridge, Alameda, California.
- Sec. 8319. Los Angeles County, California.
- Sec. 8320. Deauthorization of designated portions of the Los Angeles County Drainage Area, California.
- Sec. 8321. Murrieta Creek, California.
- Sec. 8322. Sacramento River Basin, California.
- Sec. 8323. San Diego River and Mission Bay, San Diego County, California.
- Sec. 8324. Additional assistance for Eastern Santa Clara Basin, California.
- Sec. 8325. San Francisco Bay, California.
- Sec. 8326. South San Francisco Bay Shoreline, California.
- Sec. 8327. Delaware shore protection and restoration.
- Sec. 8328. St. Johns River Basin, Central and Southern Florida.
- Sec. 8329. Little Pass, Clearwater Bay, Florida.
- Sec. 8330. Comprehensive Everglades Restoration Plan, Florida.
- Sec. 8331. Palm Beach Harbor, Florida.
- Sec. 8332. Port Everglades, Florida.
- Sec. 8333. South Florida Ecosystem Restoration Task Force.
- Sec. 8334. New Savannah Bluff Lock and Dam, Georgia and South Carolina.
- Sec. 8335. Little Wood River, Gooding, Idaho.
- Sec. 8336. Chicago shoreline protection.
- Sec. 8337. Great Lakes and Mississippi River Interbasin project, Brandon Road, Will County, Illinois.
- Sec. 8338. Southeast Des Moines, Southwest Pleasant Hill, Iowa.
- Sec. 8339. City of El Dorado, Kansas.
- Sec. 8340. Algiers Canal Levees, Louisiana.
- Sec. 8341. Mississippi River Gulf Outlet, Louisiana.
- Sec. 8342. Camp Ellis, Saco, Maine.
- Sec. 8343. Lower Mississippi River comprehensive management study.
- Sec. 8344. Upper Mississippi River protection.
- Sec. 8345. Upper Mississippi River restoration program.
- Sec. 8346. Water level management on the Upper Mississippi River and Illinois Waterway.
- Sec. 8347. Mississippi Delta Headwaters, Mississippi.
- Sec. 8348. Sense of Congress relating to Okatibbee Lake, Mississippi.
- Sec. 8349. Argentine, East Bottoms, Fairfax-Jersey Creek, and North Kansas Levees units, Missouri River and tributaries at Kansas Cities, Missouri and Kansas.
- Sec. 8350. Lower Missouri River streambank erosion control evaluation and demonstration projects.
- Sec. 8351. Missouri River interception-rearing complexes.
- Sec. 8352. Missouri River mitigation project, Missouri, Kansas, Iowa, and Nebraska.
- Sec. 8353. Northern Missouri.
- Sec. 8354. Israel River, Lancaster, New Hampshire.
- Sec. 8355. Middle Rio Grande flood protection, Bernalillo to Belen, New Mexico.
- Sec. 8356. Ecosystem restoration, Hudson–Raritan Estuary, New York and New Jersey.
- Sec. 8357. Arkansas River corridor, Oklahoma.
- Sec. 8358. Copan Lake, Oklahoma.

- Sec. 8359. Southwestern Oregon.
- Sec. 8360. Yaquina River, Oregon.
- Sec. 8361. Lower Blackstone River, Rhode Island.
- Sec. 8362. Charleston Harbor, South Carolina.
- Sec. 8363. Colleton County, South Carolina.
- Sec. 8364. Ensley levee, Tennessee.
- Sec. 8365. Wolf River Harbor, Tennessee.
- Sec. 8366. Addicks and Barker Reservoirs, Texas.
- Sec. 8367. North Padre Island, Corpus Christi Bay, Texas.
- Sec. 8368. Nueces County, Texas.
- Sec. 8369. Lake Champlain Canal, Vermont and New York.
- Sec. 8370. Rehabilitation of Corps of Engineers constructed dams.
- Sec. 8371. Puget Sound nearshore ecosystem restoration, Washington.
- Sec. 8372. Lower Mud River, Milton, West Virginia.
- Sec. 8373. Northern West Virginia.
- Sec. 8374. Southern West Virginia.
- Sec. 8375. Environmental infrastructure.
- Sec. 8376. Additional assistance for critical projects.
- Sec. 8377. Conveyances.
- Sec. 8378. Land transfer and trust land for Choctaw Nation of Oklahoma.
- Sec. 8379. John P. Murtha Locks and Dam.
- Sec. 8380. Treatment of certain benefits and costs.
- Sec. 8381. Debris removal.
- Sec. 8382. General reauthorizations.
- Sec. 8383. Transfer of excess credit.
- Sec. 8384. Treatment of credit between projects.
- Sec. 8385. Non-Federal payment flexibility.
- Sec. 8386. Coastal community flood control and other purposes.
- Sec. 8387. National levee safety program.
- Sec. 8388. Surplus water contracts and water storage agreements.
- Sec. 8389. Water supply storage repair, rehabilitation, and replacement costs.
- Sec. 8390. Abandoned and inactive noncoal mine restoration.
- Sec. 8391. Asian carp prevention and control pilot program.
- Sec. 8392. Enhanced development program.
- Sec. 8393. Recreational opportunities at certain projects.
- Sec. 8394. Federal assistance.
- Sec. 8395. Mississippi River mat sinking unit.
- Sec. 8396. Sense of Congress on lease agreement.
- Sec. 8397. Expedited completion of projects and studies.

Subtitle D—Water Resources Infrastructure

- Sec. 8401. Project authorizations.
- Sec. 8402. Special rules.
- Sec. 8403. Facility investment.

1 **SEC. 8002. SECRETARY DEFINED.**

2 In this title, the term “Secretary” means the Sec-
3 retary of the Army.

1 **Subtitle A—General Provisions**

2 **SEC. 8101. FEDERAL BREAKWATERS AND JETTIES.**

3 (a) **IN GENERAL.**—In carrying out repair or mainte-
4 nance activity of a Federal jetty or breakwater associated
5 with an authorized navigation project, the Secretary shall,
6 notwithstanding the authorized dimensions of the jetty or
7 breakwater, ensure that such repair or maintenance activ-
8 ity is sufficient to meet the authorized purpose of such
9 project, including ensuring that any harbor or inland har-
10 bor associated with the project is protected from projected
11 changes in wave action or height (including changes that
12 result from relative sea level change over the useful life
13 of the project).

14 (b) **CLASSIFICATION OF ACTIVITY.**—The Secretary
15 may not classify any repair or maintenance activity of a
16 Federal jetty or breakwater carried out under subsection
17 (a) as major rehabilitation of such jetty or breakwater—

18 (1) if the Secretary determines that—

19 (A) projected changes in wave action or
20 height, including changes that result from rel-
21 ative sea level change, will diminish the
22 functionality of the jetty or breakwater to meet
23 the authorized purpose of the project; and

24 (B) such repair or maintenance activity is
25 necessary to restore such functionality; or

1 (2) if—

2 (A) the Secretary has not carried out reg-
3 ular and routine Federal maintenance activity
4 at the jetty or breakwater; and

5 (B) the structural integrity of the jetty or
6 breakwater is degraded as a result of a lack of
7 such regular and routine Federal maintenance
8 activity.

9 **SEC. 8102. EMERGENCY RESPONSE TO NATURAL DISAS-**
10 **TERS.**

11 (a) IN GENERAL.—Section 5(a)(1) of the Act of Au-
12 gust 18, 1941 (33 U.S.C. 701n(a)(1)) is amended by
13 striking “in the repair and restoration of any federally au-
14 thorized hurricane or shore protective structure” and all
15 that follows through “non-Federal sponsor.” and inserting
16 “in the repair and restoration of any federally authorized
17 hurricane or shore protective structure or project damaged
18 or destroyed by wind, wave, or water action of other than
19 an ordinary nature to the pre-storm level of protection,
20 to the design level of protection, or, notwithstanding the
21 authorized dimensions of the structure or project, to a
22 level sufficient to meet the authorized purpose of such
23 structure or project, whichever provides greater protec-
24 tion, when, in the discretion of the Chief of Engineers,
25 such repair and restoration is warranted for the adequate

1 functioning of the structure or project for hurricane or
2 shore protection, including to ensure the structure or
3 project is functioning adequately to protect against pro-
4 jected changes in wave action or height or storm surge
5 (including changes that result from relative sea level
6 change over the useful life of the structure or project),
7 subject to the condition that the Chief of Engineers may,
8 if requested by the non-Federal sponsor, include modifica-
9 tions to the structure or project (including the addition
10 of new project features) to address major deficiencies, in-
11 crease resilience, increase benefits from the reduction of
12 damages from inundation, wave action, or erosion, or im-
13 plement nonstructural alternatives to the repair or res-
14 toration of the structure.”.

15 (b) GREAT LAKES ADVANCE MEASURES ASSIST-
16 ANCE.—

17 (1) IN GENERAL.—The Secretary shall not deny
18 a request from the Governor of a Great Lakes State
19 to provide advance measures assistance pursuant to
20 section 5(a) of the Act of August 18, 1941 (33
21 U.S.C. 701n(a)) to reduce the risk of damage from
22 rising water levels in the Great Lakes solely on the
23 basis that the damage is caused by erosion.

24 (2) FEDERAL SHARE.—Assistance provided by
25 the Secretary pursuant to a request described in

1 paragraph (1) shall be at Federal expense if the as-
2 sistance is for the construction of advance measures
3 to a temporary construction standard.

4 (3) GREAT LAKES STATE DEFINED.—In this
5 subsection, the term “Great Lakes State” means the
6 State of Illinois, Indiana, Michigan, Minnesota, New
7 York, Ohio, Pennsylvania, or Wisconsin.

8 **SEC. 8103. SHORELINE AND RIVERBANK PROTECTION AND**
9 **RESTORATION MISSION.**

10 (a) IN GENERAL.—Section 212 of the Water Re-
11 sources Development Act of 1999 (33 U.S.C. 2332) is
12 amended—

13 (1) in the section heading, by striking “**FLOOD**
14 **MITIGATION AND RIVERINE RESTORATION**
15 **PROGRAM**” and inserting “**SHORELINE AND**
16 **RIVERINE PROTECTION AND RESTORATION**”;

17 (2) by striking subsection (a) and inserting the
18 following:

19 “(a) IN GENERAL.—The Secretary may carry out
20 studies and projects to—

21 “(1) reduce flood and hurricane and storm
22 damage hazards; or

23 “(2) restore the natural functions and values of
24 rivers and shorelines throughout the United
25 States.”;

1 (3) in subsection (b)—

2 (A) by striking paragraph (1) and insert-
3 ing the following:

4 “(1) AUTHORITY.—

5 “(A) STUDIES.—In carrying out subsection
6 (a), the Secretary may carry out studies to
7 identify appropriate measures for—

8 “(i) the reduction of flood and hurri-
9 cane and storm damage hazards, including
10 measures for erosion mitigation and bank
11 stabilization; or

12 “(ii) the conservation and restoration
13 of the natural functions and values of riv-
14 ers and shorelines.

15 “(B) PROJECTS.—Subject to subsection
16 (f)(2), in carrying out subsection (a), the Sec-
17 retary may design and implement projects de-
18 scribed in subsection (a).”;

19 (B) in paragraph (3), by striking “flood
20 damages” and inserting “flood and hurricane
21 and storm damages, including the use of nat-
22 ural features or nature-based features”; and

23 (C) in paragraph (4)—

24 (i) by inserting “and hurricane and
25 storm” after “flood”;

1 (ii) by inserting “, shoreline,” after
2 “riverine”; and

3 (iii) by inserting “and coastal bar-
4 riers” after “floodplains”;

5 (4) in subsection (c)—

6 (A) in paragraph (1), by inserting “, ex-
7 cept that the first \$200,000 of the costs of a
8 study conducted under this section shall be at
9 Federal expense” before the period;

10 (B) in paragraph (2)—

11 (i) in the paragraph heading, by strik-
12 ing “FLOOD CONTROL”; and

13 (ii) by striking subparagraph (A) and
14 inserting the following:

15 “(A) IN GENERAL.—Design and construc-
16 tion of a project under this section that includes
17 a nonstructural measure, a natural feature or
18 nature-based feature, or an environmental res-
19 toration measure, shall be subject to cost shar-
20 ing in accordance with section 103 of the Water
21 Resources Development Act of 1986 (33 U.S.C.
22 2213), except that the non-Federal share of the
23 cost to design and construct such a project ben-
24 efitting an economically disadvantaged commu-
25 nity (including economically disadvantaged com-

1 munities located in urban and rural areas) shall
2 be 10 percent.”; and

3 (C) in paragraph (3)—

4 (i) in the paragraph heading, by in-
5 sserting “OR HURRICANE AND STORM DAM-
6 AGE REDUCTION” after “FLOOD CON-
7 TROL”;

8 (ii) by inserting “or hurricane and
9 storm damage reduction” after “flood con-
10 trol” ; and

11 (iii) by striking “section 103(a) of the
12 Water Resources Development Act of 1986
13 (33 U.S.C. 2213(a))” and inserting “sec-
14 tion 103 of the Water Resources Develop-
15 ment Act of 1986 (33 U.S.C. 2213), ex-
16 cept that the non-Federal share of the cost
17 to design and construct such a project ben-
18 efitting an economically disadvantaged
19 community (including economically dis-
20 advantaged communities located in urban
21 and rural areas) shall be 10 percent”;

22 (5) by striking subsection (d) and inserting the
23 following:

24 “(d) PROJECT JUSTIFICATION.—Notwithstanding
25 any requirement for economic justification established

1 under section 209 of the Flood Control Act of 1970 (42
2 U.S.C. 1962–2), the Secretary may implement a project
3 under this section if the Secretary determines that the
4 project—

5 “(1) will significantly reduce potential flood,
6 hurricane and storm, or erosion damages;

7 “(2) will improve the quality of the environ-
8 ment; and

9 “(3) is justified considering all costs and bene-
10 ficial outputs of the project.”;

11 (6) in subsection (e)—

12 (A) in the subsection heading, by striking
13 “PRIORITY AREAS” and inserting “AREAS FOR
14 EXAMINATION”;

15 (B) by redesignating paragraphs (1)
16 through (33) as subparagraphs (A) through
17 (GG), respectively, and adjusting the margins
18 appropriately;

19 (C) by striking “In carrying out” and in-
20 serting the following:

21 “(1) IN GENERAL.—In carrying out”; and

22 (D) by adding at the end the following:

23 “(2) PRIORITY PROJECTS.—In carrying out this
24 section, the Secretary shall prioritize projects for the
25 following locations:

1 “(A) Delaware beaches and watersheds,
2 Delaware.

3 “(B) Louisiana Coastal Area, Louisiana.

4 “(C) Great Lakes Shores and Watersheds.

5 “(D) Oregon Coastal Area and Willamette
6 River basin, Oregon.

7 “(E) Upper Missouri River Basin.

8 “(F) Ohio River Tributaries and their wa-
9 tersheds, West Virginia.

10 “(G) Chesapeake Bay watershed and
11 Maryland beaches, Maryland.

12 “(H) City of Southport, North Carolina.

13 “(I) Maumee River, Ohio.

14 “(J) Los Angeles and San Gabriel Rivers,
15 California.

16 “(K) Kentucky River and its tributaries
17 and watersheds.”;

18 (7) by striking subsections (f), (g), and (i);

19 (8) by redesignating subsection (h) as sub-
20 section (f);

21 (9) in subsection (f) (as so redesignated), by
22 striking paragraph (2) and inserting the following:

23 “(2) PROJECTS REQUIRING SPECIFIC AUTHOR-
24 IZATION.—If the Federal share of the cost to design
25 and construct a project under this section exceeds

1 \$15,000,000, the Secretary may only carry out the
2 project if Congress enacts a law authorizing the Sec-
3 retary to carry out the project.”; and

4 (10) by adding at the end the following:

5 “(g) DEFINITIONS.—In this section:

6 “(1) ECONOMICALLY DISADVANTAGED COMMU-
7 NITY.—The term ‘economically disadvantaged com-
8 munity’ has the meaning given the term as defined
9 by the Secretary under section 160 of the Water Re-
10 sources Development Act of 2020 (33 U.S.C. 2201
11 note).

12 “(2) NATURAL FEATURE; NATURE-BASED FEA-
13 TURE.—The terms ‘natural feature’ and ‘nature-
14 based feature’ have the meanings given those terms
15 in section 1184(a) of the Water Resources Develop-
16 ment Act of 2016 (33 U.S.C. 2289a(a)).”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 contained in section 1(b) of the Water Resources Develop-
19 ment Act of 1999 (113 Stat. 269) is amended by striking
20 the item relating to section 212 and inserting the fol-
21 lowing:

 “Sec. 212. Shoreline and riverine protection and restoration.”.

22 **SEC. 8104. FLOODPLAIN MANAGEMENT SERVICES.**

23 Section 206 of the Flood Control Act of 1960 (33
24 U.S.C. 709a) is amended—

1 (1) by striking “SEC. 206. (a) In recognition”
2 and inserting the following:

3 **“SEC. 206. INFORMATION ON FLOODS AND FLOOD DAMAGE.**

4 “(a) COMPILATION AND DISSEMINATION.—

5 “(1) IN GENERAL.—In recognition”;

6 (2) in subsection (a)—

7 (A) in the second sentence, by striking
8 “Surveys and guides” and inserting the fol-
9 lowing:

10 “(2) SURVEYS AND GUIDES.—Surveys and
11 guides”;

12 (B) in the first sentence, by inserting
13 “identification of areas subject to floods due to
14 accumulated snags and other debris,” after “in-
15 undation by floods of various magnitudes and
16 frequencies,”; and

17 (C) by adding at the end the following:

18 “(3) IDENTIFICATION OF ASSISTANCE.—

19 “(A) IN GENERAL.—To the maximum ex-
20 tent practicable, in providing assistance under
21 this subsection, the Secretary shall identify and
22 communicate to States and non-Federal inter-
23 ests specific opportunities to partner with the
24 Corps of Engineers to address flood hazards.

1 “(B) COORDINATION.—The Secretary shall
 2 coordinate activities under this paragraph with
 3 activities described in section 22 of the Water
 4 Resources Development Act of 1974 (42 U.S.C.
 5 1962d–16).”;

6 (3) by redesignating subsection (d) as sub-
 7 section (e); and

8 (4) by inserting after subsection (c) the fol-
 9 lowing:

10 “(d) INSTITUTIONS OF HIGHER EDUCATION.—Not-
 11 withstanding section 4141 of title 10, United States Code,
 12 in carrying out this section, the Secretary may work with
 13 an institution of higher education, as determined appro-
 14 priate by the Secretary.”.

15 **SEC. 8105. PUBLIC RECREATIONAL AMENITIES IN ECO-**
 16 **SYSTEM RESTORATION PROJECTS.**

17 At the request of a non-Federal interest, the Sec-
 18 retary is authorized to study the incorporation of public
 19 recreational amenities, including facilities for hiking,
 20 biking, walking, and waterborne recreation, into a project
 21 for ecosystem restoration, including a project carried out
 22 under section 206 of the Water Resources Development
 23 Act of 1996 (33 U.S.C. 2330), if the incorporation of such
 24 amenities would be consistent with the ecosystem restora-
 25 tion purposes of the project.

1 **SEC. 8106. SCOPE OF FEASIBILITY STUDIES.**

2 (a) FLOOD RISK MANAGEMENT OR HURRICANE AND
3 STORM DAMAGE RISK REDUCTION.—In carrying out a
4 feasibility study for a project for flood risk management
5 or hurricane and storm damage risk reduction, the Sec-
6 retary, at the request of the non-Federal interest for the
7 study, shall formulate alternatives to maximize the net
8 benefits from the reduction of the comprehensive flood risk
9 within the geographic scope of the study from the isolated
10 and compound effects of—

11 (1) a riverine discharge of any magnitude or
12 frequency;

13 (2) inundation, wave attack, and erosion coin-
14 ciding with a hurricane or coastal storm;

15 (3) flooding associated with tidally influenced
16 portions of rivers, bays, and estuaries that are
17 hydrologically connected to the coastal water body;

18 (4) a rainfall event of any magnitude or fre-
19 quency;

20 (5) a tide of any magnitude or frequency;

21 (6) seasonal variation in water levels;

22 (7) groundwater emergence;

23 (8) sea level rise;

24 (9) subsidence; or

25 (10) any other driver of flood risk affecting the
26 area within the geographic scope of the study.

1 (b) WATER SUPPLY, WATER CONSERVATION, AND
2 DROUGHT RISK REDUCTION.—In carrying out a feasi-
3 bility study for any purpose, the Secretary, at the request
4 of the non-Federal interest for the study, shall formulate
5 alternatives—

6 (1) to maximize combined net benefits for the
7 primary purpose of the study and for the purposes
8 of water supply or water conservation (including the
9 use of water supply conservation measures described
10 in section 1116 of the Water Resources Development
11 Act of 2016 (130 Stat. 1639)); or

12 (2) to include 1 or more measures for the pur-
13 poses of water supply or water conservation if the
14 Secretary determines that such measures may re-
15 duce potential adverse impacts of extreme weather
16 events, including drought, on water resources within
17 the geographic scope of the study.

18 (c) COST SHARING.—All costs to carry out a feasi-
19 bility study in accordance with this section shall be shared
20 in accordance with the cost share requirements otherwise
21 applicable to the study.

22 **SEC. 8107. WATER SUPPLY CONSERVATION.**

23 Section 1116 of the Water Resources Development
24 Act of 2016 (130 Stat. 1639) is amended—

1 (1) in subsection (a), in the matter preceding
2 paragraph (1), by striking “during the 1-year period
3 ending on the date of enactment of this Act” and in-
4 serting “for any portion of any 2 consecutive or non-
5 consecutive years during the 10-year period pre-
6 ceding a request from a non-Federal interest for as-
7 sistance under this section”; and

8 (2) in subsection (b)(4), by inserting “, includ-
9 ing measures utilizing a natural feature or nature-
10 based feature (as those terms are defined in section
11 1184(a)) to reduce drought risk” after “water sup-
12 ply”.

13 **SEC. 8108. MANAGED AQUIFER RECHARGE STUDY AND**
14 **WORKING GROUP.**

15 (a) ASSESSMENT.—

16 (1) IN GENERAL.—The Secretary shall, in con-
17 sultation with applicable non-Federal interests, con-
18 duct a national assessment of carrying out managed
19 aquifer recharge projects to address drought, water
20 resiliency, and aquifer depletion at authorized water
21 resources development projects.

22 (2) REQUIREMENTS.—In carrying out para-
23 graph (1), the Secretary shall—

24 (A) assess and identify opportunities to
25 support non-Federal interests, including Tribal

1 communities, in carrying out managed aquifer
2 recharge projects; and

3 (B) assess preliminarily local hydrogeologic
4 conditions relevant to carrying out managed aquifer
5 recharge projects.

6 (3) COORDINATION.—In carrying out para-
7 graph (1), the Secretary shall coordinate, as appro-
8 priate, with the heads of other Federal agencies,
9 States, regional governmental agencies, units of local
10 government, experts in managed aquifer recharge,
11 and Tribes.

12 (b) FEASIBILITY STUDIES.—

13 (1) AUTHORIZATION.—The Secretary is author-
14 ized to carry out feasibility studies, at the request of
15 a non-Federal interest, of managed aquifer recharge
16 projects in areas that are experiencing, or have re-
17 cently experienced, prolonged drought conditions, aquifer
18 depletion, or water supply scarcity.

19 (2) LIMITATION.—The Secretary may carry out
20 not more than 10 feasibility studies under this sub-
21 section.

22 (3) USE OF INFORMATION.—The Secretary
23 shall, to the maximum extent practicable, use infor-
24 mation gathered from the assessment conducted

1 under subsection (a) in identifying and selecting fea-
2 sibility studies to carry out under this subsection.

3 (4) COST SHARE.—The Federal share of the
4 cost of a feasibility study carried out under this sub-
5 section shall be 90 percent.

6 (c) WORKING GROUP.—

7 (1) IN GENERAL.—Not later than 180 days
8 after the date of enactment of this Act, the Sec-
9 retary shall establish a managed aquifer recharge
10 working group made up of subject matter experts
11 within the Corps of Engineers and relevant non-Fed-
12 eral stakeholders.

13 (2) COMPOSITION.—In establishing the working
14 group under paragraph (1), the Secretary shall en-
15 sure that members of the working group have exper-
16 tise working with—

17 (A) projects providing water supply storage
18 to meet regional water supply demand, particu-
19 larly in regions experiencing drought;

20 (B) the protection of groundwater supply,
21 including promoting infiltration and increased
22 recharge in groundwater basins, and ground-
23 water quality;

24 (C) aquifer storage, recharge, and recovery
25 wells;

1 (D) dams that provide recharge enhance-
2 ment benefits;

3 (E) groundwater hydrology;

4 (F) conjunctive use water systems; and

5 (G) agricultural water resources, including
6 the use of aquifers for irrigation purposes.

7 (3) DUTIES.—The working group established
8 under this subsection shall—

9 (A) advise the Secretary regarding the de-
10 velopment and execution of the assessment
11 under subsection (a) and any feasibility studies
12 under subsection (b);

13 (B) assist Corps of Engineers offices at
14 the headquarter, division, and district levels
15 with raising awareness of non-Federal interests
16 of the potential benefits of carrying out man-
17 aged aquifer recharge projects; and

18 (C) assist with the development of the re-
19 port required to be submitted under subsection
20 (d).

21 (d) REPORT TO CONGRESS.—Not later than 2 years
22 after the date of enactment of this Act, the Secretary shall
23 submit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 a report on managed aquifer recharge that includes—

3 (1) the results of the assessment conducted
4 under subsection (a) and any feasibility studies car-
5 ried out under subsection (b), including data col-
6 lected under such assessment and studies and any
7 recommendations on managed aquifer recharge op-
8 portunities for non-Federal interests, States, local
9 governments, and Tribes;

10 (2) a status update on the implementation of
11 the recommendations included in the report of the
12 U.S. Army Corps of Engineers Institute for Water
13 Resources entitled “Managed Aquifer Recharge and
14 the U.S. Army Corps of Engineers: Water Security
15 through Resilience”, published in April 2020 (2020–
16 WP–01); and

17 (3) an evaluation of the benefits of creating a
18 new or modifying an existing planning center of ex-
19 pertise for managed aquifer recharge, and identify
20 potential locations for such a center of expertise, if
21 feasible.

22 (e) SAVINGS PROVISION.—Nothing in this section af-
23 fects the non-Federal share of the cost of construction of
24 a managed aquifer recharge project under section 103 of

1 the Water Resources Development Act of 1986 (33 U.S.C.
2 2213) or any other provision of law.

3 (f) DEFINITIONS.—In this section:

4 (1) MANAGED AQUIFER RECHARGE.—The term
5 “managed aquifer recharge” means the intentional
6 banking and treatment of water in aquifers for stor-
7 age and future use.

8 (2) MANAGED AQUIFER RECHARGE PROJECT.—
9 The term “managed aquifer recharge project”
10 means a project to incorporate managed aquifer re-
11 charge features into a water resources development
12 project.

13 **SEC. 8109. UPDATES TO CERTAIN WATER CONTROL MANU-
14 ALS.**

15 On request of the Governor of a State for which the
16 Governor declared a statewide drought disaster in 2021,
17 the Secretary is authorized to update water control manu-
18 als for water resources development projects under the au-
19 thority of the Secretary in the State, with priority given
20 to those projects that include water supply or water con-
21 servation as an authorized purpose.

22 **SEC. 8110. NATIONAL COASTAL MAPPING STUDY.**

23 (a) IN GENERAL.—The Secretary, acting through the
24 Director of the Engineer Research and Development Cen-
25 ter, is authorized to carry out a study of coastal geo-

1 graphic land changes, with recurring national coastal
2 mapping technology, along the coastal zone of the United
3 States to support Corps of Engineers missions.

4 (b) STUDY.—In carrying out the study under sub-
5 section (a), the Secretary shall identify—

6 (1) new or advanced geospatial information and
7 remote sensing tools for coastal mapping;

8 (2) best practices for coastal change mapping;
9 and

10 (3) how to most effectively—

11 (A) collect and analyze such advanced
12 geospatial information;

13 (B) disseminate such geospatial informa-
14 tion to relevant offices of the Corps of Engi-
15 neers, other Federal agencies, States, Tribes,
16 and local governments; and

17 (C) make such geospatial information
18 available to other stakeholders.

19 (c) DEMONSTRATION PROJECT.—

20 (1) PROJECT AREA.—In carrying out the study
21 under subsection (a), the Secretary shall carry out
22 a demonstration project in the coastal region cov-
23 ering the North Carolina coastal waters, connected
24 bays, estuaries, rivers, streams, and creeks, to their
25 tidally influenced extent inland.

1 (2) SCOPE.—In carrying out the demonstration
2 project, the Secretary shall—

3 (A) identify and study potential hazards,
4 such as debris, sedimentation, dredging effects,
5 and flood areas;

6 (B) identify best practices described in
7 subsection (b)(2), including best practices relat-
8 ing to geographical coverage and frequency of
9 mapping;

10 (C) evaluate and demonstrate relevant
11 mapping technologies to identify which are the
12 most effective for regional mapping of the tran-
13 sitional areas between the open coast and in-
14 land waters; and

15 (D) demonstrate remote sensing tools for
16 coastal mapping.

17 (d) COORDINATION.—In carrying out this section, the
18 Secretary shall coordinate with other Federal and State
19 agencies that are responsible for authoritative data and
20 academic institutions and other entities with relevant ex-
21 pertise.

22 (e) PANEL.—

23 (1) ESTABLISHMENT.—In carrying out this sec-
24 tion, the Secretary shall establish a panel of senior
25 leaders from the Corps of Engineers and other Fed-

1 eral agencies that are stakeholders in the coastal
2 mapping program carried out through the Engineer
3 Research and Development Center.

4 (2) DUTIES.—The panel established under this
5 subsection shall—

6 (A) coordinate the collection of data under
7 the study carried out under this section;

8 (B) coordinate the use of geospatial infor-
9 mation and remote sensing tools, and the appli-
10 cation of the best practices identified under the
11 study, by Federal agencies; and

12 (C) identify technical topics and challenges
13 that require multiagency collaborative research
14 and development.

15 (f) USE OF EXISTING INFORMATION.—In carrying
16 out this section, the Secretary shall consider any relevant
17 information developed under section 516(g) of the Water
18 Resources Development Act of 1996 (33 U.S.C.
19 2326b(g)).

20 (g) REPORT.—Not later than 18 months after the
21 date of enactment of this Act, the Secretary shall submit
22 to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on
24 Environment and Public Works of the Senate a report
25 that describes—

1 (1) the results of the study carried out under
2 this section; and

3 (2) any geographical areas recommended for
4 additional study.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section
7 \$25,000,000, to remain available until expended.

8 **SEC. 8111. TRIBAL PARTNERSHIP PROGRAM.**

9 Section 203 of the Water Resources Development Act
10 of 2000 (33 U.S.C. 2269) is amended—

11 (1) in subsection (a), by striking “(25 U.S.C.
12 450b)” and inserting “(25 U.S.C. 5304)”;

13 (2) in subsection (b)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (A)—

16 (I) by inserting “hurricane and
17 storm” after “flood”; and

18 (II) by inserting “including ero-
19 sion control,” after “reduction,”;

20 (ii) in subparagraph (B), by striking
21 “and” at the end;

22 (iii) by redesignating subparagraph
23 (C) as subparagraph (D); and

24 (iv) by inserting after subparagraph
25 (B) the following:

1 “(C) technical assistance to an Indian
2 tribe, including—

3 “(i) assistance for planning to amelio-
4 rate flood hazards, to avoid repetitive flood
5 impacts, to anticipate, prepare, and adapt
6 to changing hydrological and climatic con-
7 ditions and extreme weather events, and to
8 withstand, respond to, and recover rapidly
9 from disruption due to flood hazards; and

10 “(ii) the provision of, and integration
11 into planning of, hydrologic, economic, and
12 environmental data and analyses; and”;

13 (B) in paragraph (3), by adding at the end
14 the following:

15 “(C) INITIAL COSTS.—The first \$200,000
16 of the costs of a study under this section shall
17 be at Federal expense.”;

18 (C) in paragraph (4)—

19 (i) in subparagraph (A), by striking
20 “\$18,500,000” and inserting
21 “\$26,000,000”; and

22 (ii) in subparagraph (B), by striking
23 “\$18,500,000” and inserting
24 “\$26,000,000”; and

25 (D) by adding at the end the following:

1 “(5) PROJECT JUSTIFICATION.—Notwith-
2 standing any requirement for economic justification
3 established under section 209 of the Flood Control
4 Act of 1970 (42 U.S.C. 1962–2), the Secretary may
5 implement a project (other than a project for eco-
6 system restoration) under this section if the Sec-
7 retary determines that the project will—

8 “(A) significantly reduce potential flood or
9 hurricane and storm damage hazards (which
10 may be limited to hazards that may be ad-
11 dressed by measures for erosion mitigation or
12 bank stabilization);

13 “(B) improve the quality of the environ-
14 ment;

15 “(C) reduce risks to life safety associated
16 with the hazards described in subparagraph
17 (A); and

18 “(D) improve the long-term viability of the
19 community.”;

20 (3) in subsection (d)—

21 (A) in paragraph (5)(B)—

22 (i) by striking “non-Federal” and in-
23 sserting “Federal”; and

24 (ii) by striking “50 percent” and in-
25 sserting “100 percent”; and

1 (B) by adding at the end the following:

2 “(6) TECHNICAL ASSISTANCE.—The Federal
3 share of the cost of activities described in subsection
4 (b)(2)(C) shall be 100 percent.”; and

5 (4) in subsection (e), by striking “2024” and
6 inserting “2033”.

7 **SEC. 8112. TRIBAL LIAISON.**

8 (a) IN GENERAL.—Beginning not later than 1 year
9 after the date of enactment of this Act, the District Com-
10 mander for each Corps of Engineers district that contains
11 a Tribal community shall have on staff a Tribal Liaison.

12 (b) DUTIES.—Each Tribal Liaison shall make rec-
13 ommendations to the applicable District Commander re-
14 garding, and be responsible for—

15 (1) removing barriers to access to, and partici-
16 pation in, Corps of Engineers programs for Tribal
17 communities, including by improving implementation
18 of section 103(m) of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2213(m));

20 (2) improving outreach to, and engagement
21 with, Tribal communities about relevant Corps of
22 Engineers programs and services;

23 (3) identifying and engaging with Tribal com-
24 munities suffering from water resources challenges;

1 (4) improving, expanding, and facilitating gov-
2 ernment-to-government consultation between Tribal
3 communities and the Corps of Engineers;

4 (5) coordinating and implementing all relevant
5 Tribal consultation policies and associated guide-
6 lines, including the requirements of section 112 of
7 the Water Resources Development Act of 2020 (33
8 U.S.C. 2356);

9 (6) training and tools to facilitate the ability of
10 Corps of Engineers staff to effectively engage with
11 Tribal communities in a culturally competent man-
12 ner, especially in regards to lands of ancestral, his-
13 toric, or cultural significance to a Tribal community,
14 including burial sites; and

15 (7) such other issues identified by the Sec-
16 retary.

17 (c) UNIFORMITY.—Not later than 120 days after the
18 date of enactment of this Act, the Secretary shall finalize
19 guidelines for—

20 (1) a position description for Tribal Liaisons;
21 and

22 (2) required qualifications for Tribal Liaisons,
23 including experience and expertise relating to Tribal
24 communities and water resource issues.

1 (d) FUNDING.—Funding for the position of Tribal
2 Liaison shall be allocated from the budget line item pro-
3 vided for the expenses necessary for the supervision and
4 general administration of the civil works program, and fill-
5 ing the position shall not be dependent on any increase
6 in this budget line item.

7 (e) DEFINITIONS.—In this section:

8 (1) TRIBAL COMMUNITY.—The term “Tribal
9 community” means a community of people who are
10 recognized and defined under Federal law as indige-
11 nous people of the United States.

12 (2) TRIBAL LIAISON.—The term “Tribal Liai-
13 son” means a permanent employee of a Corps of En-
14 gineers district whose primary responsibilities are
15 to—

16 (A) serve as a direct line of communication
17 between the District Commander and the Tribal
18 communities within the boundaries of the Corps
19 of Engineers district; and

20 (B) ensure consistency in government-to-
21 government relations.

22 **SEC. 8113. TRIBAL ASSISTANCE.**

23 (a) CLARIFICATION OF EXISTING AUTHORITY.—

24 (1) IN GENERAL.—Subject to paragraph (2),
25 the Secretary, in consultation with the heads of rel-

1 evant Federal agencies, the Confederated Tribes of
2 the Warm Springs Reservation of Oregon, the Con-
3 federated Tribes and Bands of the Yakama Nation,
4 the Nez Perce Tribe, and the Confederated Tribes of
5 the Umatilla Indian Reservation, shall revise and
6 carry out the village development plan for The
7 Dalles Dam, Columbia River, Washington and Or-
8 egon, as authorized by section 204 of the Flood Con-
9 trol Act of 1950 (chapter 188, 64 Stat. 179), to
10 comprehensively address adverse impacts to Indian
11 villages, housing sites, and related structures as a
12 result of the construction of The Dalles Dam, Bon-
13 neville Dam, McNary Dam, and John Day Dam,
14 Washington and Oregon.

15 (2) EXAMINATION.—Before carrying out the re-
16 quirements of paragraph (1), the Secretary shall
17 conduct an examination and assessment of the ex-
18 tent to which Indian villages, housing sites, and re-
19 lated structures were displaced or destroyed by the
20 construction of the following projects:

21 (A) Bonneville Dam, Columbia River, Or-
22 egon, as authorized by the first section of the
23 Act of August 30, 1935 (chapter 831, 49 Stat.
24 1038) and the first section and section 2(a) of

1 the Act of August 20, 1937 (16 U.S.C. 832,
2 832a(a)).

3 (B) McNary Dam, Columbia River, Wash-
4 ington and Oregon, as authorized by section 2
5 of the Act of March 2, 1945 (chapter 19, 59
6 Stat. 22).

7 (C) John Day Dam, Columbia River,
8 Washington and Oregon, as authorized by sec-
9 tion 204 of the Flood Control Act of 1950
10 (chapter 188, 64 Stat. 179).

11 (3) REQUIREMENTS.—The village development
12 plan under paragraph (1) shall include, at a min-
13 imum—

14 (A) an evaluation of sites on both sides of
15 the Columbia River;

16 (B) an assessment of suitable Federal land
17 and land owned by the States of Washington
18 and Oregon; and

19 (C) an estimated cost and tentative sched-
20 ule for the construction of each housing devel-
21 opment.

22 (4) LOCATION OF ASSISTANCE.—The Secretary
23 may provide housing and related assistance under
24 this subsection at 1 or more village sites in the
25 States of Washington and Oregon.

1 (b) PROVISION OF ASSISTANCE ON FEDERAL
2 LAND.—The Secretary may construct housing or provide
3 related assistance on land owned by the United States in
4 carrying out the village development plan under subsection
5 (a)(1).

6 (c) ACQUISITION AND DISPOSAL OF LAND.—

7 (1) IN GENERAL.—Subject to subsection (d),
8 the Secretary may acquire land or interests in land
9 for the purpose of providing housing and related as-
10 sistance in carrying out the village development plan
11 under subsection (a)(1).

12 (2) ADVANCE ACQUISITION.—Acquisition of
13 land or interests in land under paragraph (1) may
14 be carried out in advance of completion of all re-
15 quired documentation and receipt of all required
16 clearances for the construction of housing or related
17 improvements on the land.

18 (3) DISPOSAL OF UNSUITABLE LAND.—If the
19 Secretary determines that any land or interest in
20 land acquired by the Secretary under paragraph (2)
21 is unsuitable for that housing or for those related
22 improvements, the Secretary may—

23 (A) dispose of the land or interest in land
24 by sale; and

1 (B) credit the proceeds to the appropria-
2 tion, fund, or account used to purchase the land
3 or interest in land.

4 (d) LIMITATION.—The Secretary shall only acquire
5 land from willing landowners in carrying out this section.

6 (e) COOPERATIVE AGREEMENTS.—The Secretary
7 may enter into a cooperative agreement with a Tribe de-
8 scribed in subsection (a)(1), or with a Tribal organization
9 of such a Tribe, to provide funds to the Tribe to construct
10 housing or provide related assistance in carrying out the
11 village development plan under such subsection.

12 (f) CONVEYANCE AUTHORIZED.—Upon completion of
13 construction at a village site under this section, the Sec-
14 retary may, without consideration, convey the village site
15 and the improvements located thereon to a Tribe described
16 in subsection (a)(1), or to a Tribal organization of such
17 a Tribe.

18 (g) CONFORMING AMENDMENT.—Section 1178(c) of
19 the Water Resources Development Act of 2016 (130 Stat.
20 1675; 132 Stat. 3781) is repealed.

21 **SEC. 8114. COST SHARING PROVISIONS FOR THE TERRI-**
22 **TORIES AND INDIAN TRIBES.**

23 Section 1156 of the Water Resources Development
24 Act of 1986 (33 U.S.C. 2310) is amended—

25 (1) in subsection (a)—

1 (A) in paragraph (1), by striking “and” at
2 the end;

3 (B) in paragraph (2), by striking the pe-
4 riod at the end and inserting “; and” ; and

5 (C) by adding at the end the following:

6 “(3) for any organization that—

7 “(A) is composed primarily of people who
8 are—

9 “(i) recognized and defined under
10 Federal law as indigenous people of the
11 United States; and

12 “(ii) from a specific community; and

13 “(B) assists in the social, cultural, and
14 educational development of such people in that
15 community.”; and

16 (2) by adding at the end the following:

17 “(c) INCLUSION.—For purposes of this section, the
18 term ‘study’ includes a watershed assessment.

19 “(d) APPLICATION.—The Secretary shall apply the
20 waiver amount described in subsection (a) to reduce only
21 the non-Federal share of study and project costs.”.

22 **SEC. 8115. TRIBAL AND ECONOMICALLY DISADVANTAGED**
23 **COMMUNITIES ADVISORY COMMITTEE.**

24 (a) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of this Act, the Secretary shall es-

1 tablish a committee, to be known as the “Tribal and Eco-
2 nomically Disadvantaged Communities Advisory Com-
3 mittee”, to develop and make recommendations to the Sec-
4 retary and the Chief of Engineers on activities and actions
5 that should be undertaken by the Corps of Engineers to
6 ensure more effective delivery of water resources develop-
7 ment projects, programs, and other assistance to Indian
8 Tribes and economically disadvantaged communities, in-
9 cluding economically disadvantaged communities located
10 in urban and rural areas.

11 (b) MEMBERSHIP.—The Committee shall be com-
12 posed of members, appointed by the Secretary, who have
13 the requisite experiential or technical knowledge needed to
14 address issues related to the water resources needs and
15 challenges of economically disadvantaged communities and
16 Indian Tribes, including—

17 (1) 5 individuals representing organizations
18 with expertise in environmental policy, rural water
19 resources, economically disadvantaged communities,
20 Tribal rights, or civil rights; and

21 (2) 5 individuals, each representing a non-Fed-
22 eral interest for a Corps of Engineers project.

23 (c) DUTIES.—

24 (1) RECOMMENDATIONS.—The Committee shall
25 provide advice and make recommendations to the

1 Secretary and the Chief of Engineers to assist the
2 Corps of Engineers in—

3 (A) efficiently and effectively delivering so-
4 lutions to the needs and challenges of water re-
5 sources development projects for economically
6 disadvantaged communities and Indian Tribes;

7 (B) integrating consideration of economi-
8 cally disadvantaged communities and Indian
9 Tribes, where applicable, in the development of
10 water resources development projects and pro-
11 grams of the Corps of Engineers; and

12 (C) improving the capability and capacity
13 of the workforce of the Corps of Engineers to
14 assist economically disadvantaged communities
15 and Indian Tribes.

16 (2) MEETINGS.—The Committee shall meet as
17 appropriate to develop and make recommendations
18 under paragraph (1).

19 (3) REPORT.—Recommendations made under
20 paragraph (1) shall be—

21 (A) included in a report submitted to the
22 Committee on Environment and Public Works
23 of the Senate and the Committee on Transpor-
24 tation and Infrastructure of the House of Rep-
25 resentatives; and

1 (B) made publicly available, including on a
2 publicly available website.

3 (d) INDEPENDENT JUDGMENT.—Any recommenda-
4 tion made by the Committee to the Secretary and the
5 Chief of Engineers under subsection (c)(1) shall reflect the
6 independent judgment of the Committee.

7 (e) ADMINISTRATION.—

8 (1) COMPENSATION.—Except as provided in
9 paragraph (3), the members of the Committee shall
10 serve without compensation.

11 (2) TRAVEL EXPENSES.—The members of the
12 Committee shall receive travel expenses, including
13 per diem in lieu of subsistence, in accordance with
14 applicable provisions under subchapter I of chapter
15 57 of title 5, United States Code.

16 (3) TREATMENT.—The members of the Com-
17 mittee shall not be considered to be Federal employ-
18 ees, and the meetings and reports of the Committee
19 shall not be considered a major Federal action under
20 the National Environmental Policy Act of 1969 (42
21 U.S.C. 4321 et seq.).

22 (f) DEFINITIONS.—In this section:

23 (1) COMMITTEE.—The term “Committee”
24 means the Tribal and Economically Disadvantaged

1 Communities Advisory Committee established under
2 subsection (a).

3 (2) ECONOMICALLY DISADVANTAGED COMMU-
4 NITY.—The term “economically disadvantaged com-
5 munity” has the meaning given the term as defined
6 by the Secretary under section 160 of the Water Re-
7 sources Development Act of 2020 (33 U.S.C. 2201
8 note).

9 (3) INDIAN TRIBE.—The term “Indian Tribe”
10 has the meaning given the term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 5304).

13 **SEC. 8116. WORKFORCE PLANNING.**

14 (a) AUTHORIZATION.—The Secretary is authorized to
15 carry out activities, at Federal expense—

16 (1) to foster, enhance, and support science,
17 technology, engineering, and math education and
18 awareness; and

19 (2) to recruit individuals for careers at the
20 Corps of Engineers.

21 (b) PARTNERING ENTITIES.—In carrying out activi-
22 ties under this section, the Secretary may enter into part-
23 nerships with—

24 (1) public elementary and secondary schools, in-
25 cluding charter schools;

- 1 (2) community colleges;
2 (3) technical schools; and
3 (4) colleges and universities, including histori-
4 cally Black colleges and universities.

5 (c) **PRIORITIZATION.**—The Secretary shall, to the
6 maximum extent practicable, prioritize the recruitment of
7 individuals under this section that are from economically
8 disadvantaged communities (as defined by the Secretary
9 under section 160 of the Water Resources Development
10 Act of 2020 (33 U.S.C. 2201 note)), including economi-
11 cally disadvantaged communities located in urban and
12 rural areas.

13 (d) **DEFINITION OF HISTORICALLY BLACK COLLEGE**
14 **OR UNIVERSITY.**—In this section, the term “historically
15 Black college or university” has the meaning given the
16 term “part B institution” in section 322 of the Higher
17 Education Act of 1965 (20 U.S.C. 1061).

18 (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is
19 authorized to be appropriated to carry out this section
20 \$20,000,000 for each of fiscal years 2023 through 2027.

21 **SEC. 8117. CORPS OF ENGINEERS SUPPORT FOR UNDER-**
22 **SERVED COMMUNITIES; OUTREACH.**

23 (a) **IN GENERAL.**—It is the policy of the United
24 States for the Corps of Engineers to strive to understand
25 and accommodate and, in coordination with non-Federal

1 interests, seek to address the water resources development
2 needs of all communities in the United States.

3 (b) OUTREACH AND ACCESS.—

4 (1) IN GENERAL.—The Secretary shall, at Fed-
5 eral expense, develop, support, and implement public
6 awareness, education, and regular outreach and en-
7 gagement efforts for potential non-Federal interests
8 with respect to the water resources development au-
9 thorities of the Secretary, with particular emphasis
10 on—

11 (A) technical service programs, including
12 the authorities under—

13 (i) section 206 of the Flood Control
14 Act of 1960 (33 U.S.C. 709a);

15 (ii) section 22 of the Water Resources
16 Development Act of 1974 (42 U.S.C.
17 1962d–16); and

18 (iii) section 203 of the Water Re-
19 sources Development Act of 2000 (33
20 U.S.C. 2269); and

21 (B) continuing authority programs, as
22 such term is defined in section 7001(e)(1)(D) of
23 the Water Resources Reform and Development
24 Act of 2014 (33 U.S.C. 2282d).

1 (2) IMPLEMENTATION.—In carrying out this
2 subsection, the Secretary shall—

3 (A) develop and make publicly available
4 (including on a publicly available website), tech-
5 nical assistance materials, guidance, and other
6 information with respect to the water resources
7 development authorities of the Secretary;

8 (B) establish and make publicly available
9 (including on a publicly available website), an
10 appropriate point of contact at each district and
11 division office of the Corps of Engineers for in-
12 quiries from potential non-Federal interests re-
13 lating to the water resources development au-
14 thorities of the Secretary;

15 (C) conduct regular outreach and engage-
16 ment, including through hosting seminars and
17 community information sessions, with local
18 elected officials, community organizations, and
19 previous and potential non-Federal interests, on
20 opportunities to address local water resources
21 challenges through the water resources develop-
22 ment authorities of the Secretary;

23 (D) issue guidance for, and provide tech-
24 nical assistance through technical service pro-
25 grams to, non-Federal interests to assist such

1 interests in pursuing technical services and de-
2 veloping proposals for water resources develop-
3 ment projects; and

4 (E) provide, at the request of a non-Fed-
5 eral interest, assistance with researching and
6 identifying existing project authorizations or
7 authorities to address local water resources
8 challenges.

9 (3) **PRIORITIZATION.**—In carrying out this sub-
10 section, the Secretary shall, to the maximum extent
11 practicable, prioritize awareness, education, and out-
12 reach and engagement to economically disadvan-
13 taged communities (as defined by the Secretary
14 under section 160 of the Water Resources Develop-
15 ment Act of 2020 (33 U.S.C. 2201 note)), including
16 economically disadvantaged communities located in
17 urban and rural areas.

18 (4) **AUTHORIZATION OF APPROPRIATIONS.**—
19 There is authorized to be appropriated to carry out
20 this section \$30,000,000 for each fiscal year.

21 **SEC. 8118. PILOT PROGRAMS FOR CERTAIN COMMUNITIES.**

22 (a) **PILOT PROGRAMS ON THE FORMULATION OF**
23 **CORPS OF ENGINEERS PROJECTS IN RURAL COMMU-**
24 **NITIES AND ECONOMICALLY DISADVANTAGED COMMU-**

1 NITIES.—Section 118 of the Water Resources Develop-
2 ment Act of 2020 (33 U.S.C. 2201 note) is amended—

3 (1) in subsection (b)(2)—

4 (A) in subparagraph (A), by striking “pub-
5 lish” and inserting “annually publish”; and

6 (B) in subparagraph (C), by striking “se-
7 lect” and inserting “, subject to the availability
8 of appropriations, annually select”; and

9 (2) in subsection (c)(2), in the matter preceding
10 subparagraph (A), by striking “projects” and insert-
11 ing “projects annually”.

12 (b) PILOT PROGRAM FOR CONTINUING AUTHORITY
13 PROJECTS IN SMALL OR DISADVANTAGED COMMU-
14 NITIES.—Section 165(a) of the Water Resources Develop-
15 ment Act of 2020 (33 U.S.C. 2201 note) is amended in
16 paragraph (2)(B), by striking “10” and inserting “20”.

17 **SEC. 8119. TECHNICAL ASSISTANCE.**

18 (a) PLANNING ASSISTANCE TO STATES.—Section 22
19 of the Water Resources Development Act of 1974 (42
20 U.S.C. 1962d–16) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1)—

23 (i) by inserting “local government,”
24 after “State or group of States,”; and

1 (ii) by inserting “local government,”
2 after “such State, interest,”;

3 (B) in paragraph (3), by striking “section
4 236 of title 10” and inserting “section 4141 of
5 title 10”; and

6 (C) by adding at the end the following:

7 “(4) **PRIORITIZATION.**—To the maximum ex-
8 tent practicable, the Secretary shall prioritize the
9 provision of assistance under this subsection to ad-
10 dress both inland and coastal life safety risks.”;

11 (2) in subsection (c)(2), by striking
12 “\$15,000,000” and inserting “\$30,000,000”; and

13 (3) in subsection (f)—

14 (A) by striking “The cost-share for assist-
15 ance” and inserting the following:

16 “(1) **TRIBES AND TERRITORIES.**—The cost-
17 share for assistance”; and

18 (B) by adding at the end the following:

19 “(2) **ECONOMICALLY DISADVANTAGED COMMU-**
20 **NITIES.**—Notwithstanding subsection (b)(1) and the
21 limitation in section 1156 of the Water Resources
22 Development Act of 1986, as applicable pursuant to
23 paragraph (1) of this subsection, the Secretary is
24 authorized to waive the collection of fees for any
25 local government to which assistance is provided

1 under subsection (a) that the Secretary determines
2 is an economically disadvantaged community, as de-
3 fined by the Secretary under section 160 of the
4 Water Resources Development Act of 2020 (33
5 U.S.C. 2201 note) (including economically disadvan-
6 taged communities located in urban and rural
7 areas).”.

8 (b) WATERSHED PLANNING AND TECHNICAL ASSIST-
9 ANCE.—In providing assistance under section 22 of the
10 Water Resources Development Act of 1974 (42 U.S.C.
11 1962d–16) or pursuant to section 206 of the Flood Con-
12 trol Act of 1960 (33 U.S.C. 709a), the Secretary shall,
13 upon request, provide such assistance at a watershed
14 scale.

15 **SEC. 8120. TECHNICAL ASSISTANCE FOR LEVEE INSPEC-**
16 **TIONS.**

17 In any instance where the Secretary requires, as a
18 condition of eligibility for Federal assistance under section
19 5 of the Act of August 18, 1941 (33 U.S.C. 701n), that
20 a non-Federal sponsor of a flood control project undertake
21 an electronic inspection of the portion of such project that
22 is under normal circumstances submerged, the Secretary
23 shall provide to the non-Federal sponsor credit or reim-
24 bursement for the cost of carrying out such inspection

1 against the non-Federal share of the cost of repair or res-
2 toration of such project carried out under such section.

3 **SEC. 8121. ASSESSMENT OF CORPS OF ENGINEERS LEVEES.**

4 (a) IN GENERAL.—The Secretary shall periodically
5 conduct assessments of federally authorized levees under
6 the jurisdiction of the Corps of Engineers, to evaluate the
7 potential Federal interest in the modification (including
8 realignment or incorporation of natural features and na-
9 ture-based features, as such terms are defined in section
10 1184(a) of the Water Resources Development Act of 2016
11 (33 U.S.C. 2289a(a))) of levee systems to meet one or
12 more of the following objectives:

13 (1) Increasing the flood risk reduction benefits
14 of such systems.

15 (2) Achieving greater flood resiliency.

16 (3) Restoring hydrological and ecological con-
17 nections with adjacent floodplains that achieve
18 greater environmental benefits without undermining
19 flood risk reduction or flood resiliency for levee-pro-
20 tected communities.

21 (b) LEVEES OPERATED BY NON-FEDERAL INTER-
22 ESTS.—The Secretary shall carry out an assessment under
23 subsection (a) for a federally authorized levee system oper-
24 ated by a non-Federal interest only if the non-Federal in-
25 terest—

1 (1) requests the assessment; and

2 (2) agrees to provide 50 percent of the cost of
3 the assessment.

4 (c) ASSESSMENTS.—

5 (1) CONSIDERATIONS.—In conducting an as-
6 sessment under subsection (a), the Secretary shall
7 consider and identify, with respect to each levee sys-
8 tem—

9 (A) an estimate of the number of struc-
10 tures and population at risk and protected by
11 the levee system that would be adversely im-
12 pacted if the levee system fails or water levels
13 exceed the height of any levee segment within
14 the levee system (which may be the applicable
15 estimate included in the levee database estab-
16 lished under section 9004 of the Water Re-
17 sources Development Act of 2007 (33 U.S.C.
18 3303), if available);

19 (B) the number of times the non-Federal
20 interest has received emergency flood-fighting
21 or repair assistance under section 5 of the Act
22 of August 18, 1941 (33 U.S.C. 701n) for the
23 levee system, and the total expenditures on
24 postflood repairs over the life of the levee sys-
25 tem;

1 (C) the functionality of the levee system
2 with regard to higher precipitation levels, in-
3 cluding due to changing climatic conditions and
4 extreme weather events;

5 (D) the potential costs and benefits (in-
6 cluding environmental benefits and implications
7 for levee-protected communities) from modi-
8 fying the applicable levee system to restore con-
9 nections with adjacent floodplains; and

10 (E) available studies, information, lit-
11 erature, or data from relevant Federal, State,
12 or local entities.

13 (2) PRIORITIZATION.—In conducting an assess-
14 ment under subsection (a), the Secretary shall, to
15 the maximum extent practicable, prioritize levee sys-
16 tems—

17 (A) associated with an area that has been
18 subject to flooding in two or more events in any
19 10-year period; and

20 (B) for which the non-Federal interest has
21 received emergency flood-fighting or repair as-
22 sistance under section 5 of the Act of August
23 18, 1941 (33 U.S.C. 701n) with respect to such
24 flood events.

1 (3) SCOPE.—The Secretary shall ensure that an
2 assessment under subsection (a) shall be similar in
3 cost and scope to an initial assessment prepared by
4 the Secretary pursuant to section 216 of the Flood
5 Control Act of 1970 (33 U.S.C. 549a).

6 (d) FLOOD PLAIN MANAGEMENT SERVICES.—In con-
7 ducting an assessment under subsection (a), the Secretary
8 shall consider information on floods and flood damages
9 compiled under section 206 of the Flood Control Act of
10 1960 (33 U.S.C. 709a).

11 (e) REPORT TO CONGRESS.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this section, and peri-
14 odically thereafter, the Secretary shall submit to the
15 Committee on Transportation and Infrastructure of
16 the House of Representatives and the Committee on
17 Environment and Public Works of the Senate a re-
18 port on the results of the assessments conducted
19 under subsection (a).

20 (2) INCLUSION.—The Secretary shall include in
21 each report submitted under paragraph (1)—

22 (A) identification of any levee system for
23 which the Secretary has conducted an assess-
24 ment under subsection (a);

1 (B) a description of any opportunities
2 identified under such subsection for the modi-
3 fication of a levee system, including the poten-
4 tial benefits of such modification for the pur-
5 poses identified under such subsection;

6 (C) information relating to the willingness
7 and ability of each applicable non-Federal inter-
8 est to participate in a modification to the rel-
9 evant levee system, including by obtaining any
10 real estate necessary for the modification; and

11 (D) a summary of the information consid-
12 ered and identified under subsection (c)(1).

13 (f) INCORPORATION OF INFORMATION.—The Sec-
14 retary shall include in the levee database established under
15 section 9004 of the Water Resources Development Act of
16 2007 (33 U.S.C. 3303) the information included in each
17 report submitted under subsection (e), and make such in-
18 formation publicly available (including on a publicly avail-
19 able website).

20 (g) LEVEE SYSTEM DEFINED.—In this section, the
21 term “levee system” has the meaning given that term in
22 section 9002(9) of the Water Resources Development Act
23 of 2007 (33 U.S.C. 3301).

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000, to remain available until expended.

4 **SEC. 8122. NATIONAL LOW-HEAD DAM INVENTORY.**

5 The National Dam Safety Program Act (33 U.S.C.
6 467 et seq.) is amended by adding at the end the fol-
7 lowing:

8 **“SEC. 15. NATIONAL LOW-HEAD DAM INVENTORY.**

9 “(a) DEFINITIONS.—In this section:

10 “(1) INVENTORY.—The term ‘inventory’ means
11 the national low-head dam inventory developed
12 under subsection (b)(1)(A).

13 “(2) LOW-HEAD DAM.—The term ‘low-head
14 dam’ means a river-wide artificial barrier that gen-
15 erally spans a stream channel, blocking the water-
16 way and creating a backup of water behind the bar-
17 rier, with a drop off over the wall of not less than
18 6 inches and not more than 25 feet.

19 “(b) NATIONAL LOW-HEAD DAM INVENTORY.—

20 “(1) IN GENERAL.—Not later than 18 months
21 after the date of enactment of this section, the Sec-
22 retary of the Army, in consultation with the heads
23 of appropriate Federal and State agencies, shall—

24 “(A) develop an inventory of low-head
25 dams in the United States that includes—

1 “(i) the location, ownership, descrip-
2 tion, current use, condition, height, and
3 length of each low-head dam;

4 “(ii) any information on public safety
5 conditions at each low-head dam;

6 “(iii) public safety information on the
7 dangers of low-head dams;

8 “(iv) a directory of financial and tech-
9 nical assistance resources available to re-
10 duce safety hazards and fish passage bar-
11 riers at low-head dams; and

12 “(v) any other relevant information
13 concerning low-head dams; and

14 “(B) submit the inventory to the Com-
15 mittee on Environment and Public Works of the
16 Senate and the Committee on Transportation
17 and Infrastructure of the House of Representa-
18 tives.

19 “(2) DATA.—In carrying out this subsection,
20 the Secretary shall—

21 “(A) coordinate with Federal and State
22 agencies and other relevant entities; and

23 “(B) use data provided to the Secretary by
24 those agencies and entities.

1 “(3) PUBLIC AVAILABILITY.—The Secretary
2 shall make the inventory publicly available, including
3 on a publicly available website.

4 “(4) UPDATES.—The Secretary, in consultation
5 with the heads of appropriate Federal and State
6 agencies, shall maintain and periodically publish up-
7 dates to the inventory.

8 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
9 is authorized to be appropriated to the Secretary to carry
10 out this section \$30,000,000.

11 “(d) CLARIFICATION.—Nothing in this section pro-
12 vides authority to the Secretary to carry out an activity,
13 with respect to a low-head dam, that is not explicitly au-
14 thorized under this section.”.

15 **SEC. 8123. EXPEDITING HYDROPOWER AT CORPS OF ENGI-**
16 **NEERS FACILITIES.**

17 Section 1008 of the Water Resources Reform and De-
18 velopment Act of 2014 (33 U.S.C. 2321b) is amended—

19 (1) in subsection (b)(1), by inserting “and to
20 meet the requirements of subsection (b)” after
21 “projects”;

22 (2) by redesignating subsections (b) and (c) as
23 subsections (c) and (d), respectively; and

24 (3) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) IMPLEMENTATION OF POLICY.—The Secretary
2 shall—

3 “(1) ensure that the policy described in sub-
4 section (a) is implemented nationwide in an efficient,
5 consistent, and coordinated manner; and

6 “(2) assess opportunities—

7 “(A) to increase the development of hydro-
8 electric power at existing water resources devel-
9 opment projects of the Corps of Engineers with
10 hydroelectric facilities; and

11 “(B) to develop new hydroelectric power at
12 existing nonpowered water resources develop-
13 ment projects of the Corps of Engineers.”.

14 **SEC. 8124. RESERVE COMPONENT TRAINING AT WATER RE-**
15 **SOURCES DEVELOPMENT PROJECTS.**

16 (a) IN GENERAL.—In carrying out military training
17 activities or otherwise fulfilling military training require-
18 ments, units or members of a reserve component of the
19 Armed Forces may perform services and furnish supplies
20 in support of a water resources development project or
21 program of the Corps of Engineers without reimburse-
22 ment.

23 (b) EXCEPTION.—This section shall not apply to any
24 member of a reserve component of the Armed Forces who
25 is employed by the Corps of Engineers on a full-time basis.

1 **SEC. 8125. PAYMENT OF PAY AND ALLOWANCES OF CER-**
2 **TAIN OFFICERS FROM APPROPRIATION FOR**
3 **IMPROVEMENTS.**

4 Section 36 of the Act of August 10, 1956 (33 U.S.C.
5 583a), is amended—

6 (1) by striking “Regular officers of the Corps
7 of Engineers of the Army, and reserve officers of the
8 Army who are assigned to the Corps of Engineers,”
9 and inserting the following:

10 “(a) IN GENERAL.—The personnel described in sub-
11 section (b)”;

12 (2) by adding at the end the following:

13 “(b) PERSONNEL DESCRIBED.—The personnel re-
14 ferred to in subsection (a) are the following:

15 “(1) Regular officers of the Corps of Engineers
16 of the Army.

17 “(2) The following members of the Army who
18 are assigned to the Corps of Engineers:

19 “(A) Reserve component officers.

20 “(B) Warrant officers (whether regular or
21 reserve component).

22 “(C) Enlisted members (whether regular or
23 reserve component).”.

24 **SEC. 8126. MAINTENANCE DREDGING PERMITS.**

25 (a) IN GENERAL.—The Secretary shall, to the max-
26 imum extent practicable, prioritize the reissuance of any

1 regional general permit for maintenance dredging under
2 section 404 of the Federal Water Pollution Control Act
3 (33 U.S.C. 1344) that expired prior to May 1, 2021.

4 (b) SAVINGS PROVISION.—Nothing in this section af-
5 fects any obligation to comply with the provisions of any
6 Federal or State environmental law, including—

7 (1) the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.);

9 (2) the Federal Water Pollution Control Act
10 (33 U.S.C. 1251 et seq.); and

11 (3) the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.).

13 **SEC. 8127. ENVIRONMENTAL DREDGING.**

14 (a) IN GENERAL.—In carrying out the following
15 projects, the Secretary shall, to the maximum extent prac-
16 ticable, coordinate efforts with the applicable non-Federal
17 interest, the Administrator of the Environmental Protec-
18 tion Agency, and the heads of other Federal, State, and
19 regional agencies responsible for the remediation of con-
20 taminated sediments:

21 (1) The project for ecosystem restoration,
22 South Fork of the South Branch of the Chicago
23 River, Bubbly Creek, Illinois, authorized by section
24 401(5) of the Water Resources Development Act of
25 2020 (134 Stat. 2740).

1 (2) The project for navigation, Columbia and
2 Lower Willamette Rivers, Oregon and Washington,
3 authorized by section 101 of the River and Harbor
4 Act of 1962 (76 Stat. 1177), in the vicinity of the
5 Albina Turning Basin, River Mile 10, and the Post
6 Office Bar, Portland Harbor, River Mile 2.

7 (3) The project for aquatic ecosystem restora-
8 tion, Mahoning River, Ohio, being carried out under
9 section 206 of the Water Resources Development
10 Act of 1996 (33 U.S.C. 2330).

11 (4) The project for navigation, South Branch of
12 the Chicago River, Cook County, Illinois, in the vi-
13 cinity of Collateral Channel.

14 (5) The projects carried out under the Com-
15 prehensive Everglades Restoration Plan, as author-
16 ized by or pursuant to section 601 of the Water Re-
17 sources Development Act of 2000 (114 Stat. 2680;
18 132 Stat. 3786), in the vicinity of Lake Okeechobee.

19 (b) REPORT TO CONGRESS.—Not later than 180 days
20 after the date of enactment of this section, the Secretary
21 and the Administrator of the Environmental Protection
22 Agency shall jointly submit to the Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives and the Committee on Environment and Public
25 Works of the Senate a report on efforts to remove or reme-

1 diate contaminated sediments associated with the projects
2 identified in subsection (a), including, if applicable, any
3 specific recommendations for actions or agreements nec-
4 essary to undertake such work.

5 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
6 Nothing in this section shall be construed to affect the
7 rights and responsibilities of any person under the Com-
8 prehensive Environmental Response, Compensation, and
9 Liability Act of 1980 (42 U.S.C. 9601 et seq.).

10 **SEC. 8128. ASSESSMENT OF REGIONAL CONFINED AQUATIC**
11 **DISPOSAL FACILITIES.**

12 (a) AUTHORITY.—The Secretary is authorized to con-
13 duct assessments of the availability of confined aquatic
14 disposal facilities for the disposal of contaminated dredged
15 material.

16 (b) INFORMATION AND COMMENT.—In conducting an
17 assessment under this section, the Secretary shall—

18 (1) solicit information from stakeholders on po-
19 tential projects that may require disposal of con-
20 taminated sediments in a confined aquatic disposal
21 facility;

22 (2) solicit information from the applicable divi-
23 sion of the Corps of Engineers on the need for con-
24 fined aquatic disposal facilities; and

25 (3) provide an opportunity for public comment.

1 (c) NEW ENGLAND DISTRICT REGION ASSESS-
2 MENT.—In carrying out subsection (a), the Secretary shall
3 prioritize conducting an assessment of the availability of
4 confined aquatic disposal facilities in the New England
5 District region for the disposal of contaminated dredged
6 material in such region.

7 (d) REPORT TO CONGRESS.—Not later than 1 year
8 after the date of enactment of this Act, the Secretary shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Environment and Public Works of the Senate
12 a report on the results of any assessments conducted
13 under this section, including any recommendations of the
14 Secretary for the construction of new confined aquatic dis-
15 posal facilities or expanded capacity for confined aquatic
16 disposal facilities.

17 (e) DEFINITION.—In this section, the term “New
18 England District region” means the area located within
19 the boundaries of the New England District in the North
20 Atlantic Division of the Corps of Engineers.

21 **SEC. 8129. STUDIES FOR PERIODIC NOURISHMENT.**

22 (a) IN GENERAL.—Section 156 of the Water Re-
23 sources Development Act of 1976 (42 U.S.C. 1962d–5f)
24 is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1), by striking “15” and
2 inserting “50”; and

3 (B) in paragraph (2), by striking “15”;
4 and
5 (2) in subsection (e)—

6 (A) by striking “10-year period” and in-
7 serting “16-year period”; and

8 (B) by striking “6 years” and inserting
9 “12 years”.

10 (b) INDIAN RIVER INLET SAND BYPASS PLANT.—

11 For purposes of the project for hurricane-flood protection
12 and beach erosion control at Indian River Inlet, Delaware,
13 commonly known as the “Indian River Inlet Sand Bypass
14 Plant”, authorized by section 869 of the Water Resources
15 Development Act of 1986 (100 Stat. 4182), a study car-
16 ried out under section 156(b) of the Water Resources De-
17 velopment Act of 1976 (42 U.S.C. 1962d–5f(b)) shall con-
18 sider as an alternative for periodic nourishment continued
19 reimbursement of the Federal share of the cost to the non-
20 Federal interest for the project to operate and maintain
21 the sand bypass plant.

22 **SEC. 8130. BENEFICIAL USE OF DREDGED MATERIAL; MAN-**
23 **AGEMENT PLANS.**

24 (a) STRATEGIC PLAN ON BENEFICIAL USE OF
25 DREDGED MATERIAL.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this section, the Secretary
3 shall submit to the Committee on Transportation
4 and Infrastructure of the House of Representatives
5 and the Committee on Environment and Public
6 Works of the Senate a strategic plan that identifies
7 opportunities and challenges relating to furthering
8 the policy of the United States to maximize the ben-
9 eficial use of suitable dredged material obtained
10 from the construction or operation and maintenance
11 of water resources development projects, as de-
12 scribed in section 125(a)(1) of the Water Resources
13 Development Act of 2020 (33 U.S.C. 2326g).

14 (2) CONSULTATION.—In developing the stra-
15 tegic plan under paragraph (1), the Secretary
16 shall—

17 (A) consult with relevant Federal agencies
18 involved in the beneficial use of dredged mate-
19 rial;

20 (B) solicit and consider input from State
21 and local governments and Indian Tribes, while
22 seeking to ensure a geographic diversity of
23 input from the various Corps of Engineers divi-
24 sions; and

1 (C) consider input received from other
2 stakeholders involved in beneficial use of
3 dredged material.

4 (3) INCLUSION.—The Secretary shall include in
5 the strategic plan developed under paragraph (1)—

6 (A) identification of any specific barriers
7 and conflicts that the Secretary determines im-
8 pede the maximization of beneficial use of
9 dredged material at the Federal, State, and
10 local level, and any recommendations of the
11 Secretary to address such barriers and conflicts;

12 (B) identification of specific measures to
13 improve interagency and Federal, State, local,
14 and Tribal communications and coordination to
15 improve implementation of section 125(a) of the
16 Water Resources Development Act of 2020 (33
17 U.S.C. 2326g); and

18 (C) identification of methods to prioritize
19 the use of dredged material to benefit water re-
20 sources development projects in areas experi-
21 encing vulnerabilities to coastal land loss.

22 (b) DREDGED MATERIAL MANAGEMENT PLANS FOR
23 HARBORS IN THE STATE OF OHIO.—

24 (1) IN GENERAL.—

1 (A) FORMULATION OF PLAN.—In devel-
2 oping each dredged material management plan
3 for a federally authorized harbor in the State of
4 Ohio, including any such plan under develop-
5 ment on the date of enactment of this Act, each
6 District Commander shall include, as a con-
7 straint on the formulation of the base plan and
8 any alternatives, a prohibition consistent with
9 section 105 of the Energy and Water Develop-
10 ment and Related Agencies Appropriations Act,
11 2022 (Public Law 117–103; 136 Stat. 217) on
12 the use of funds for open-lake disposal of
13 dredged material.

14 (B) MAXIMIZATION OF BENEFICIAL USE.—
15 Each dredged material management plan for a
16 federally authorized harbor in the State of
17 Ohio, including any such dredged material man-
18 agement plan under development on the date of
19 enactment of this Act, shall maximize the bene-
20 ficial use of dredged material under the base
21 plan and under section 204(d) of the Water Re-
22 sources Development Act of 1992 (33 U.S.C.
23 2326(d)).

24 (2) SAVINGS PROVISION.—Nothing in this sub-
25 section prohibits the use of funds for open-lake dis-

1 posal of dredged material if such use is not other-
2 wise prohibited by law.

3 **SEC. 8131. CRITERIA FOR FUNDING OPERATION AND MAIN-**
4 **TENANCE OF SMALL, REMOTE, AND SUBSIST-**
5 **ENCE HARBORS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary shall develop
8 specific criteria for the annual evaluation and ranking of
9 maintenance dredging requirements for small harbors and
10 remote and subsistence harbors, taking into account the
11 following:

12 (1) The contribution of a harbor to the local
13 and regional economy.

14 (2) The extent to which a harbor has deterio-
15 rated since the last cycle of maintenance dredging.

16 (3) Public safety concerns.

17 (b) INCLUSION IN GUIDANCE.—The Secretary shall
18 include the criteria developed under subsection (a) in the
19 annual Civil Works Direct Program Development Policy
20 Guidance of the Secretary.

21 (c) REPORT TO CONGRESS.—The Secretary shall in-
22 clude in each biennial report submitted under section
23 210(e)(3) of the Water Resources Development Act of
24 1986 (33 U.S.C. 2238(e)(3)) a ranking of projects in ac-

1 cordance with the criteria developed under subsection (a)
2 of this section.

3 (d) DEFINITIONS.—In this section:

4 (1) REMOTE AND SUBSISTENCE HARBOR.—The
5 term “remote and subsistence harbor” means a har-
6 bor with respect to which section 2006 of the Water
7 Resources Development Act of 2007 (33 U.S.C.
8 2242) applies, as determined by the Secretary.

9 (2) SMALL HARBOR.—The term “small harbor”
10 includes an emerging harbor, as such term is defined
11 in section 210 of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2238).

13 **SEC. 8132. ADDITIONAL PROJECTS FOR UNDERSERVED**
14 **COMMUNITY HARBORS.**

15 (a) IN GENERAL.—Subject to the availability of ap-
16 propriations designated by statute as being for the pur-
17 pose of carrying out this section, the Secretary may carry
18 out projects for underserved community harbors for pur-
19 poses of sustaining water-dependent commercial and rec-
20 reational activities at such harbors.

21 (b) BENEFICIAL USE.—

22 (1) JUSTIFICATION.—The Secretary may carry
23 out a project under this section involving a disposal
24 option for the beneficial use of dredged material that
25 is not the least cost disposal option if the Secretary

1 determines that the incremental cost of the disposal
2 option is reasonable pursuant to the standard de-
3 scribed in section 204(d)(1) of the Water Resources
4 Development Act of 1992 (33 U.S.C. 2326(d)(1)).

5 (2) COST SHARE.—The non-Federal share of
6 the incremental cost of a project carried out under
7 this section involving a disposal option for the bene-
8 ficial use of dredged material that is not the least
9 cost disposal option shall be determined as provided
10 under subsections (a) through (d) of section 103 of
11 the Water Resources Development Act of 1986 (33
12 U.S.C. 2213).

13 (c) PRIORITIZATION.—The Secretary shall prioritize
14 carrying out projects using funds made available under
15 this section based on an assessment of—

16 (1) the local or regional economic benefits of
17 the project;

18 (2) the environmental benefits of the project,
19 including the benefits to the aquatic environment to
20 be derived from the creation of wetland and control
21 of shoreline erosion; and

22 (3) other social effects of the project, including
23 protection against loss of life and contributions to
24 local or regional cultural heritage.

1 (d) CLARIFICATION.—The Secretary shall not require
2 the non-Federal interest for a project carried out under
3 this section to perform additional operation and mainte-
4 nance activities at the beneficial use placement site or the
5 disposal site for such project as a condition of receiving
6 assistance under this section.

7 (e) FEDERAL PARTICIPATION LIMIT.—The Federal
8 share of the cost of a project under this section shall not
9 exceed \$10,000,000.

10 (f) STATUTORY CONSTRUCTION.—Projects carried
11 out under this section shall be in addition to operation
12 and maintenance activities otherwise carried out by the
13 Secretary for underserved community harbors using funds
14 appropriated pursuant to section 210 of the Water Re-
15 sources Development Act of 1986 (33 U.S.C. 2238) or sec-
16 tion 102(a) of the Water Resources Development Act of
17 2020 (33 U.S.C. 2238 note).

18 (g) DEFINITIONS.—In this section:

19 (1) PROJECT.—The term “project” means a
20 single cycle of maintenance dredging of an under-
21 served community harbor and any associated place-
22 ment of dredged material at a beneficial use place-
23 ment site or disposal site.

24 (2) UNDERSERVED COMMUNITY HARBOR.—The
25 term “underserved community harbor” means an

1 emerging harbor (as defined in section 210(f) of the
2 Water Resources Development Act of 1986 (33
3 U.S.C. 2238(f))) for which—

4 (A) no Federal funds have been obligated
5 for maintenance dredging in the current fiscal
6 year or in any of the 4 preceding fiscal years;
7 and

8 (B) State and local investments in infra-
9 structure have been made during any of the 4
10 preceding fiscal years.

11 (h) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There is authorized to be
13 appropriated to carry out this section \$50,000,000
14 from the General Fund of the Treasury for each of
15 fiscal years 2023 through 2026, to be deposited into
16 the “CORPS OF ENGINEERS—CIVIL—OPERATION
17 AND MAINTENANCE” account.

18 (2) SPECIAL RULE.—Not less than 35 percent
19 of the amounts made available to carry out this sec-
20 tion for each fiscal year shall be used for projects in-
21 volving the beneficial use of dredged material.

22 **SEC. 8133. INLAND WATERWAYS REGIONAL DREDGE PILOT**
23 **PROGRAM.**

24 (a) IN GENERAL.—The Secretary is authorized to es-
25 tablish a pilot program (referred to in this section as the

1 “pilot program”) to conduct a multiyear demonstration
2 program to award contracts with a duration of up to 5
3 years for dredging projects on inland waterways of the
4 United States described in section 206 of the Inland Wa-
5 terways Revenue Act of 1978 (33 U.S.C. 1804).

6 (b) PURPOSES.—The purposes of the pilot program
7 shall be to—

8 (1) increase the reliability, availability, and effi-
9 ciency of federally owned and federally operated in-
10 land waterways projects;

11 (2) decrease operational risks across the inland
12 waterways system; and

13 (3) provide cost savings by combining work
14 across multiple projects across different accounts of
15 the Corps of Engineers.

16 (c) DEMONSTRATION.—

17 (1) IN GENERAL.—The Secretary shall, to the
18 maximum extent practicable, award contracts for
19 projects under subsection (a) that combine work for
20 construction and operation and maintenance.

21 (2) PROJECTS.—In awarding contracts under
22 paragraph (1), the Secretary shall consider projects
23 that—

24 (A) improve navigation reliability on inland
25 waterways that are accessible year-round;

1 (B) increase freight capacity on inland wa-
2 terways; and

3 (C) have the potential to enhance the avail-
4 ability of containerized cargo on inland water-
5 ways.

6 (d) SAVINGS CLAUSE.—Nothing in this section af-
7 fects the responsibility of the Secretary with respect to the
8 construction and operation and maintenance of projects
9 on the inland waterways system.

10 (e) REPORT TO CONGRESS.—Not later than 1 year
11 after the date on which the first contract is awarded pur-
12 suant to the pilot program, the Secretary shall submit to
13 the Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report that
16 evaluates, with respect to the pilot program and any con-
17 tracts awarded under the pilot program—

18 (1) cost-effectiveness;

19 (2) reliability and performance;

20 (3) cost savings attributable to mobilization and
21 demobilization of dredge equipment; and

22 (4) response times to address navigational im-
23 pediments.

24 (f) SUNSET.—The authority of the Secretary to enter
25 into contracts pursuant to the pilot program shall expire

1 on the date that is 10 years after the date of enactment
2 of this Act.

3 **SEC. 8134. NEPA REPORTING.**

4 (a) DEFINITIONS.—In this section:

5 (1) CATEGORICAL EXCLUSION.—The term “cat-
6 egorical exclusion” has the meaning given the term
7 in section 1508.1 of title 40, Code of Federal Regu-
8 lations (or a successor regulation).

9 (2) ENVIRONMENTAL ASSESSMENT.—The term
10 “environmental assessment” has the meaning given
11 the term in section 1508.1 of title 40, Code of Fed-
12 eral Regulations (or a successor regulation).

13 (3) ENVIRONMENTAL IMPACT STATEMENT.—
14 The term “environmental impact statement” means
15 a detailed written statement required under section
16 102(2)(C) of the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4332(2)(C)).

18 (4) FINDING OF NO SIGNIFICANT IMPACT.—The
19 term “finding of no significant impact” has the
20 meaning given the term in section 1508.1 of title 40,
21 Code of Federal Regulations (or a successor regula-
22 tion).

23 (5) PROJECT STUDY.—The term “project
24 study” means a feasibility study for a project carried
25 out pursuant to section 905 of the Water Resources

1 Development Act of 1986 (33 U.S.C. 2282) for
2 which a categorical exclusion may apply, or an envi-
3 ronmental assessment or an environmental impact
4 statement is required, pursuant to the National En-
5 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
6 seq.).

7 (b) REPORTS.—

8 (1) NEPA DATA.—

9 (A) IN GENERAL.—The Secretary shall
10 carry out a process to track, and annually sub-
11 mit to the Committee on Environment and
12 Public Works of the Senate and the Committee
13 on Transportation and Infrastructure of the
14 House of Representatives, a report containing
15 the information described in subparagraph (B).

16 (B) INFORMATION DESCRIBED.—The in-
17 formation referred to in subparagraph (A) is,
18 with respect to the Corps of Engineers—

19 (i) the number of project studies for
20 which a categorical exclusion was used dur-
21 ing the reporting period;

22 (ii) the number of project studies for
23 which the decision to use a categorical ex-
24 clusion, to prepare an environmental as-
25 sessment, or to prepare an environmental

1 impact statement is pending on the date
2 on which the report is submitted;

3 (iii) the number of project studies for
4 which an environmental assessment was
5 issued during the reporting period, broken
6 down by whether a finding of no signifi-
7 cant impact, if applicable, was based on
8 mitigation;

9 (iv) the length of time the Corps of
10 Engineers took to complete each environ-
11 mental assessment described in clause (iii);

12 (v) the number of project studies
13 pending on the date on which the report is
14 submitted for which an environmental as-
15 sessment is being drafted;

16 (vi) the number of project studies for
17 which an environmental impact statement
18 was issued during the reporting period;

19 (vii) the length of time the Corps of
20 Engineers took to complete each environ-
21 mental impact statement described in
22 clause (vi); and

23 (viii) the number of project studies
24 pending on the date on which the report is

1 submitted for which an environmental im-
2 pact statement is being drafted.

3 (2) PUBLIC ACCESS TO NEPA REPORTS.—The
4 Secretary shall make each annual report required
5 under paragraph (1) publicly available (including on
6 a publicly available website).

7 **SEC. 8135. FUNDING TO PROCESS PERMITS.**

8 Section 214(a)(2) of the Water Resources Develop-
9 ment Act of 2000 (33 U.S.C. 2352(a)(2)) is amended—
10 (1) by striking “The Secretary” and inserting
11 the following:

12 “(A) IN GENERAL.—The Secretary”; and

13 (2) by adding at the end the following:

14 “(B) MITIGATION BANK INSTRUMENT
15 PROCESSING.—An activity carried out by the
16 Secretary to expedite evaluation of a permit de-
17 scribed in subparagraph (A) may include the
18 evaluation of an instrument for a mitigation
19 bank if—

20 “(i) the non-Federal public entity,
21 public-utility company, natural gas com-
22 pany, or railroad carrier applying for the
23 permit described in that subparagraph is
24 the sponsor of the mitigation bank; and

1 “(ii) expediting evaluation of the in-
2 strument is necessary to expedite evalua-
3 tion of the permit described in that sub-
4 paragraph.”.

5 **SEC. 8136. LEASE DURATIONS.**

6 The Secretary shall issue guidance on the cir-
7 cumstances under which a lease under section 2667 of title
8 10, United States Code, or section 4 of the Act of Decem-
9 ber 22, 1944 (16 U.S.C. 460d), with a term in excess of
10 25 years is appropriate and in the public interest.

11 **SEC. 8137. REFORESTATION.**

12 The Secretary is encouraged to consider measures to
13 restore swamps and other wetland forests in carrying out
14 studies for water resources development projects for eco-
15 system restoration, flood risk management, and hurricane
16 and storm damage risk reduction.

17 **SEC. 8138. EMERGENCY STREAMBANK AND SHORELINE**
18 **PROTECTION.**

19 Section 14 of the Flood Control Act of 1946 (33
20 U.S.C. 701r) is amended—

21 (1) by inserting “lighthouses (including those
22 lighthouses with historical value),” after “bridge ap-
23 proaches,”; and

24 (2) by striking “\$5,000,000” and inserting
25 “\$10,000,000”.

1 **SEC. 8139. LEASE DEVIATIONS.**

2 The Secretary shall fully implement the requirements
3 of section 153 of the Water Resources Development Act
4 of 2020 (134 Stat. 2658).

5 **SEC. 8140. POLICY AND TECHNICAL STANDARDS.**

6 Every 5 years, the Secretary shall revise, rescind, or
7 certify as current, as applicable, each policy and technical
8 standards publication for the civil works programs of the
9 Corps of Engineers, including each engineer regulation,
10 engineer circular, engineer manual, engineer pamphlet, en-
11 gineer technical letter, planning guidance letter, policy
12 guidance letter, planning bulletin, and engineering and
13 construction bulletin.

14 **SEC. 8141. CORPS RECORDS RELATING TO HARMFUL**
15 **ALGAL BLOOMS IN LAKE OKEECHOBEE,**
16 **FLORIDA.**

17 (a) SERVICE RECORDS.—The Secretary shall indicate
18 in the service record of a member or employee of the Corps
19 of Engineers who performs covered duty that such mem-
20 ber or employee was exposed to microcystin in the line of
21 duty.

22 (b) COVERED DUTY DEFINED.—In this section, the
23 term “covered duty” means duty performed—

24 (1) during a period when the Florida Depart-
25 ment of Environmental Protection has determined
26 that there is a concentration of microcystin of great-

1 er than 8 parts per billion in the waters of Lake
2 Okeechobee resulting from a harmful algal bloom in
3 such lake; and

4 (2) at or near any of the following structures:

5 (A) S-77.

6 (B) S-78.

7 (C) S-79.

8 (D) S-80.

9 (E) S-308.

10 **SEC. 8142. FORECASTING MODELS FOR THE GREAT LAKES.**

11 (a) **AUTHORIZATION.**—There is authorized to be ap-
12 propriated to the Secretary \$10,000,000 to complete and
13 maintain a model suite to forecast water levels, account
14 for water level variability, and account for the impacts of
15 extreme weather events and other natural disasters in the
16 Great Lakes.

17 (b) **SAVINGS PROVISION.**—Nothing in this section
18 precludes the Secretary from using funds made available
19 pursuant to the Great Lakes Restoration Initiative estab-
20 lished by section 118(c)(7) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1268(c)(7)) for activities described
22 in subsection (a) for the Great Lakes, in addition to car-
23 rying out activities under this section.

1 **SEC. 8143. MONITORING AND ASSESSMENT PROGRAM FOR**
2 **SALINE LAKES IN THE GREAT BASIN.**

3 (a) IN GENERAL.—The Secretary is authorized to
4 carry out a program (referred to in this subsection as the
5 “program”) to monitor and assess the hydrology of saline
6 lake ecosystems in the Great Basin, including the Great
7 Salt Lake, to inform and support Federal and non-Federal
8 management and conservation activities to benefit those
9 ecosystems.

10 (b) COORDINATION.—The Secretary shall coordinate
11 implementation of the program with relevant—

- 12 (1) Federal and State agencies;
13 (2) Indian Tribes;
14 (3) local governments; and
15 (4) nonprofit organizations.

16 (c) CONTRACTS AND COOPERATIVE AGREEMENTS.—
17 The Secretary is authorized to use contracts, cooperative
18 agreements, or any other authorized means to work with
19 institutions of higher education and with entities described
20 in subsection (b) to implement the program.

21 (d) UPDATE.—Not later than 1 year after the date
22 of enactment of this Act, the Secretary shall submit to
23 Congress an update on the progress of the Secretary in
24 carrying out the program.

25 (e) ADDITIONAL INFORMATION.—In carrying out the
26 program, the Secretary may use available studies, infor-

1 mation, literature, or data on the Great Basin region pub-
2 lished by relevant Federal, State, Tribal, or local govern-
3 mental entities.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$10,000,000.

7 **SEC. 8144. CHATTAHOOCHEE RIVER PROGRAM.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—The Secretary shall establish
10 a program to provide environmental assistance to
11 non-Federal interests in the Chattahoochee River
12 Basin.

13 (2) FORM.—

14 (A) IN GENERAL.—The assistance provided
15 under paragraph (1) shall be in the form of de-
16 sign and construction assistance for water-re-
17 lated resource protection and restoration
18 projects affecting the Chattahoochee River
19 Basin, based on the comprehensive plan devel-
20 oped under subsection (b).

21 (B) ASSISTANCE.—Projects for which as-
22 sistance is provided under subparagraph (A)
23 may include—

24 (i) projects for—

25 (I) sediment and erosion control;

1 (II) protection of eroding shore-
2 lines;

3 (III) ecosystem restoration, in-
4 cluding restoration of submerged
5 aquatic vegetation;

6 (IV) protection of essential public
7 works;

8 (V) wastewater treatment, and
9 related facilities; and

10 (VI) beneficial uses of dredged
11 material; and

12 (ii) other related projects that may
13 enhance the living resources of the Chat-
14 tahoochee River Basin.

15 (b) COMPREHENSIVE PLAN.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary, in
18 cooperation with State and local governmental offi-
19 cials and affected stakeholders, shall develop a com-
20 prehensive Chattahoochee River Basin restoration
21 plan to guide the implementation of projects under
22 this section.

23 (2) COORDINATION.—The comprehensive plan
24 developed under paragraph (1) shall, to the max-
25 imum extent practicable, consider and avoid duplica-

1 tion of any ongoing or planned actions of other Fed-
2 eral, State, and local agencies and nongovernmental
3 organizations.

4 (3) **PRIORITIZATION.**—The comprehensive plan
5 developed under paragraph (1) shall give priority to
6 projects described in subsection (a)(2) that will im-
7 prove water quality or quantity or use a combination
8 of structural and nonstructural measures, including
9 alternatives that use natural features or nature-
10 based features (as such terms are defined in section
11 1184 of the Water Resources Development Act of
12 2016 (32 U.S.C. 2289a)).

13 (c) **AGREEMENT.**—

14 (1) **IN GENERAL.**—Before providing assistance
15 for a project under this section, the Secretary shall
16 enter into an agreement with a non-Federal interest
17 for the design and construction of the project.

18 (2) **REQUIREMENTS.**—Each agreement entered
19 into under this subsection shall provide for—

20 (A) the development by the Secretary, in
21 consultation with appropriate Federal, State,
22 and local officials, of a resource protection and
23 restoration plan, including appropriate engi-
24 neering plans and specifications and an esti-
25 mate of expected resource benefits; and

1 (B) the establishment of such legal and in-
2 stitutional structures as are necessary to ensure
3 the effective long-term operation and mainte-
4 nance of the project by the non-Federal inter-
5 est.

6 (d) COST SHARING.—

7 (1) FEDERAL SHARE.—The Federal share of
8 the cost to design and construct a project under
9 each agreement entered into under this section shall
10 be 75 percent.

11 (2) NON-FEDERAL SHARE.—

12 (A) VALUE OF LAND, EASEMENTS,
13 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
14 mining the non-Federal contribution toward
15 carrying out an agreement entered into under
16 this section, the Secretary shall provide credit
17 to a non-Federal interest for the value of land,
18 easements, rights-of-way, and relocations pro-
19 vided by the non-Federal interest, except that
20 the amount of credit provided for a project
21 under this paragraph may not exceed 25 per-
22 cent of the total project costs.

23 (B) OPERATION AND MAINTENANCE
24 COSTS.—The non-Federal share of the costs of
25 operation and maintenance of a project carried

1 out under an agreement under this section shall
2 be 100 percent.

3 (e) PROJECTS ON FEDERAL LAND.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), a project carried out pursuant to the
6 comprehensive plan developed under subsection (b)
7 that is located on Federal land shall be carried out
8 at the expense of the Federal agency that owns the
9 land on which the project will be carried out.

10 (2) NON-FEDERAL CONTRIBUTION.—A Federal
11 agency carrying out a project described in paragraph
12 (1) may accept contributions of funds from non-Fed-
13 eral interests to carry out that project.

14 (f) COOPERATION.—In carrying out this section, the
15 Secretary shall cooperate with—

16 (1) the heads of appropriate Federal agencies,
17 including—

18 (A) the Administrator of the Environ-
19 mental Protection Agency;

20 (B) the Secretary of Commerce, acting
21 through the Administrator of the National Oce-
22 anic and Atmospheric Administration;

23 (C) the Secretary of the Interior, acting
24 through the Director of the United States Fish
25 and Wildlife Service; and

1 (D) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 (2) agencies of any relevant State or political
5 subdivision of a State.

6 (g) PROTECTION OF RESOURCES.—A project estab-
7 lished under this section shall be carried out using such
8 measures as are necessary to protect environmental, his-
9 toric, and cultural resources.

10 (h) PROJECTS REQUIRING SPECIFIC AUTHORIZA-
11 TION.—If the Federal share of the cost to design and con-
12 struct a project under this section exceeds \$15,000,000,
13 the Secretary may only carry out the project if Congress
14 enacts a law authorizing the Secretary to carry out the
15 project.

16 (i) SAVINGS PROVISION.—Nothing in this section—

17 (1) establishes any express or implied reserved
18 water right in the United States for any purpose;

19 (2) affects any water right in existence on the
20 date of enactment of this Act;

21 (3) preempts or affects any State water law or
22 interstate compact governing water; or

23 (4) affects any Federal or State law in exist-
24 ence on the date of enactment of this Act regarding
25 water quality or water quantity.

1 (j) REPORT.—Not later than 3 years after the date
2 of enactment of this Act, the Secretary shall submit to
3 the Committee on Environment and Public Works of the
4 Senate and the Committee on Transportation and Infra-
5 structure of the House of Representatives a report that
6 describes the results of the program established under this
7 section.

8 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section
10 \$40,000,000.

11 **SEC. 8145. LOWER MISSISSIPPI RIVER BASIN DEMONSTRATION PROGRAM.**
12

13 (a) ESTABLISHMENT.—

14 (1) IN GENERAL.—The Secretary shall establish
15 a program to provide environmental assistance to
16 non-Federal interests in the Lower Mississippi River
17 Basin.

18 (2) FORM.—

19 (A) IN GENERAL.—The assistance under
20 paragraph (1) shall be in the form of design
21 and construction assistance for flood or coastal
22 storm risk management or aquatic ecosystem
23 restoration projects in the Lower Mississippi
24 River Basin based on the comprehensive plan
25 developed under subsection (b).

1 (B) ASSISTANCE.—Projects for which as-
2 sistance is provided under subparagraph (A)
3 may include—

4 (i) projects for—

5 (I) sediment and erosion control;

6 (II) protection of eroding river-
7 banks and streambanks and shore-
8 lines;

9 (III) ecosystem restoration;

10 (IV) channel modifications; and

11 (V) beneficial uses of dredged
12 material; and

13 (ii) other related projects that may
14 enhance the living resources of the Lower
15 Mississippi River Basin.

16 (b) COMPREHENSIVE PLAN.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary, in
19 cooperation with State and local governmental offi-
20 cials and affected stakeholders, shall develop a com-
21 prehensive Lower Mississippi River Basin restora-
22 tion plan to guide the implementation of projects
23 under this section.

24 (2) COORDINATION.—The comprehensive plan
25 developed under paragraph (1) shall, to the max-

1 imum extent practicable, consider and avoid duplica-
2 tion of any ongoing or planned actions of other Fed-
3 eral, State, and local agencies and nongovernmental
4 organizations.

5 (3) PRIORITIZATION.—The comprehensive plan
6 developed under paragraph (1) shall give priority to
7 projects described in subsection (a)(2) that will im-
8 prove water quality, reduce hypoxia in the Lower
9 Mississippi River or the Gulf of Mexico, or use a
10 combination of structural and nonstructural meas-
11 ures, including alternatives that use natural features
12 or nature-based features (as such terms are defined
13 in section 1184 of the Water Resources Development
14 Act of 2016 (32 U.S.C. 2289a)).

15 (c) AGREEMENT.—

16 (1) IN GENERAL.—Before providing assistance
17 for a project under this section, the Secretary shall
18 enter into an agreement with a non-Federal interest
19 for the design and construction of the project.

20 (2) REQUIREMENTS.—Each agreement entered
21 into under this subsection shall provide for—

22 (A) the development by the Secretary, in
23 consultation with appropriate Federal, State,
24 and local officials, of a resource protection and
25 restoration plan, including appropriate engi-

1 neering plans and specifications and an esti-
2 mate of expected resource benefits; and

3 (B) the establishment of such legal and in-
4 stitutional structures as are necessary to ensure
5 the effective long-term operation and mainte-
6 nance of the project by the non-Federal inter-
7 est.

8 (d) COST SHARING.—

9 (1) FEDERAL SHARE.—The Federal share of
10 the cost to design and construct a project under
11 each agreement entered into under this section shall
12 be 75 percent.

13 (2) NON-FEDERAL SHARE.—

14 (A) VALUE OF LAND, EASEMENTS,
15 RIGHTS-OF-WAY, AND RELOCATIONS.—In deter-
16 mining the non-Federal contribution toward
17 carrying out an agreement entered into under
18 this section, the Secretary shall provide credit
19 to a non-Federal interest for the value of land,
20 easements, rights-of-way, and relocations pro-
21 vided by the non-Federal interest, except that
22 the amount of credit provided for a project
23 under this paragraph may not exceed 25 per-
24 cent of the total project costs.

1 (B) OPERATION AND MAINTENANCE
2 COSTS.—The non-Federal share of the costs of
3 operation and maintenance of a project carried
4 out under an agreement under this section shall
5 be 100 percent.

6 (e) PROJECTS ON FEDERAL LAND.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), a project carried out pursuant to the
9 comprehensive plan developed under subsection (b)
10 that is located on Federal land shall be carried out
11 at the expense of the Federal agency that owns the
12 land on which the project will be carried out.

13 (2) NON-FEDERAL CONTRIBUTION.—A Federal
14 agency carrying out a project described in paragraph
15 (1) may accept contributions of funds from non-Fed-
16 eral interests to carry out that project.

17 (f) COOPERATION.—In carrying out this section, the
18 Secretary shall cooperate with—

19 (1) the heads of appropriate Federal agencies,
20 including—

21 (A) the Secretary of Agriculture;

22 (B) the Secretary of the Interior, acting
23 through the Director of the United States Fish
24 and Wildlife Service; and

1 (C) the heads of such other Federal agen-
2 cies as the Secretary determines to be appro-
3 priate; and

4 (2) agencies of any relevant State or political
5 subdivision of a State.

6 (g) PROTECTION OF RESOURCES.—A project estab-
7 lished under this section shall be carried out using such
8 measures as are necessary to protect environmental, his-
9 toric, and cultural resources.

10 (h) PROJECTS REQUIRING SPECIFIC AUTHORIZA-
11 TION.—If the Federal share of the cost to design and con-
12 struct a project under this section exceeds \$15,000,000,
13 the Secretary may only carry out the project if Congress
14 enacts a law authorizing the Secretary to carry out the
15 project.

16 (i) REPORT.—Not later than 3 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Environment and Public Works of the
19 Senate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report that
21 describes the results of the program established under this
22 section.

23 (j) DEFINITION.—In this section, the term “Lower
24 Mississippi River Basin” means the portion of the Mis-
25 sissippi River that begins at the confluence of the Ohio

1 River and flows to the Gulf of Mexico, and its tributaries
2 and distributaries.

3 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section
5 \$40,000,000.

6 **SEC. 8146. WASHINGTON AQUEDUCT.**

7 (a) CAPITAL IMPROVEMENT AUTHORITY.—The Sec-
8 retary may carry out capital improvements for the Wash-
9 ington Aqueduct that the Secretary determines necessary
10 for the safe, effective, and efficient operation of the Aque-
11 duct.

12 (b) BORROWING AUTHORITY.—

13 (1) IN GENERAL.—Subject to paragraphs (2)
14 through (4) and subsection (c), the Secretary is au-
15 thorized to borrow from the Treasury of the United
16 States such amounts as are sufficient to cover any
17 obligations that will be incurred by the Secretary in
18 carrying out capital improvements for the Wash-
19 ington Aqueduct under subsection (a).

20 (2) LIMITATION.—The amount borrowed by the
21 Secretary under paragraph (1) may not exceed
22 \$40,000,000 in any fiscal year.

23 (3) AGREEMENT.—Amounts borrowed under
24 paragraph (1) may only be used to carry out capital

1 improvements with respect to which the Secretary
2 has entered into an agreement with each customer.

3 (4) TERMS OF BORROWING.—

4 (A) IN GENERAL.—Subject to subsection
5 (c), the Secretary of the Treasury shall provide
6 amounts borrowed under paragraph (1) under
7 such terms and conditions as the Secretary of
8 Treasury determines to be necessary and in the
9 public interest.

10 (B) TERM.—The term of any loan made
11 under paragraph (1) shall be for a period of not
12 less than 20 years.

13 (C) PREPAYMENT.—There shall be no pen-
14 alty for the prepayment of any amounts bor-
15 rowed under paragraph (1).

16 (c) CONTRACTS WITH CUSTOMERS.—

17 (1) IN GENERAL.—The Secretary may not bor-
18 row any amounts under subsection (b) until such
19 time as the Secretary has entered into a contract
20 with each customer under which the customer com-
21 mits to pay a pro rata share (based on water pur-
22 chase) of the principal and interest owed to the Sec-
23 retary of the Treasury under subsection (b).

24 (2) PREPAYMENT.—Any customer may pay, in
25 advance, the pro rata share of the principal and in-

1 terest owed by the customer, or any portion thereof,
2 without penalty.

3 (3) RISK OF DEFAULT.—A customer that en-
4 ters into a contract under this subsection shall, as
5 a condition of the contract, commit to pay any addi-
6 tional amount necessary to fully offset the risk of
7 default on the contract.

8 (4) OBLIGATIONS.—Each contract entered into
9 under paragraph (1) shall include such terms and
10 conditions as the Secretary of the Treasury may re-
11 quire so that the total value to the Government of
12 all contracts entered into under paragraph (1) is es-
13 timated to be equal to the obligations of the Sec-
14 retary for carrying out capital improvements for the
15 Washington Aqueduct.

16 (5) OTHER CONDITIONS.—Each contract en-
17 tered into under paragraph (1) shall—

18 (A) include other conditions consistent
19 with this section that the Secretary and the
20 Secretary of the Treasury determine to be ap-
21 propriate; and

22 (B) provide the United States priority in
23 regard to income from fees assessed to operate
24 and maintain the Washington Aqueduct.

1 (d) CUSTOMER DEFINED.—In this section, the term
2 “customer” means—

- 3 (1) the District of Columbia;
- 4 (2) Arlington County, Virginia; and
- 5 (3) Fairfax County, Virginia.

6 **SEC. 8147. WATER INFRASTRUCTURE PUBLIC-PRIVATE**
7 **PARTNERSHIP PILOT PROGRAM.**

8 Section 5014 of the Water Resources Reform and De-
9 velopment Act of 2014 (33 U.S.C. 2201 note) is amend-
10 ed—

- 11 (1) in subsection (a), by striking “aquatic”; and
- 12 (2) in subsection (d)(1), by inserting “eco-
13 system restoration,” after “flood damage reduc-
14 tion,”.

15 **SEC. 8148. ADVANCE PAYMENT IN LIEU OF REIMBURSE-**
16 **MENT FOR CERTAIN FEDERAL COSTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 provide in advance to a non-Federal interest the Federal
19 share of funds required for the acquisition of land, ease-
20 ments, and rights-of-way and the performance of reloca-
21 tions for a water resources development project or a sepa-
22 rable element of a water resources development project—

- 23 (1) that is authorized to be constructed at Fed-
24 eral expense;

1 (2) for which the Secretary has determined
2 under section 103(b)(2) of the Water Resources De-
3 velopment Act of 1986 (33 U.S.C. 2213(b)(2)) that
4 additional costs are a Federal responsibility; or

5 (3) that is listed in subsection (b), if at any
6 time the cost to acquire the land, easements, and
7 rights-of-way required for the project is projected to
8 exceed the non-Federal share of the cost of the
9 project.

10 (b) LISTED PROJECTS.—The projects referred to in
11 subsection (a)(3) are the following:

12 (1) Project for hurricane and storm damage
13 risk reduction, Delaware Beneficial Use of Dredged
14 Material for the Delaware River, Delaware, author-
15 ized by section 401(3) of the Water Resources De-
16 velopment Act of 2020 (134 Stat. 2736), as modi-
17 fied by this Act.

18 (2) Project for ecosystem restoration, Mis-
19 sissippi River Gulf Outlet, Louisiana, authorized by
20 section 7013(a)(4) of the Water Resources Develop-
21 ment Act of 2007 (121 Stat. 1281), as modified by
22 this Act.

23 (3) Project for ecosystem restoration, Great
24 Lakes and Mississippi River Interbasin project,
25 Brandon Road, Will County, Illinois, authorized by

1 title IV of the Water Resources Development Act of
2 2020 (134 Stat. 2740), as modified by this Act.

3 (4) Project for navigation, Port of Nome, Alas-
4 ka, authorized by section 401(1) of the Water Re-
5 sources Development Act of 2020 (134 Stat. 2733),
6 as modified by this Act.

7 (5) Project for storm damage reduction and
8 shoreline erosion protection, Lake Michigan, Illinois,
9 from Wilmette, Illinois, to the Illinois-Indiana State
10 line, authorized by section 101(a)(12) of the Water
11 Resources Development Act of 1996 (110 Stat.
12 3664), as modified by this Act.

13 (6) Project for flood control, Milton, West Vir-
14 ginia, authorized by section 580 of the Water Re-
15 sources Development Act of 1996 (110 Stat. 3790;
16 114 Stat. 2612; 121 Stat. 1154), as modified by this
17 Act.

18 (7) Project for coastal storm risk management,
19 South Shore of Staten Island, Fort Wadsworth to
20 Oakwood Beach, New York, as authorized by this
21 Act.

22 **SEC. 8149. USE OF OTHER FEDERAL FUNDS.**

23 Section 2007 of the Water Resources Development
24 Act of 2007 (33 U.S.C. 2222) is amended—

1 (1) by striking “water resources study or
2 project” and inserting “water resources development
3 study or project, including a study or project under
4 a continuing authority program (as defined in sec-
5 tion 7001(c)(1)(D) of the Water Resources Reform
6 and Development Act of 2014 (33 U.S.C.
7 2282d(c)(1)(D))) and a study or project under an
8 environmental infrastructure assistance program,”;
9 and

10 (2) by striking “if the Federal agency that pro-
11 vides the funds determines that the funds are au-
12 thorized to be used to carry out the study or
13 project.” and inserting the following: “if—

14 “(1) the statutory authority for the funds pro-
15 vided by the Federal agency does not expressly pro-
16 hibit use of the funds for a study or project of the
17 Corps of Engineers; and

18 “(2) the Federal agency that provides the funds
19 determines that the study or project activities for
20 which the funds will be used are otherwise eligible
21 for funding under such statutory authority.”.

22 **SEC. 8150. NON-FEDERAL INTEREST ADVISORY COM-**
23 **MITTEE.**

24 (a) **IN GENERAL.**—Not later than 90 days after the
25 date of enactment of this Act, the Secretary shall establish

1 a committee, to be known as the “Non-Federal Interest
2 Advisory Committee” and referred to in this section as
3 the “Committee”, to develop and make recommendations
4 to the Secretary and the Chief of Engineers on activities
5 and actions that should be undertaken by the Corps of
6 Engineers to ensure more effective and efficient delivery
7 of water resources development projects, programs, and
8 other assistance.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—The Committee shall be
11 composed of the members described in paragraph

12 (2), who shall—

13 (A) be appointed by the Secretary; and

14 (B) have the requisite experiential or tech-
15 nical knowledge needed to address issues re-
16 lated to water resources needs and challenges.

17 (2) REPRESENTATIVES.—The members of the
18 Committee shall include the following:

19 (A) 1 representative of each of the fol-
20 lowing:

21 (i) A non-Federal interest for a
22 project for navigation for an inland harbor.

23 (ii) A non-Federal interest for a
24 project for navigation for a harbor.

1 (iii) A non-Federal interest for a
2 project for flood risk management.

3 (iv) A non-Federal interest for a
4 project for coastal storm risk management.

5 (v) A non-Federal interest for a
6 project for aquatic ecosystem restoration.

7 (B) 1 representative of each of the fol-
8 lowing:

9 (i) A non-Federal stakeholder with re-
10 spect to inland waterborne transportation.

11 (ii) A non-Federal stakeholder with
12 respect to water supply.

13 (iii) A non-Federal stakeholder with
14 respect to recreation.

15 (iv) A non-Federal stakeholder with
16 respect to hydropower.

17 (v) A non-Federal stakeholder with re-
18 spect to emergency preparedness, including
19 coastal protection.

20 (C) 1 representative of each of the fol-
21 lowing:

22 (i) An organization with expertise in
23 conservation.

24 (ii) An organization with expertise in
25 environmental policy.

1 (iii) An organization with expertise in
2 rural water resources.

3 (c) DUTIES.—

4 (1) RECOMMENDATIONS.—The Committee shall
5 provide advice and make recommendations to the
6 Secretary and the Chief of Engineers to assist the
7 Corps of Engineers in—

8 (A) efficiently and effectively delivering
9 water resources development projects;

10 (B) improving the capability and capacity
11 of the workforce of the Corps of Engineers to
12 deliver such projects and other assistance;

13 (C) improving the capacity and effective-
14 ness of Corps of Engineers consultation and li-
15 aison roles in communicating water resources
16 needs and solutions, including regionally spe-
17 cific recommendations; and

18 (D) strengthening partnerships with non-
19 Federal interests to advance water resources so-
20 lutions.

21 (2) MEETINGS.—The Committee shall meet as
22 appropriate to develop and make recommendations
23 under paragraph (1).

24 (3) REPORT.—Recommendations made under
25 paragraph (1) shall be—

1 (A) included in a report submitted to the
2 Committee on Environment and Public Works
3 of the Senate and the Committee on Transpor-
4 tation and Infrastructure of the House of Rep-
5 resentatives; and

6 (B) made publicly available, including on a
7 publicly available website.

8 (d) INDEPENDENT JUDGMENT.—Any recommenda-
9 tion made by the Committee to the Secretary and the
10 Chief of Engineers under subsection (c)(1) shall reflect the
11 independent judgment of the Committee.

12 (e) ADMINISTRATION.—

13 (1) COMPENSATION.—Except as provided in
14 paragraph (2), the members of the Committee shall
15 serve without compensation.

16 (2) TRAVEL EXPENSES.—The members of the
17 Committee shall receive travel expenses, including
18 per diem in lieu of subsistence, in accordance with
19 applicable provisions under subchapter I of chapter
20 57 of title 5, United States Code.

21 (3) TREATMENT.—The members of the Com-
22 mittee shall not be considered to be Federal employ-
23 ees, and the meetings and reports of the Committee
24 shall not be considered a major Federal action under

1 the National Environmental Policy Act of 1969 (42
2 U.S.C. 4321 et seq.).

3 **SEC. 8151. MATERIALS, SERVICES, AND FUNDS FOR REPAIR,**
4 **RESTORATION, OR REHABILITATION OF CER-**
5 **TAIN PUBLIC RECREATION FACILITIES.**

6 (a) AUTHORIZATION.—During a period of low water
7 at an eligible public recreation facility, the Secretary is
8 authorized to—

9 (1) accept and use materials, services, and
10 funds from a non-Federal interest to repair, restore,
11 or rehabilitate the facility; and

12 (2) reimburse the non-Federal interest for the
13 Federal share of the materials, services, or funds.

14 (b) REQUIREMENT.—The Secretary may not reim-
15 burse a non-Federal interest for the use of materials or
16 services accepted under this section unless the materials
17 or services—

18 (1) meet the specifications of the Secretary; and

19 (2) comply with all applicable laws and regula-
20 tions that would apply if the materials and services
21 were acquired by the Secretary, including subchapter
22 IV of chapter 31 and chapter 37 of title 40, United
23 States Code, and section 8302 of title 41, United
24 States Code.

1 (c) AGREEMENT.—Before the acceptance of mate-
2 rials, services, or funds under this section, the Secretary
3 and the non-Federal interest shall enter into an agreement
4 that—

5 (1) specifies that the non-Federal interest shall
6 hold and save the United States free from liability
7 for any and all damages that arise from use of mate-
8 rials or services of the non-Federal interest, except
9 for damages due to the fault or negligence of the
10 United States or its contractors;

11 (2) requires that the non-Federal interest cer-
12 tify that the materials or services comply with the
13 applicable laws and regulations described in sub-
14 section (b)(2); and

15 (3) includes any other term or condition re-
16 quired by the Secretary.

17 (d) SUNSET.—The authority to enter into an agree-
18 ment under this section shall expire on the date that is
19 10 years after the date of enactment of this Act.

20 (e) DEFINITION OF ELIGIBLE PUBLIC RECREATION
21 FACILITY.—In this section, the term “eligible public recre-
22 ation facility” means a facility that—

23 (1) is located—

24 (A) at a reservoir operated by the Corps of
25 Engineers; and

1 (B) in the Upper Missouri River Basin;
2 (2) was constructed to enable public use of and
3 access to the reservoir; and
4 (3) requires repair, restoration, or rehabilitation
5 to function.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out subsection
8 (a)(2) \$20,000,000, to remain available until expended.

9 **SEC. 8152. REHABILITATION OF PUMP STATIONS.**

10 Section 133 of the Water Resources Development Act
11 of 2020 (33 U.S.C. 2327a) is amended—

12 (1) in subsection (a), by striking paragraph (1)
13 and inserting the following:

14 “(1) ELIGIBLE PUMP STATION.—The term ‘eli-
15 gible pump station’ means a pump station—

16 “(A) that is a feature of—

17 “(i) a federally authorized flood or
18 coastal storm risk management project; or

19 “(ii) an integrated flood risk reduction
20 system that includes a federally authorized
21 flood or coastal storm risk management
22 project; and

23 “(B) the failure of which the Secretary has
24 determined would demonstrably impact the

1 function of the federally authorized flood or
2 coastal storm risk management project.”;

3 (2) by striking subsection (b) and inserting the
4 following:

5 “(b) AUTHORIZATION.—The Secretary may carry out
6 rehabilitation of an eligible pump station, if the Secretary
7 determines that—

8 “(1) the eligible pump station has a major defi-
9 ciency; and

10 “(2) the rehabilitation is feasible.”; and

11 (3) by adding at the end the following:

12 “(g) PRIORITIZATION.—To the maximum extent
13 practicable, the Secretary shall prioritize the rehabilitation
14 of eligible pump stations under this section that benefit
15 economically disadvantaged communities, as defined by
16 the Secretary under section 160 of the Water Resources
17 Development Act of 2020 (33 U.S.C. 2201 note), includ-
18 ing economically disadvantaged communities located in
19 urban and rural areas.”.

20 **SEC. 8153. REPORT TO CONGRESS ON CORPS OF ENGI-**
21 **NEERS RESERVOIRS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary shall complete
24 the updated report required under section 1046(a)(2)(B)

1 of the Water Resources Reform and Development Act of
2 2014 (128 Stat. 1252).

3 (b) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—

4 Upon completion of the report as required by subsection
5 (a), the Secretary shall—

6 (1) submit the report to Congress; and

7 (2) make the full report publicly available, in-
8 cluding on a publicly available website.

9 **SEC. 8154. TEMPORARY RELOCATION ASSISTANCE PILOT**
10 **PROGRAM.**

11 (a) IN GENERAL.—Not later than 90 days after the
12 date of enactment of this Act, the Secretary shall establish
13 a pilot program to evaluate the extent to which the provi-
14 sion of temporary relocation assistance enhances the com-
15 pleteness, effectiveness, efficiency, acceptability, and equi-
16 table implementation of covered water resources develop-
17 ment projects.

18 (b) ASSISTANCE AUTHORIZED.—Subject to sub-
19 section (c)—

20 (1) the non-Federal interest for a covered water
21 resources development project included in the pilot
22 program established under this section may provide
23 temporary relocation assistance to a temporarily dis-
24 placed person; and

1 (2) the Secretary shall, pursuant to a project
2 partnership agreement—

3 (A) include the temporary relocation as-
4 sistance provided by the non-Federal interest
5 for a covered water resources development
6 project under paragraph (1) in the value of the
7 land, easements, and rights-of-way required for
8 the project; and

9 (B) credit the amount of the temporary re-
10 location assistance provided by the non-Federal
11 interest for the covered water resources develop-
12 ment project under paragraph (1) toward the
13 non-Federal share of the cost of the project.

14 (c) REQUIREMENTS.—

15 (1) REQUEST OF NON-FEDERAL INTEREST.—At
16 the request of the non-Federal interest for a covered
17 water resources development project, the Secretary
18 may include the project in the pilot program estab-
19 lished under this section.

20 (2) DUPLICATION OF BENEFITS.—The Sec-
21 retary and the non-Federal interest for a covered
22 water resources development project included in the
23 pilot program established under this section shall en-
24 sure that no temporarily displaced person receives
25 temporary relocation assistance under this section

1 for expenses for which the temporarily displaced per-
2 son has received financial assistance from any insur-
3 ance, other program, or any other governmental
4 source.

5 (3) EQUAL TREATMENT.—The non-Federal in-
6 terest for a covered water resources development
7 project included in the pilot program established
8 under this section shall provide temporary relocation
9 assistance to each temporarily displaced person on
10 equal terms.

11 (4) MAXIMUM AMOUNT OF CREDIT.—The Sec-
12 retary shall not include in the value of the land,
13 easements, and rights-of-way required for a covered
14 water resources development project, or credit to-
15 ward the non-Federal share of the cost of the
16 project, any amount paid to individuals of a single
17 household by the non-Federal interest for the project
18 under subsection (b) that exceeds \$20,000.

19 (d) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of enactment of this Act, and biennially
21 thereafter, the Secretary shall submit to the Committee
22 on Environment and Public Works of the Senate and the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives a report that includes findings
25 and recommendations of the Secretary with respect to the

1 provision of temporary relocation assistance for covered
2 water resources development projects included in the pilot
3 program established under this section.

4 (e) SUNSET.—The authority to enter into or amend
5 a project partnership agreement for a covered water re-
6 sources development project under the pilot program es-
7 tablished under this section shall expire on the date that
8 is 10 years after the date of enactment of this Act.

9 (f) SAVINGS PROVISION.—Nothing in this section af-
10 fects the eligibility for, or entitlement to, relocation assist-
11 ance under the Uniform Relocation Assistance and Real
12 Property Acquisition Policies Act of 1970 (42 U.S.C. 4601
13 et seq.) for any individual.

14 (g) DEFINITIONS.—In this section:

15 (1) COVERED WATER RESOURCES DEVELOP-
16 MENT PROJECT.—The term “covered water re-
17 sources development project” means the following
18 projects:

19 (A) Project for hurricane and storm dam-
20 age risk reduction, Charleston Peninsula,
21 Coastal Storm Risk Management, South Caro-
22 lina, authorized by this Act.

23 (B) Project for hurricane and storm dam-
24 age risk reduction, Fire Island Inlet to
25 Montauk Point, New York, authorized by sec-

1 tion 401(3) of the Water Resources Develop-
2 ment Act of 2020 (134 Stat. 2738).

3 (C) Project for hurricane and storm dam-
4 age risk reduction, Rahway River Basin, New
5 Jersey, authorized by section 401(3) of the
6 Water Resources Development Act of 2020
7 (134 Stat. 2737).

8 (D) Project for flood risk management,
9 Peckman River Basin, New Jersey, authorized
10 by section 401(2) of the Water Resources De-
11 velopment Act of 2020 (134 Stat. 2735).

12 (E) Project for hurricane and storm dam-
13 age reduction, New Jersey Back Bays, Cape
14 May, Ocean, Atlantic, Monmouth, and Bur-
15 lington Counties, authorized by resolutions of
16 the Committee on Public Works and Transpor-
17 tation of the House of Representatives and the
18 Committee on Environment and Public Works
19 of the Senate, approved in December 1987,
20 under study on the date of enactment of this
21 Act.

22 (2) DWELLING.—The term “dwelling” means—

23 (A) a single-family house;

24 (B) a single-family unit in a two-family,
25 multifamily, or multipurpose property;

1 (C) a unit of a condominium or cooperative
2 housing project;

3 (D) a mobile home; or

4 (E) any other residential unit.

5 (3) HOUSEHOLD.—The term “household”
6 means 1 or more individuals occupying a single
7 dwelling.

8 (4) TEMPORARILY DISPLACED PERSON.—The
9 term “temporarily displaced person” means an indi-
10 vidual who is—

11 (A) required to temporarily move from a
12 dwelling that is the primary residence of the in-
13 dividual as a direct result of the elevation or
14 modification of the dwelling by the Secretary or
15 a non-Federal interest as part of a covered
16 water resources development project; and

17 (B) not otherwise entitled to temporary re-
18 location assistance under the Uniform Reloca-
19 tion Assistance and Real Property Acquisition
20 Policies Act of 1970 (42 U.S.C. 4601 et seq.).

21 (5) TEMPORARY RELOCATION ASSISTANCE.—
22 The term “temporary relocation assistance” means
23 assistance that covers all or any portion of the docu-
24 mented reasonable living expenses, excluding food
25 and personal transportation, incurred by a tempo-

1 rarely displaced person during a period of displace-
2 ment.

3 **SEC. 8155. CONTINUATION OF CONSTRUCTION.**

4 (a) CONTINUATION OF CONSTRUCTION.—

5 (1) IN GENERAL.—Upon the transmittal of an
6 initial notification pursuant to subsection (b)(1) with
7 respect to a water resources development project, the
8 Secretary shall not, solely on the basis of the max-
9 imum cost requirements under section 902 of the
10 Water Resources Development Act of 1986 (33
11 U.S.C. 2280)—

12 (A) defer the initiation or continuation of
13 construction of the water resources development
14 project during the covered period; or

15 (B) terminate during or after the covered
16 period, a contract for design or construction of
17 the water resources development project that
18 was entered into prior to or during the covered
19 period.

20 (2) RESUMPTION OF CONSTRUCTION.—The
21 Secretary shall, upon the transmittal of an initial
22 notification pursuant to subsection (b)(1) with re-
23 spect to a water resources development project for
24 which construction was deferred, during the period
25 beginning on October 1, 2021, and ending on the

1 date of enactment of this Act, because the cost of
2 such project exceeded the maximum cost permitted
3 under section 902 of the Water Resources Develop-
4 ment Act of 1986 (33 U.S.C. 2280), resume con-
5 struction of the project.

6 (b) NOTIFICATION.—

7 (1) INITIAL NOTIFICATION.—Not later than 30
8 days after the Chief of Engineers makes a deter-
9 mination that a water resources development project
10 exceeds, or is expected to exceed, the maximum cost
11 of the project permitted under section 902 of the
12 Water Resources Development Act of 1986 (33
13 U.S.C. 2280), the Chief of Engineers shall transmit
14 a written notification concurrently to the Secretary
15 and to the Committee on Environment and Public
16 Works of the Senate and the Committee on Trans-
17 portation and Infrastructure of the House of Rep-
18 resentatives for each such determination.

19 (2) SUPPLEMENTAL NOTIFICATION.—Not later
20 than 60 days after the Chief of Engineers transmits
21 an initial notification required under paragraph (1),
22 the Chief shall transmit concurrently to the Sec-
23 retary and to the Committee on Environment and
24 Public Works of the Senate and the Committee on
25 Transportation and Infrastructure of the House of

1 Representatives a supplemental notification that in-
2 cludes, based on information available to the Corps
3 of Engineers on the date of the supplemental notifi-
4 cation—

5 (A) an estimate of the expected increase in
6 the cost of the project that is in excess of the
7 authorized maximum cost for the project;

8 (B) a description of the reason for the in-
9 creased cost of the project; and

10 (C) the expected timeline for submission of
11 a post-authorization change report for the
12 project in accordance with section 1132 of the
13 Water Resources Development Act of 2016 (33
14 U.S.C. 2282e).

15 (3) TRANSMITTAL.—The notifications described
16 in paragraphs (1) and (2) may not be delayed as a
17 result of consideration being given to changes in pol-
18 icy or priority with respect to project consideration.

19 (c) DEFERRAL OF CONSTRUCTION.—After expiration
20 of the covered period, the Secretary shall not enter into
21 any new contract, or exercise any option in a contract,
22 for construction of a water resources development project
23 if the project exceeds the maximum cost of the project per-
24 mitted under section 902 of the Water Resources Develop-
25 ment Act of 1986 (33 U.S.C. 2280), until the date on

1 which Congress authorizes an increase in the cost of the
2 project.

3 (d) STATUTORY CONSTRUCTION.—Nothing in this
4 section waives the obligation of the Secretary to submit
5 to the Committee on Environment and Public Works of
6 the Senate and the Committee on Transportation and In-
7 frastructure of the House of Representatives a post-au-
8 thorization change report recommending an increase in
9 the authorized cost of a project if the project otherwise
10 would exceed the maximum cost of the project permitted
11 under section 902 of the Water Resources Development
12 Act of 1986 (33 U.S.C. 2280).

13 (e) DEFINITION OF COVERED PERIOD.—In this sec-
14 tion, the term “covered period” means the period begin-
15 ning on the date of enactment of this Act and ending on
16 December 31, 2024.

17 **SEC. 8156. FEDERAL INTEREST DETERMINATION.**

18 Section 905(b)(1) of the Water Resources Develop-
19 ment Act of 1986 (33 U.S.C. 2282(b)(1)) is amended by
20 amending subparagraph (B) to read as follows:

21 “(B) OTHER COMMUNITIES.—In preparing
22 a feasibility report under subsection (a) for a
23 study that will benefit a community other than
24 a community described in subparagraph (A),
25 upon request by the non-Federal interest for

1 the study, the Secretary may, with respect to
2 not more than 20 studies in each fiscal year,
3 first determine the Federal interest in carrying
4 out the study and the projects that may be pro-
5 posed in the study.”.

6 **SEC. 8157. INLAND WATERWAY PROJECTS.**

7 (a) IN GENERAL.—Section 102(a) of the Water Re-
8 sources Development Act of 1986 (33 U.S.C. 2212(a)) is
9 amended—

10 (1) in the matter preceding paragraph (1), by
11 striking “One-half of the costs” and inserting “65
12 percent of the costs”; and

13 (2) in the undesignated matter following para-
14 graph (3), in the second sentence, by striking “One-
15 half of such costs” and inserting “35 percent of
16 such costs”.

17 (b) APPLICATION.—The amendments made by sub-
18 section (a) shall apply beginning on October 1, 2022, to
19 any construction of a project for navigation on the inland
20 waterways that is new or ongoing on or after that date.

21 (c) CONFORMING AMENDMENT.—Section 109 of the
22 Water Resources Development Act of 2020 (33 U.S.C.
23 2212 note) is amended by striking “fiscal years 2021
24 through 2031” and inserting “fiscal years 2021 through
25 2022”.

1 **SEC. 8158. CORPS OF ENGINEERS WESTERN WATER COOP-**
2 **ERATIVE COMMITTEE.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of enactment of this Act, the Secretary
6 shall establish a Western Water Cooperative Com-
7 mittee (referred to in this section as the “Coopera-
8 tive Committee”).

9 (2) PURPOSE.—The purpose of the Cooperative
10 Committee is to ensure that Corps of Engineers
11 flood control projects in Western States are operated
12 consistent with congressional directives by identi-
13 fying opportunities to avoid or minimize conflicts be-
14 tween the operation of Corps of Engineers projects
15 and water rights and water laws in such States.

16 (3) MEMBERSHIP.—The Cooperative Committee
17 shall be composed of—

18 (A) the Assistant Secretary of the Army
19 for Civil Works (or a designee);

20 (B) the Chief of Engineers (or a designee);

21 (C) 1 representative from each of the
22 Western States, who may serve on the Western
23 States Water Council, to be appointed by the
24 Governor of each State;

25 (D) 1 representative with legal experience
26 from each of the Western States, to be ap-

1 pointed by the attorney general of each State;
2 and

3 (E) 1 employee from each of the impacted
4 regional offices of the Bureau of Indian Affairs.

5 (4) MEETINGS.—

6 (A) IN GENERAL.—The Cooperative Com-
7 mittee shall meet not less than once each year
8 in one of the Western States.

9 (B) AVAILABLE TO PUBLIC.—Each meet-
10 ing of the Cooperative Committee shall be open
11 and accessible to the public.

12 (C) NOTIFICATION.—The Cooperative
13 Committee shall publish in the Federal Register
14 adequate advance notice of a meeting of the Co-
15 operative Committee.

16 (5) DUTIES.—

17 (A) IN GENERAL.—The Cooperative Com-
18 mittee shall develop and make recommendations
19 to avoid or minimize conflicts between the oper-
20 ation of Corps of Engineers projects and the
21 water rights and water laws of Western States.

22 (B) LIMITATION.—In carrying out sub-
23 paragraph (A), the Cooperative Committee
24 shall—

1 (i) make recommendations that only
2 apply to Western States; and

3 (ii) ensure that any recommended
4 changes or modifications to policy or regu-
5 lations for Corps of Engineers projects
6 would not adversely affect water resources
7 within the State of Missouri.

8 (6) STATUS UPDATES.—

9 (A) IN GENERAL.—On an annual basis,
10 the Secretary shall provide to the Committee on
11 Environment and Public Works of the Senate
12 and the Committee on Transportation and In-
13 frastructure of the House of Representatives a
14 written report that includes—

15 (i) a summary of the contents of
16 meetings of the Cooperative Committee;

17 (ii) any legislative proposal from a
18 Western State proposed to the Cooperative
19 Committee; and

20 (iii) a description of any recommenda-
21 tions made by the Cooperative Committee
22 under paragraph (5), including actions
23 taken by the Secretary in response to such
24 recommendations.

25 (B) COMMENT.—

1 (i) IN GENERAL.—Not later than 45
2 days following the conclusion of a meeting
3 of the Cooperative Committee, the Sec-
4 retary shall provide to members of the Co-
5 operative Committee an opportunity to
6 comment on the contents of the meeting
7 and any recommendations made under
8 paragraph (5).

9 (ii) INCLUSION.—Comments provided
10 under clause (i) shall be included in the re-
11 port provided under subparagraph (A).

12 (7) COMPENSATION.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), the members of the Coopera-
15 tive Committee shall serve without compensa-
16 tion.

17 (B) TRAVEL EXPENSES.—The members of
18 the Cooperative Committee shall receive travel
19 expenses, including per diem in lieu of subsist-
20 ence, in accordance with applicable provisions
21 under subchapter I of chapter 57 of title 5,
22 United States Code.

23 (8) MAINTENANCE OF RECORDS.—The Cooper-
24 ative Committee shall maintain records pertaining to

1 operating costs and records of the Cooperative Com-
2 mittee for a period of not less than 3 years.

3 (9) SAVINGS PROVISIONS.—

4 (A) NO ADDITIONAL AUTHORITY.—Noth-
5 ing in this section provides authority to the Co-
6 operative Committee to affect any Federal or
7 State water law or interstate compact governing
8 water.

9 (B) OTHER STATES.—Nothing in this sec-
10 tion may be interpreted, by negative implication
11 or otherwise, as suggesting that States not rep-
12 resented on the Cooperative Committee have
13 lesser interest or authority, in relation to West-
14 ern States, in managing the water within their
15 borders or in vindicating State water rights and
16 water laws.

17 (b) DEFINITION OF WESTERN STATES.—In this sec-
18 tion, the term “Western States” means the States of Alas-
19 ka, Arizona, California, Colorado, Idaho, Kansas, Mon-
20 tana, Nebraska, Nevada, New Mexico, North Dakota,
21 Oklahoma, Oregon, South Dakota, Texas, Utah, Wash-
22 ington, and Wyoming.

23 **SEC. 8159. SUPPORT OF ARMY CIVIL WORKS MISSIONS.**

24 The Secretary is authorized to use contracts, coopera-
25 tive agreements, or any other authorized means, in sup-

1 port of the Corps of Engineers civil works missions, to
2 work with—

3 (1) the University of Delaware to conduct aca-
4 demic research on water resource ecology, water
5 quality, aquatic ecosystem restoration (including
6 shellfish aquaculture), coastal restoration, and water
7 resource-related emergency management, in the
8 State of Delaware, the Delaware River Basin, and
9 the Chesapeake Bay watershed;

10 (2) the University of Missouri to conduct eco-
11 nomic analyses and other academic research to im-
12 prove water management, enhance flood resiliency,
13 and preserve water resources for the State of Mis-
14 souri, the Lower Missouri River Basin, and Upper
15 Mississippi River Basin;

16 (3) Oregon State University to conduct a study
17 and other academic research on the associated im-
18 pacts of wildfire on water resource ecology, water
19 supply, quality, and distribution in the Willamette
20 River Basin and to develop a water resource assess-
21 ment and management platform for the Willamette
22 River Basin; and

23 (4) West Virginia University to conduct aca-
24 demic research on flood risk management, water re-
25 source-related emergency management, aquatic eco-

1 system restoration, water quality, hydropower, and
2 water resource-related recreation in the State of
3 West Virginia.

4 **SEC. 8160. CIVIL WORKS RESEARCH AND DEVELOPMENT.**

5 (a) IN GENERAL.—Section 7 of the Water Resources
6 Development Act of 1988 (33 U.S.C. 2313) is amended
7 to read as follows:

8 **“SEC. 7. RESEARCH AND DEVELOPMENT.**

9 “(a) IN GENERAL.—The Secretary is authorized to
10 carry out basic, applied, and advanced research activities
11 as required to aid in the planning, design, construction,
12 operation, and maintenance of water resources develop-
13 ment projects and to support the missions and authorities
14 of the Corps of Engineers.

15 “(b) TESTING AND APPLICATION.—In carrying out
16 subsection (a), the Secretary is authorized to test and
17 apply technology, tools, techniques, and materials devel-
18 oped pursuant to such subsection, including the testing
19 and application of such technology, tools, techniques, and
20 materials at authorized water resources development
21 projects, in consultation with the non-Federal interests for
22 such projects.

23 “(c) OTHER TRANSACTIONAL AUTHORITY FOR PRO-
24 TOTYPE PROJECTS.—

1 “(1) IN GENERAL.—In carrying out subsection
2 (b), the Secretary is authorized to enter into trans-
3 actions (other than contracts, cooperative agree-
4 ments, or grants) to carry out prototype projects to
5 support basic, applied, and advanced research activi-
6 ties that are directly relevant to the civil works mis-
7 sions and authorities of the Corps of Engineers.

8 “(2) FOLLOW-ON PRODUCTION TRANS-
9 ACTIONS.—A transaction entered into under para-
10 graph (1) for a prototype project may provide for
11 the award of a follow-on production contract or
12 transaction to the participants in the transaction in
13 accordance with the requirements of section 4022 of
14 title 10, United States Code.

15 “(3) GUIDANCE.—Prior to entering into the
16 first transaction under this subsection, the Secretary
17 shall issue guidance for entering into transactions
18 under this subsection (including guidance for follow-
19 on production contracts or transactions under para-
20 graph (2)).

21 “(4) CONDITIONS.—In carrying out this sub-
22 section, the Secretary shall ensure that—

23 “(A) competitive procedures are used to
24 the maximum extent practicable to award each
25 transaction; and

1 “(B) at least one of the following condi-
2 tions is met with respect to each transaction:

3 “(i) The prototype project includes
4 significant participation by at least one
5 nonprofit research institution or nonradi-
6 tional defense contractor, as that term is
7 defined in section 3014 of title 10, United
8 States Code.

9 “(ii) All significant participants in the
10 transaction other than the Federal Govern-
11 ment are small business concerns, as that
12 term is used in section 3 of the Small
13 Business Act (15 U.S.C. 632) (including
14 such concerns participating in a program
15 described in section 9 of such Act (15
16 U.S.C. 638)).

17 “(iii) At least one-third of the total
18 cost of the prototype project is to be paid
19 out of funds provided by sources other
20 than the Federal Government.

21 “(iv) The Head of the Contracting
22 Activity for the Corps of Engineers sub-
23 mits to the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives and the Committee on Envi-

1 ronment and Public Works of the Senate a
2 notification that exceptional circumstances
3 justify the use of a transaction that pro-
4 vides for innovative business arrangements
5 or structures that would not be feasible or
6 appropriate under a contract, cooperative
7 agreement, or grant.

8 “(5) NOTIFICATION.—Not later than 30 days
9 before the Secretary enters into a transaction under
10 paragraph (1), the Secretary shall notify the Com-
11 mittee on Transportation and Infrastructure of the
12 House of Representatives and the Committee on En-
13 vironment and Public Works of the Senate of—

14 “(A) the dollar amount of the transaction;

15 “(B) the entity carrying out the prototype
16 project that is the subject of the transaction;

17 “(C) the justification for the transaction;

18 and

19 “(D) as applicable, the water resources de-
20 velopment project where the prototype project
21 will be carried out.

22 “(6) REPORT.—Not later than 4 years after the
23 date of enactment of the Water Resources Develop-
24 ment Act of 2022, the Secretary shall submit to the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 Environment and Public Works of the Senate a re-
3 port describing the use of the authority under this
4 subsection.

5 “(7) COMPTROLLER GENERAL ACCESS TO IN-
6 FORMATION.—

7 “(A) EXAMINATION OF RECORDS.—Each
8 transaction entered into under this subsection
9 shall provide for mandatory examination by the
10 Comptroller General of the United States of the
11 records of any party to the transaction or any
12 entity that participates in the performance of
13 the transaction.

14 “(B) LIMITATIONS.—

15 “(i) PARTIES AND ENTITIES.—Exam-
16 ination of records by the Comptroller Gen-
17 eral pursuant to subparagraph (A) shall be
18 limited as provided under clause (ii) in the
19 case of a party to the transaction, an enti-
20 ty that participates in the performance of
21 the transaction, or a subordinate element
22 of that party or entity if the only trans-
23 actions that the party, entity, or subordi-
24 nate element entered into with Government
25 entities in the year prior to the date of

1 that transaction were entered into under
2 paragraph (1) or under section 4021 or
3 4022 of title 10, United States Code.

4 “(ii) RECORDS.—The only records of
5 a party, other entity, or subordinate ele-
6 ment referred to in clause (i) that the
7 Comptroller General may examine pursu-
8 ant to subparagraph (A) are records of the
9 same type as the records that the Govern-
10 ment has had the right to examine under
11 the audit access clauses of the previous
12 transactions referred to in such clause that
13 were entered into by that particular party,
14 entity, or subordinate element.

15 “(C) WAIVER.—The Head of the Con-
16 tracting Activity for the Corps of Engineers
17 may waive the applicability of subparagraph (A)
18 to a transaction if the Head of the Contracting
19 Activity for the Corps of Engineers—

20 “(i) determines that it would not be in
21 the public interest to apply the require-
22 ment to the transaction; and

23 “(ii) transmits to the Committee on
24 Environment and Public Works of the Sen-
25 ate, the Committee on Transportation and

1 Infrastructure of the House of Representa-
2 tives, and the Comptroller General, before
3 the transaction is entered into, a notifica-
4 tion of the waiver, including the rationale
5 for the determination under clause (i).

6 “(D) TIMING.—The Comptroller General
7 may not examine records pursuant to subpara-
8 graph (A) more than 3 years after the final
9 payment is made by the United States under
10 the transaction.

11 “(E) REPORT.—Not later than 1 year
12 after the date of enactment of the Water Re-
13 sources Development Act of 2022, and annually
14 thereafter, the Comptroller General shall submit
15 to the Committee on Environment and Public
16 Works of the Senate and the Committee on
17 Transportation and Infrastructure of the House
18 of Representatives a report on the use of the
19 authority under this paragraph.

20 “(8) TERMINATION OF AUTHORITY.—The au-
21 thority to enter into a transaction under this sub-
22 section shall terminate on December 31, 2028.

23 “(d) COORDINATION AND CONSULTATION.—In car-
24 rying out this section, the Secretary may coordinate and
25 consult with Federal agencies, State and local agencies,

1 Indian Tribes, universities, consortiums, councils, and
2 other relevant entities that will aid in the planning, design,
3 construction, operation, and maintenance of water re-
4 sources development projects.

5 “(e) ANNUAL REPORT.—

6 “(1) IN GENERAL.—For fiscal year 2025, and
7 annually thereafter, in conjunction with the annual
8 budget submission of the President to Congress
9 under section 1105(a) of title 31, United States
10 Code, the Secretary shall submit to the Committee
11 on Environment and Public Works of the Senate
12 and the Committee on Transportation and Infra-
13 structure of the House of Representatives a report
14 on basic, applied, and advanced research activities
15 and prototype projects carried out under this sec-
16 tion.

17 “(2) CONTENTS.—Each report under para-
18 graph (1) shall include—

19 “(A) a description of each ongoing and
20 new activity or project, including—

21 “(i) the estimated total cost of the ac-
22 tivity or project;

23 “(ii) the amount of Federal expendi-
24 tures for the activity or project;

1 “(iii) the amounts provided by a non-
2 Federal party to a transaction described in
3 subsection (c), if applicable;

4 “(iv) the estimated timeline for com-
5 pletion of the activity or project;

6 “(v) the requesting district of the
7 Corps of Engineers, if applicable; and

8 “(vi) how the activity or project is
9 consistent with subsection (a); and

10 “(B) any additional information that the
11 Secretary determines to be appropriate.

12 “(f) SAVINGS CLAUSE.—Nothing in this section af-
13 fects the authority of the Secretary to carry out, through
14 the Engineer Research and Development Center, any ac-
15 tivity requested by a district of the Corps of Engineers
16 in support of a water resources development project or fea-
17 sibility study (as defined in section 105(d) of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2215(d))).

20 “(g) ESTABLISHMENT OF ACCOUNT.—The Secretary,
21 in consultation with the Director of the Office of Manage-
22 ment and Budget, shall establish a separate appropria-
23 tions account for administering funds made available to
24 carry out this section.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 contained in section 1(b) of the Water Resources Develop-
3 ment Act of 1988 (102 Stat. 4012) is amended by striking
4 the item relating to section 7 and inserting the following:
“Sec. 7. Research and development.”.

5 **SEC. 8161. SENSE OF CONGRESS ON OPERATIONS AND**
6 **MAINTENANCE OF RECREATION SITES.**

7 It is the sense of Congress that the Secretary, in each
8 work plan submitted to Congress by the Secretary, should
9 distribute amounts provided for the operations and main-
10 tenance of recreation sites of the Corps of Engineers so
11 that each site receives an amount that is not less than
12 80 percent of the recreation fees generated by such site
13 in a given year.

14 **SEC. 8162. SENSE OF CONGRESS RELATING TO POST-DIS-**
15 **ASTER REPAIRS.**

16 It is the sense of Congress that in scoping and fund-
17 ing post-disaster repairs, the Secretary should, to the max-
18 imum extent practicable, repair assets—

- 19 (1) to project design levels; or
20 (2) if the original project design is outdated, to
21 a higher level than the project design level.

1 **Subtitle B—Studies and Reports**

2 **SEC. 8201. AUTHORIZATION OF PROPOSED FEASIBILITY** 3 **STUDIES.**

4 (a) NEW PROJECTS.—The Secretary is authorized to
5 conduct a feasibility study for the following projects for
6 water resources development and conservation and other
7 purposes, as identified in the reports titled “Report to
8 Congress on Future Water Resources Development” sub-
9 mitted to Congress pursuant to section 7001 of the Water
10 Resources Reform and Development Act of 2014 (33
11 U.S.C. 2282d) or otherwise reviewed by Congress:

12 (1) DUDLEYVILLE, ARIZONA.—Project for flood
13 risk management, Dudleyville, Arizona.

14 (2) MCMICKEN DAM, ARIZONA.—Project for
15 flood risk management, McMicken Dam, Arizona.

16 (3) CONN CREEK DAM, CALIFORNIA.—Project
17 for flood risk management, Conn Creek Dam, Cali-
18 fornia.

19 (4) CITY OF HUNTINGTON BEACH, CALI-
20 FORNIA.—Project for hurricane and storm damage
21 risk reduction, including sea level rise, and shoreline
22 stabilization, City of Huntington Beach, California.

23 (5) NAPA RIVER, CALIFORNIA.—Project for
24 navigation, Federal Channel of Napa River, Cali-
25 fornia.

1 (6) PETALUMA RIVER WETLANDS, CALI-
2 FORNIA.—Project for ecosystem restoration, City of
3 Petaluma, California.

4 (7) CITY OF RIALTO, CALIFORNIA.—Project for
5 ecosystem restoration and flood risk management,
6 City of Rialto and vicinity, California.

7 (8) NORTH RICHMOND, CALIFORNIA.—Project
8 for hurricane and storm damage risk reduction, in-
9 cluding sea level rise, and ecosystem restoration,
10 North Richmond, California.

11 (9) STRATFORD, CONNECTICUT.—Project for
12 hurricane and storm damage risk reduction and
13 flood risk management, Stratford, Connecticut.

14 (10) THATCHBED ISLAND, CONNECTICUT.—
15 Project for flood risk management and ecosystem
16 restoration, Thatchbed Island, Essex, Connecticut.

17 (11) WOODBRIDGE, CONNECTICUT.—Project for
18 flood risk management, Woodbridge, Connecticut.

19 (12) FEDERAL TRIANGLE AREA, WASHINGTON,
20 DISTRICT OF COLUMBIA.—Project for flood risk
21 management, Federal Triangle Area, Washington,
22 District of Columbia, including construction of im-
23 provements to interior drainage.

24 (13) POTOMAC AND ANACOSTIA RIVERS, WASH-
25 INGTON, DISTRICT OF COLUMBIA.—Project for rec-

1 reational access, including enclosed swimming areas,
2 Potomac and Anacostia Rivers, District of Columbia.

3 (14) WASHINGTON METROPOLITAN AREA,
4 WASHINGTON, DISTRICT OF COLUMBIA, MARYLAND,
5 AND VIRGINIA.—Project for water supply, including
6 the identification of a secondary water source and
7 additional water storage capability for the Wash-
8 ington Metropolitan Area, Washington, District of
9 Columbia, Maryland, and Virginia.

10 (15) TOWN OF LONGBOAT KEY, FLORIDA.—
11 Project for whole island hurricane and storm dam-
12 age risk reduction, Town of Longboat Key, Florida.

13 (16) LAKE RUNNYMEDE, FLORIDA.—Project for
14 ecosystem restoration, Lake Runnymede, Florida.

15 (17) TAMPA BACK BAY, FLORIDA.—Project for
16 flood risk management and hurricane and storm
17 damage risk reduction, including the use of natural
18 features and nature-based features for protection
19 and recreation, Tampa Back Bay, Florida.

20 (18) PORT TAMPA BAY AND MCKAY BAY, FLOR-
21 IDA.—Project for hurricane and storm damage risk
22 reduction, Port Tampa Bay, Florida, including
23 McKay Bay.

1 (19) LAKE TOHOPEKALIGA, FLORIDA.—Project
2 for ecosystem restoration and flood risk manage-
3 ment, Lake Tohopekaliga, Florida.

4 (20) CITY OF ALBANY, GEORGIA.—Project for
5 flood risk management, City of Albany, Georgia.

6 (21) CITY OF EAST POINT, GEORGIA.—Project
7 for flood risk management, City of East Point,
8 Georgia.

9 (22) CUMBERLAND ISLAND AND SEA ISLAND,
10 GEORGIA.—Project for ecosystem restoration and
11 coastal storm risk management, Cumberland Island
12 and Sea Island, Georgia.

13 (23) FLINT RIVER BASIN HEADWATERS, CLAY-
14 TON COUNTY, GEORGIA.—Project for flood risk man-
15 agement and ecosystem restoration, Flint River
16 Basin Headwaters, Clayton County, Georgia.

17 (24) COUNTY OF HAWAI‘I, HAWAII.—Project for
18 flood and coastal storm risk management, County of
19 Hawai‘i, Hawaii.

20 (25) MAUI, HAWAII.—Project for coastal storm
21 risk management, County of Maui, Hawaii.

22 (26) WAIKĪKĪ, HAWAII.—Project for ecosystem
23 restoration and hurricane and storm damage risk re-
24 duction, Waikīkī, Hawaii.

1 (27) WAILUPE STREAM WATERSHED, HAWAII.—
2 Project for flood risk management, Wailupe Stream
3 watershed, Hawaii.

4 (28) COLUMBUS, KENTUCKY.—Project for flood
5 risk management, including riverbank stabilization,
6 Columbus, Kentucky.

7 (29) CUMBERLAND RIVER, KENTUCKY.—Project
8 for navigation, Cumberland River, Kentucky.

9 (30) JENKINS, KENTUCKY.—Project for flood
10 risk management and water supply, Jenkins, Ken-
11 tucky.

12 (31) KENTUCKY RIVER, KENTUCKY.—Project
13 for flood risk management on the Kentucky River
14 and its tributaries and watersheds in Breathitt,
15 Clay, Estill, Harlan, Lee, Leslie, Letcher, Owsley,
16 Perry, and Wolfe Counties, Kentucky.

17 (32) NEWPORT, KENTUCKY.—Project for eco-
18 system restoration, flood risk management, and
19 recreation, Newport, Kentucky.

20 (33) ELLICOTT CITY AND HOWARD COUNTY,
21 MARYLAND.—Project for flood risk management,
22 Ellicott City and Howard County, Maryland.

23 (34) ASSAWOMPSET POND COMPLEX, MASSA-
24 CHUSETTS.—Project for ecosystem restoration, flood

1 risk management, and water supply, Assawompset
2 Pond Complex, Massachusetts.

3 (35) CHARLES RIVER, MASSACHUSETTS.—
4 Project for flood risk management and ecosystem
5 restoration, Charles River, Massachusetts.

6 (36) CHELSEA CREEK AND MILL CREEK, MAS-
7 SACHUSETTS.—Project for flood risk management
8 and ecosystem restoration, including bank stabiliza-
9 tion, City of Chelsea, Massachusetts.

10 (37) CONNECTICUT RIVER STREAMBANK ERO-
11 SION, MASSACHUSETTS, VERMONT, AND NEW HAMP-
12 SHIRE.—Project for streambank erosion, Con-
13 necticut River, Massachusetts, Vermont, and New
14 Hampshire.

15 (38) DEERFIELD RIVER, MASSACHUSETTS.—
16 Project for flood risk management and ecosystem
17 restoration, Deerfield River, Massachusetts.

18 (39) TOWN OF NORTH ATTLEBOROUGH, MASSA-
19 CHUSETTS.—Project for ecosystem restoration and
20 flood risk management, Ten Mile River, North
21 Attleborough, Massachusetts.

22 (40) TOWN OF HULL, MASSACHUSETTS.—
23 Project for flood risk management and hurricane
24 and storm damage risk reduction, Hull, Massachu-
25 setts.

1 (41) CITY OF REVERE, MASSACHUSETTS.—
2 Project for flood risk management and marsh eco-
3 system restoration, City of Revere, Massachusetts.

4 (42) LOWER EAST SIDE, DETROIT, MICHIGAN.—
5 Project for flood risk management, Lower East Side,
6 Detroit, Michigan.

7 (43) ELIJAH ROOT DAM, MICHIGAN.—Project
8 for dam removal, by carrying out a disposition study
9 under section 216 of the Flood Control Act of 1970
10 (33 U.S.C. 549a), Elijah Root Dam, Michigan.

11 (44) GROSSE POINTE SHORES AND GROSSE
12 POINTE FARMS, MICHIGAN.—Project for ecosystem
13 restoration and flood risk management, Grosse
14 Pointe Shores and Grosse Pointe Farms, Michigan.

15 (45) SOUTHEAST MICHIGAN, MICHIGAN.—
16 Project for flood risk management, Southeast Michi-
17 gan.

18 (46) TITTABAWASSEE RIVER, CHIPPEWA RIVER,
19 PINE RIVER, AND TOBACCO RIVER, MICHIGAN.—
20 Project for flood risk management and ecosystem
21 restoration, Tittabawassee River, Chippewa River,
22 Pine River, and Tobacco River, Michigan.

23 (47) SOUTHWEST MISSISSIPPI, MISSISSIPPI.—
24 Project for ecosystem restoration and flood risk
25 management, Wilkinson, Adams, Warren, Claiborne,

1 Franklin, Amite, and Jefferson Counties, Mis-
2 sissippi.

3 (48) BELLEVUE, NEBRASKA.—Project for flood
4 risk management, Bellevue, Nebraska, including the
5 placement of a pump station near Offutt Ditch.

6 (49) PAPILLION CREEK, NEBRASKA.—Project
7 for flood risk management, including levee improve-
8 ment, Papillion Creek, Nebraska.

9 (50) SARPY COUNTY, NEBRASKA.—Project for
10 flood risk management, Sarpy County, Nebraska.

11 (51) CAMDEN AND GLOUCESTER COUNTY, NEW
12 JERSEY.—Project for tidal and riverine flood risk
13 management, Camden and Gloucester Counties, New
14 Jersey.

15 (52) EDGEWATER, NEW JERSEY.—Project for
16 flood risk management, Edgewater, New Jersey.

17 (53) MAURICE RIVER, NEW JERSEY.—Project
18 for navigation and for beneficial use of dredged ma-
19 terials for hurricane and storm damage risk reduc-
20 tion and ecosystem restoration, Maurice River, New
21 Jersey.

22 (54) NORTHERN NEW JERSEY INLAND FLOOD-
23 ING, NEW JERSEY.—Project for inland flood risk
24 management in Hudson, Essex, Union, Bergen,

1 Hunterdon, Morris, Somerset, Warren, Passaic, and
2 Sussex Counties, New Jersey.

3 (55) RISER DITCH, NEW JERSEY.—Project for
4 flood risk management, including channel improve-
5 ments, and other related water resource needs re-
6 lated to Riser Ditch in the communities of South
7 Hackensack, Hasbrouck Heights, Little Ferry,
8 Teterboro, and Moonachie, New Jersey.

9 (56) ROCKAWAY RIVER, NEW JERSEY.—Project
10 for flood risk management and ecosystem restora-
11 tion, including bank stabilization, Rockaway River,
12 New Jersey.

13 (57) TENAKILL BROOK, NEW JERSEY.—Project
14 for flood risk management, Tenakill Brook, New
15 Jersey.

16 (58) VERONA, CEDAR GROVE, AND WEST
17 CALDWELL, NEW JERSEY.—Project for flood risk
18 management along the Peckman River Basin in the
19 townships of Verona (and surrounding area), Cedar
20 Grove, and West Caldwell, New Jersey.

21 (59) WHIPPANY RIVER WATERSHED, NEW JER-
22 SEY.—Project for flood risk management, Morris
23 County, New Jersey.

1 (60) LAKE FARMINGTON DAM, NEW MEXICO.—
2 Project for water supply, Lake Farmington Dam,
3 New Mexico.

4 (61) MCCLURE DAM, NEW MEXICO.—Project for
5 dam safety improvements and flood risk manage-
6 ment, McClure Dam, City of Santa Fe, New Mexico.

7 (62) BLIND BROOK, NEW YORK.—Project for
8 flood risk management, coastal storm risk manage-
9 ment, navigation, ecosystem restoration, and water
10 supply, Blind Brook, New York.

11 (63) BROOKLYN NAVY YARD, NEW YORK.—
12 Project for flood risk management and hurricane
13 and storm damage risk reduction, Brooklyn Navy
14 Yard, New York.

15 (64) CONNETQUOT RIVER AND GREEN CREEK,
16 NEW YORK.—Project for navigation, Connetquot
17 River and Green Creek, Suffolk County, New York.

18 (65) HUTCHINSON RIVER, NEW YORK.—Project
19 for flood risk management and ecosystem restora-
20 tion, Hutchinson River, New York.

21 (66) MOHAWK RIVER BASIN, NEW YORK.—
22 Project for flood risk management, navigation, and
23 environmental restoration, Mohawk River Basin,
24 New York.

1 (67) NEWTOWN CREEK, NEW YORK.—Project
2 for ecosystem restoration, Newtown Creek, New
3 York.

4 (68) JOHN J. BURNS PARK, OYSTER BAY, NEW
5 YORK.—Project for flood risk management and hur-
6 ricane and storm risk reduction, Oyster Bay, New
7 York, in the vicinity of John J. Burns Park,
8 Massapequa, New York, including the replacement
9 and reconstruction of the existing bulkhead system.

10 (69) JOSEPH J. SALADINO MEMORIAL MARINA,
11 OYSTER BAY, NEW YORK.—Project for flood risk
12 management and hurricane and storm risk reduc-
13 tion, Oyster Bay, New York, in the vicinity of the
14 Joseph J. Saladino Memorial Marina, Massapequa,
15 New York, including the replacement and recon-
16 struction of the existing bulkhead system.

17 (70) SAW MILL RIVER, NEW YORK.—Project for
18 flood risk management and ecosystem restoration to
19 address areas in the City of Yonkers and the Village
20 of Hastings-on-Hudson within the 100-year flood
21 zone, Saw Mill River, New York.

22 (71) SOUTH SHORE OF LONG ISLAND, NEW
23 YORK.—Project for flood and coastal storm risk
24 management, navigation, and ecosystem restoration,
25 South Shore of Long Island, New York.

1 (72) UPPER EAST RIVER AND FLUSHING BAY,
2 NEW YORK.—Project for ecosystem restoration,
3 Upper East River and Flushing Bay, New York.

4 (73) CAPE FEAR RIVER BASIN, NORTH CARO-
5 LINA.—Project for flood and coastal storm risk man-
6 agement, Cape Fear River Basin, North Carolina.

7 (74) OREGON INLET, NORTH CAROLINA.—
8 Project for navigation, Oregon Inlet, North Carolina.

9 (75) MINERAL RIDGE DAM, OHIO.—Project for
10 dam safety improvements and rehabilitation, Mineral
11 Ridge Dam, Ohio.

12 (76) MILL CREEK LEVEE AND WALLA WALLA
13 RIVER, OREGON.—Project for ecosystem restoration,
14 Mill Creek Levee and Walla Walla River, Oregon.

15 (77) BRODHEAD CREEK WATERSHED, PENN-
16 SYLVANIA.—Project for ecosystem restoration and
17 flood risk management, Brodhead Creek Watershed,
18 Pennsylvania.

19 (78) CHARTIERS CREEK WATERSHED, PENN-
20 SYLVANIA.—Project for flood risk management,
21 Chartiers Creek Watershed, Pennsylvania.

22 (79) COPLAY CREEK, PENNSYLVANIA.—Project
23 for flood risk management, Coplay Creek, Pennsyl-
24 vania.

1 (80) BERKELEY COUNTY, SOUTH CAROLINA.—
2 Project for ecosystem restoration and flood risk
3 management, Berkeley County, South Carolina.

4 (81) BIG SIOUX RIVER, SOUTH DAKOTA.—
5 Project for flood risk management, City of Water-
6 town and vicinity, South Dakota.

7 (82) EL PASO COUNTY, TEXAS.—Project for
8 flood risk management for economically disadvan-
9 taged communities, as defined by the Secretary
10 under section 160 of the Water Resources Develop-
11 ment Act of 2020 (33 U.S.C. 2201 note), along the
12 United States-Mexico border, El Paso County,
13 Texas.

14 (83) GULF INTRACOASTAL WATERWAY-CHAN-
15 NEL TO PALACIOS, TEXAS.—Project for navigation,
16 Gulf Intracoastal Waterway-Channel to Palacios,
17 Texas.

18 (84) HIDALGO AND CAMERON COUNTIES,
19 TEXAS.—Project for flood risk management and eco-
20 system restoration, the Resacas, Hidalgo and Cam-
21 eron Counties, Texas.

22 (85) SIKES LAKE, TEXAS.—Project for eco-
23 system restoration and flood risk management, Sikes
24 Lake, Texas.

1 (86) SOUTHWEST BORDER REGION, TEXAS.—
2 Project for flood risk management for economically
3 disadvantaged communities, as defined by the Sec-
4 retary under section 160 of the Water Resources
5 Development Act of 2020 (33 U.S.C. 2201 note),
6 along the United States-Mexico border in Webb, Za-
7 pata, and Starr Counties, Texas.

8 (87) LOWER CLEAR CREEK AND DICKINSON
9 BAYOU, TEXAS.—Project for flood risk management,
10 Lower Clear Creek and Dickinson Bayou, Texas.

11 (88) GREAT SALT LAKE, UTAH.—Project for
12 ecosystem restoration and water supply, Great Salt
13 Lake, Utah.

14 (89) CEDAR ISLAND, VIRGINIA.—Project for
15 ecosystem restoration, hurricane and storm damage
16 risk reduction, and navigation, Cedar Island, Vir-
17 ginia.

18 (90) BALLINGER CREEK, WASHINGTON.—
19 Project for ecosystem restoration, City of Shoreline,
20 Washington.

21 (91) CITY OF NORTH BEND, WASHINGTON.—
22 Project for water supply, City of North Bend, Wash-
23 ington.

1 (92) TANEUM CREEK, WASHINGTON.—Project
2 for ecosystem restoration, Taneum Creek, Wash-
3 ington.

4 (93) CITY OF HUNTINGTON, WEST VIRGINIA.—
5 Project for flood risk management, Huntington,
6 West Virginia.

7 (94) FOX-WOLF BASIN, WISCONSIN.—Project
8 for flood risk management and water supply, Fox-
9 Wolf Basin, Wisconsin.

10 (b) PROJECT MODIFICATIONS.—The Secretary is au-
11 thorized to conduct a feasibility study for the following
12 project modifications:

13 (1) CRAIGHEAD, POINSETT, AND CROSS COUN-
14 TIES, ARKANSAS.—Modifications to the project for
15 flood protection and major drainage improvement in
16 the Saint Francis River Basin, Missouri and Arkan-
17 sas, authorized by section 204 of the Flood Control
18 Act of 1950 (64 Stat. 172), to provide flood risk
19 management for the tributaries and drainage of
20 Straight Slough, Craighead, Poinsett, and Cross
21 Counties, Arkansas.

22 (2) SHINGLE CREEK AND KISSIMMEE RIVER,
23 FLORIDA.—Modifications to the project for eco-
24 system restoration and water storage, Shingle Creek
25 and Kissimmee River, Florida, authorized by section

1 201(a)(5) of the Water Resources Development Act
2 of 2020 (134 Stat. 2670), for flood risk manage-
3 ment.

4 (3) JACKSONVILLE HARBOR, FLORIDA.—Modi-
5 fications to the project for navigation, Jacksonville
6 Harbor, Florida, authorized by section 7002 of the
7 Water Resources Reform and Development Act of
8 2014 (128 Stat. 1364), for outer channel improve-
9 ments.

10 (4) SAVANNAH HARBOR, GEORGIA.—Modifica-
11 tions to the project for navigation, Savannah Harbor
12 Expansion Project, Georgia, authorized by section
13 7002(1) of the Water Resources Reform and Devel-
14 opment Act of 2014 (128 Stat. 1364; 132 Stat.
15 3839), without evaluation of additional deepening.

16 (5) HONOLULU HARBOR, HAWAII.—Modifica-
17 tions to the project for navigation, Honolulu Harbor,
18 Hawaii, for navigation improvements and coastal
19 storm risk management, authorized by the first sec-
20 tion of the Act of March 3, 1905 (chapter 1482, 33
21 Stat. 1146).

22 (6) CEDAR RIVER, CEDAR RAPIDS, IOWA.—
23 Modifications to the project for flood risk manage-
24 ment, Cedar River, Cedar Rapids, Iowa, authorized
25 by section 7002(2) of the Water Resources Reform

1 and Development Act of 2014 (128 Stat. 1366),
2 consistent with the City of Cedar Rapids, Iowa,
3 Cedar River Flood Control System Master Plan.

4 (7) SOUTH HAVEN HARBOR, MICHIGAN.—Modi-
5 fications to the project for navigation, South Haven
6 Harbor, Michigan, for turning basin improvements,
7 authorized by the first section of the Act of August
8 11, 1888 (chapter 860, 25 Stat. 406).

9 (8) SALEM RIVER, SALEM COUNTY, NEW JER-
10 SEY.—Modifications to the project for navigation,
11 Salem River, Salem County, New Jersey, authorized
12 by section 1 of the Act of March 2, 1907 (chapter
13 2509, 34 Stat. 1080), to increase the authorized
14 depth.

15 (9) PORT OF OGDENSBURG, NEW YORK.—Modi-
16 fications to the project for navigation, Port of
17 Ogdensburg, New York, including deepening, au-
18 thorized by the first section of the Act of June 25,
19 1910 (chapter 382, 36 Stat. 635).

20 (10) ROLLINSON CHANNEL AND HATTERAS
21 INLET TO HATTERAS, NORTH CAROLINA.—Modifica-
22 tions to the project for navigation, Rollinson Chan-
23 nel and channel from Hatteras Inlet to Hatteras,
24 North Carolina, authorized by section 101 of the

1 River and Harbor Act of 1962 (76 Stat. 1174), to
2 incorporate the ocean bar.

3 (11) HIRAM M. CHITTENDEN LOCKS, LAKE
4 WASHINGTON SHIP CANAL, WASHINGTON.—Modifica-
5 tions to the Hiram M. Chittenden Locks (also
6 known as Ballard Locks), Lake Washington Ship
7 Canal, Washington, authorized by the Act of June
8 25, 1910 (chapter 382, 36 Stat. 666), for the con-
9 struction of fish ladder improvements, including ef-
10 forts to address elevated temperature and low dis-
11 solved oxygen levels in the Canal.

12 (12) HUNTINGTON, WEST VIRGINIA.—Modifica-
13 tions to the Huntington Local Protection Project,
14 Huntington, West Virginia.

15 (c) SPECIAL RULES.—

16 (1) WAILUPE STREAM WATERSHED, HAWAII.—
17 The study authorized by subsection (a)(27) shall be
18 considered a resumption and a continuation of the
19 general reevaluation initiated on December 30,
20 2003, pursuant to section 209 of the Flood Control
21 Act (76 Stat. 1197).

22 (2) BELLEVUE AND PAPILLION CREEK, NE-
23 BRASKA.—The studies authorized by paragraphs
24 (48) and (49) of subsection (a) shall be considered
25 a continuation of the study that resulted in the

1 Chief's Report for the project for Papillion Creek
2 and Tributaries Lakes, Nebraska, signed January
3 24, 2022.

4 (3) SOUTH SHORE OF LONG ISLAND, NEW
5 YORK.—In carrying out the study authorized by sub-
6 section (a)(71), the Secretary shall study the South
7 Shore of Long Island, New York, as a whole system,
8 including inlets that are Federal channels.

9 (4) PROJECT MODIFICATIONS.—Each study au-
10 thorized by subsection (b) shall be considered a new
11 phase investigation and afforded the same treatment
12 as a general reevaluation.

13 **SEC. 8202. EXPEDITED COMPLETION.**

14 (a) FEASIBILITY STUDIES.—The Secretary shall ex-
15 pedite the completion of a feasibility study for each of the
16 following projects, and if the Secretary determines that
17 the project is justified in a completed report, may proceed
18 directly to preconstruction planning, engineering, and de-
19 sign of the project:

20 (1) Modifications to the project for navigation,
21 Auke Bay, Alaska.

22 (2) Project for flood risk management, Cave
23 Buttes Dam, Arizona.

24 (3) Project for navigation, Branford Harbor
25 and Stony Creek Channel, Connecticut.

1 (4) Project for flood risk management, East
2 Hartford Levee System, Connecticut.

3 (5) Project for navigation, Guilford Harbor and
4 Sluice Channel, Connecticut.

5 (6) Project for ecosystem restoration, Lake
6 Okeechobee, Florida.

7 (7) Project for ecosystem restoration, Western
8 Everglades, Florida.

9 (8) Modifications to the project for navigation,
10 Hilo Harbor, Hawaii.

11 (9) Project for ecosystem restoration, Fox
12 River, Illinois, included in the comprehensive plan
13 under section 519 of the Water Resources Develop-
14 ment Act of 2000 (114 Stat. 2653).

15 (10) Project for ecosystem restoration, recre-
16 ation, and other purposes, Illinois River, Chicago
17 River, Calumet River, Grand Calumet River, Little
18 Calumet River, and other waterways in the vicinity
19 of Chicago, Illinois, authorized by section 201(a)(7)
20 of the Water Resources Development Act of 2020
21 (134 Stat. 2670).

22 (11) Project for hurricane and storm damage
23 risk reduction, Chicago Shoreline, Illinois, author-
24 ized by section 101(a)(12) of the Water Resources

1 Development Act of 1996 (110 Stat. 3664; 128
2 Stat. 1372).

3 (12) Project for coastal storm risk manage-
4 ment, St. Tammany Parish, Louisiana.

5 (13) Modifications to the project for navigation,
6 Baltimore Harbor and Channels–Seagirt Loop Deep-
7 ening, Maryland, including to a depth of 50 feet.

8 (14) Project for flood and coastal storm risk
9 management and ecosystem restoration, Boston
10 North Shore, Revere, Saugus, Lynn, Malden, and
11 Everett, Massachusetts.

12 (15) Project for flood and coastal storm risk
13 management, Chelsea, Massachusetts, authorized by
14 a study resolution of the Committee on Public
15 Works of the Senate dated September 12, 1969.

16 (16) Project for ecosystem restoration, Herring
17 River Estuary, Barnstable County, Massachusetts,
18 authorized by a resolution of the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives, approved July 23, 1997.

21 (17) Modifications to the project for flood risk
22 management, North Adams, Massachusetts, author-
23 ized by section 5 of the Act of June 22, 1936 (chap-
24 ter 688, 49 Stat. 1572; 55 Stat. 639), for flood risk
25 management and ecosystem restoration.

1 (18) Project for coastal storm risk manage-
2 ment, ecosystem restoration, and navigation, Nauset
3 Barrier Beach and inlet system, Chatham, Massa-
4 chusetts, authorized by a study resolution of the
5 Committee on Public Works of the Senate dated
6 September 12, 1969.

7 (19) Project for flood risk management, DeSoto
8 County, Mississippi.

9 (20) Project for flood risk management, Rah-
10 way, New Jersey, authorized by section 336 of the
11 Water Resources Development Act of 2020 (134
12 Stat. 2712).

13 (21) Project for coastal storm risk manage-
14 ment, Raritan Bay and Sandy Hook Bay, New Jer-
15 sey.

16 (22) Project for coastal storm risk manage-
17 ment, Sea Bright to Manasquan, New Jersey.

18 (23) Project for flood risk management, Rio
19 Grande de Loiza, Puerto Rico.

20 (24) Project for flood risk management, Rio
21 Nigua, Salinas, Puerto Rico.

22 (25) Project for flood risk management,
23 Kanawha River Basin, West Virginia, Virginia, and
24 North Carolina.

1 (b) POST-AUTHORIZATION CHANGE REPORTS.—The
2 Secretary shall expedite completion of a post-authorization
3 change report for the following projects:

4 (1) Project for ecosystem restoration, Tres
5 Rios, Arizona, authorized by section 101(b)(4) of the
6 Water Resources Development Act of 2000 (114
7 Stat. 2577).

8 (2) Project for coastal storm risk management,
9 Surf City and North Topsail Beach, North Carolina,
10 authorized by section 7002(3) of the Water Re-
11 sources Reform and Development Act of 2014 (128
12 Stat. 1367).

13 (c) WATERSHED AND RIVER BASIN ASSESSMENTS.—

14 (1) GREAT LAKES COASTAL RESILIENCY
15 STUDY.—The Secretary shall expedite the comple-
16 tion of the comprehensive assessment of water re-
17 sources needs for the Great Lakes System under
18 section 729 of the Water Resources Development
19 Act of 1986 (33 U.S.C. 2267a), as required by sec-
20 tion 1219 of the Water Resources Development Act
21 of 2018 (132 Stat. 3811; 134 Stat. 2683).

22 (2) COUNTY OF HAWAII, HAWAII.—The Sec-
23 retary shall expedite the completion of a watershed
24 assessment for the County of Hawaii, Hawaii,

1 under section 729 of the Water Resources Develop-
2 ment Act of 1986 (33 U.S.C. 2267a).

3 (d) MAINTENANCE OF NAVIGATION CHANNELS.—

4 The Secretary shall expedite the completion of a deter-
5 mination of the feasibility of improvements proposed by
6 the non-Federal interest under section 204(f)(1)(A)(i) of
7 the Water Resources Development Act of 1986 (33 U.S.C.
8 2232(f)(1)(A)(i)), for the deepening and widening of the
9 navigation project for Coos Bay, Oregon, authorized by
10 the Act of March 3, 1879 (chapter 181, 20 Stat. 370).

11 **SEC. 8203. EXPEDITED MODIFICATIONS OF EXISTING FEASI-**
12 **BILITY STUDIES.**

13 The Secretary shall expedite the completion of the
14 following feasibility studies, as modified by this section,
15 and if the Secretary determines that a project that is the
16 subject of the feasibility study is justified in the completed
17 report, may proceed directly to preconstruction planning,
18 engineering, and design of the project:

19 (1) MARE ISLAND STRAIT, CALIFORNIA.—The
20 study for navigation, Mare Island Strait channel, au-
21 thorized by section 406 of the Water Resources De-
22 velopment Act of 1999 (113 Stat. 323), is modified
23 to authorize the Secretary to consider the economic
24 and national security benefits from recent proposals

1 for utilization of the channel for Department of De-
2 fense shipbuilding and vessel repair.

3 (2) LAKE PONTCHARTRAIN AND VICINITY, LOU-
4 ISIANA.—The study for flood risk management and
5 hurricane and storm damage risk reduction, Lake
6 Pontchartrain and Vicinity, Louisiana, authorized by
7 section 204 of the Flood Control Act of 1965 (79
8 Stat. 1077), is modified to authorize the Secretary
9 to investigate increasing the scope of the project to
10 provide protection against a 200-year storm event.

11 (3) BLACKSTONE RIVER VALLEY, RHODE IS-
12 LAND AND MASSACHUSETTS.—

13 (A) IN GENERAL.—The study for eco-
14 system restoration, Blackstone River Valley,
15 Rhode Island and Massachusetts, authorized by
16 section 569 of the Water Resources Develop-
17 ment Act of 1996 (110 Stat. 3788), is modified
18 to authorize the Secretary to conduct a study
19 for water supply, water flow, and wetland res-
20 toration and protection within the scope of the
21 study.

22 (B) INCORPORATION OF EXISTING DATA.—
23 In carrying out the study described in subpara-
24 graph (A), the Secretary shall use, to the extent
25 practicable, any existing data for the project

1 prepared under the authority of section 206 of
2 the Water Resources Development Act of 1996
3 (33 U.S.C. 2330).

4 (4) LOWER SADDLE RIVER, NEW JERSEY.—The
5 study for flood control, Lower Saddle River, New
6 Jersey, authorized by section 401(a) of the Water
7 Resources Development Act of 1986 (100 Stat.
8 4119), is modified to authorize the Secretary to re-
9 view the previously authorized study and take into
10 consideration changes in hydraulic and hydrologic
11 circumstances and local economic development since
12 the study was initially authorized.

13 (5) TRINITY RIVER AND TRIBUTARIES,
14 TEXAS.—The study for navigation, Liberty, Texas,
15 authorized by section 1201(7) of the Water Re-
16 sources Development Act of 2018 (132 Stat. 3802),
17 is modified to authorize the Secretary to include in
18 the study flood risk management and ecosystem res-
19 toration.

20 **SEC. 8204. CORPS OF ENGINEERS RESERVOIR SEDIMENTA-**
21 **TION ASSESSMENT.**

22 (a) IN GENERAL.—The Secretary, at Federal ex-
23 pense, shall conduct an assessment of sediment in res-
24 ervoirs owned and operated by the Secretary.

1 (b) CONTENTS.—For each reservoir for which the
2 Secretary carries out an assessment under subsection (a),
3 the Secretary shall include in the assessment—

4 (1) an estimation of the volume of sediment in
5 the reservoir;

6 (2) an evaluation of the effects of such sedi-
7 ment on reservoir storage capacity, including a
8 quantification of lost reservoir storage capacity due
9 to the sediment and an evaluation of how such lost
10 reservoir storage capacity affects the allocated stor-
11 age space for authorized purposes within the res-
12 ervoir (including, where applicable, allocations for
13 dead storage, inactive storage, active conservation,
14 joint use, and flood surcharge);

15 (3) the identification of any additional effects of
16 sediment on the operations of the reservoir or the
17 ability of the reservoir to meet its authorized pur-
18 poses;

19 (4) the identification of any potential effects of
20 the sediment over the 10-year period beginning on
21 the date of enactment of this Act on the areas im-
22 mediately upstream and downstream of the res-
23 ervoir;

1 (5) the identification of any existing sediment
2 monitoring and management plans associated with
3 the reservoir;

4 (6) for any reservoir that does not have a sedi-
5 ment monitoring and management plan—

6 (A) an identification of whether a sediment
7 management plan for the reservoir is under de-
8 velopment; or

9 (B) an assessment of whether a sediment
10 management plan for the reservoir would be
11 useful in the long-term operation and mainte-
12 nance of the reservoir for its authorized pur-
13 poses; and

14 (7) any opportunities for beneficial use of the
15 sediment in the vicinity of the reservoir.

16 (c) REPORT TO CONGRESS; PUBLIC AVAILABILITY.—

17 Not later than 2 years after the date of enactment of this
18 Act, the Secretary shall submit to the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Environment and Pub-
21 lic Works of the Senate, and make publicly available (in-
22 cluding on a publicly available website), a report describ-
23 ing the results of the assessment carried out under sub-
24 section (a).

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$10,000,000, to remain available until expended.

4 **SEC. 8205. REPORT AND RECOMMENDATIONS ON DREDGE**
5 **CAPACITY.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary shall submit
8 to the Committee on Transportation and Infrastructure
9 of the House of Representatives and the Committee on
10 Environment and Public Works of the Senate, and make
11 publicly available (including on a publicly available
12 website), a report that includes—

13 (1) a quantification of the expected hopper and
14 pipeline dredging needs of authorized water re-
15 sources development projects for the 10 years after
16 the date of enactment of this Act, including—

17 (A) the dredging needs to—

18 (i) construct deepenings or widenings
19 at authorized but not constructed projects
20 and the associated operations and mainte-
21 nance needs of such projects; and

22 (ii) operate and maintain existing
23 Federal navigation channels;

1 (B) the amount of dredging to be carried
2 out by the Corps of Engineers for other Federal
3 agencies;

4 (C) the dredging needs associated with au-
5 thorized hurricane and storm damage risk re-
6 duction projects (including periodic renourish-
7 ment); and

8 (D) the dredging needs associated with
9 projects for the beneficial use of dredged mate-
10 rial authorized by section 1122 of the Water
11 Resources Development Act of 2016 (33 U.S.C.
12 2326 note);

13 (2) an identification of the Federal appropria-
14 tions for dredging projects and expenditures from
15 the Harbor Maintenance Trust Fund for fiscal year
16 2015 and each fiscal year thereafter;

17 (3) an identification of the dredging capacity of
18 the domestic hopper and pipeline dredge fleet, in-
19 cluding publicly owned and privately owned vessels,
20 in each of the 10 years preceding the date of enact-
21 ment of this Act;

22 (4) an analysis of the ability of the domestic
23 hopper and pipeline dredge fleet to meet the ex-
24 pected dredging needs identified under paragraph

1 (1), including an analysis of such ability in each
2 of—

3 (A) the east coast region;

4 (B) the west coast region, including the
5 States of Alaska and Hawaii;

6 (C) the gulf coast region; and

7 (D) the Great Lakes region;

8 (5) an identification of the dredging capacity of
9 domestic hopper and pipeline dredge vessels that are
10 under contract for construction and intended to be
11 used at water resources development projects;

12 (6) an identification of any hopper or pipeline
13 dredge vessel expected to be retired or become un-
14 available during the 10-year period beginning on the
15 date of enactment of this section;

16 (7) an identification of the potential costs of
17 using either public or private dredging to carry out
18 authorized water resources development projects;
19 and

20 (8) any recommendations of the Secretary for
21 adding additional domestic hopper and pipeline
22 dredging capacity, including adding public and pri-
23 vate dredging vessels to the domestic hopper and
24 pipeline dredge fleet to efficiently service water re-
25 sources development projects.

1 (b) OPPORTUNITY FOR PARTICIPATION.—In carrying
2 out subsection (a), the Secretary shall provide interested
3 stakeholders, including representatives from the commer-
4 cial dredging industry, with an opportunity to submit com-
5 ments to the Secretary.

6 (c) SENSE OF CONGRESS.—It is the sense of Con-
7 gress that the Corps of Engineers should add additional
8 dredging capacity if the addition of such capacity would—

9 (1) enable the Corps of Engineers to carry out
10 water resources development projects in an efficient
11 and cost-effective manner; and

12 (2) be in the best interests of the United
13 States.

14 **SEC. 8206. ASSESSMENT OF IMPACTS FROM CHANGING OP-**
15 **ERATION AND MAINTENANCE RESPONSIBIL-**
16 **ITIES.**

17 (a) IN GENERAL.—The Secretary shall carry out an
18 assessment of the consequences of amending section
19 101(b) of the Water Resources Development Act of 1986
20 (33 U.S.C. 2211(b)) to authorize the operation and main-
21 tenance of navigation projects for a harbor or inland har-
22 bor constructed by the Secretary at 100-percent Federal
23 cost to a depth of 55 feet.

24 (b) CONTENTS.—In carrying out the assessment
25 under subsection (a), the Secretary shall—

1 (1) describe all existing Federal navigation
2 projects that are authorized or constructed to a
3 depth of 55 feet or greater;

4 (2) describe any Federal navigation project that
5 is likely to seek authorization or modification to a
6 depth of 55 feet or greater during the 10-year period
7 beginning on the date of enactment of this section;

8 (3) estimate—

9 (A) the potential annual increase in Fed-
10 eral costs that would result from authorizing
11 operation and maintenance of a navigation
12 project to a depth of 55 feet at Federal ex-
13 pense; and

14 (B) the potential cumulative increase in
15 such Federal costs during the 10-year period
16 beginning on the date of enactment of this sec-
17 tion; and

18 (4) assess the potential effect of authorizing op-
19 eration and maintenance of a navigation project to
20 a depth of 55 feet at Federal expense on other Fed-
21 eral navigation operation and maintenance activities,
22 including the potential impact on activities at donor
23 ports, energy transfer ports, emerging harbor
24 projects, and projects carried out in the Great Lakes
25 Navigation System, as such terms are defined in sec-

1 tion 102(a)(2) of the Water Resources Development
2 Act of 2020 (33 U.S.C. 2238 note).

3 (c) REPORT.—Not later than 18 months after the
4 date of enactment of this section, the Secretary shall sub-
5 mit to the Committee on Transportation and Infrastruc-
6 ture of the House of Representatives and the Committee
7 on Environment and Public Works of the Senate, and
8 make publicly available (including on a publicly available
9 website), a report describing the results of the assessment
10 carried out under subsection (a).

11 **SEC. 8207. MAINTENANCE DREDGING DATA.**

12 Section 1133(b)(3) of the Water Resources Develop-
13 ment Act of 2016 (33 U.S.C. 2326f(b)(3)) is amended by
14 inserting “, including a separate line item for all Federal
15 costs associated with the disposal of dredged material” be-
16 fore the semicolon.

17 **SEC. 8208. WESTERN INFRASTRUCTURE STUDY.**

18 (a) COMPREHENSIVE STUDY.—The Secretary shall
19 conduct a comprehensive study to evaluate the effective-
20 ness of carrying out additional measures, including meas-
21 ures that use natural features or nature-based features,
22 at or upstream of covered reservoirs, for the purposes of—

23 (1) sustaining operations in response to chang-
24 ing hydrological and climatic conditions;

1 (2) mitigating the risk of drought or floods, in-
2 cluding the loss of storage capacity due to sediment
3 accumulation;

4 (3) increasing water supply; or

5 (4) aquatic ecosystem restoration.

6 (b) STUDY FOCUS.—In conducting the study under
7 subsection (a), the Secretary shall include all covered res-
8 ervoirs located in the South Pacific Division of the Corps
9 of Engineers.

10 (c) CONSULTATION AND USE OF EXISTING DATA.—

11 (1) CONSULTATION.—In conducting the study
12 under subsection (a), the Secretary shall consult
13 with applicable—

14 (A) Federal, State, and local agencies;

15 (B) Indian Tribes;

16 (C) non-Federal interests; and

17 (D) stakeholders, as determined appro-
18 priate by the Secretary.

19 (2) USE OF EXISTING DATA AND PRIOR STUD-
20 IES.—In conducting the study under subsection (a),
21 the Secretary shall, to the maximum extent prac-
22 ticable and where appropriate—

23 (A) use existing data provided to the Sec-
24 retary by entities described in paragraph (1);
25 and

1 (B) incorporate—

2 (i) relevant information from prior
3 studies and projects carried out by the
4 Secretary; and

5 (ii) the relevant technical data and
6 scientific approaches with respect to
7 changing hydrological and climatic condi-
8 tions.

9 (d) REPORT.—Not later than 3 years after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on Envi-
13 ronment and Public Works of the Senate a report that
14 describes—

15 (1) the results of the study; and

16 (2) any recommendations for additional study
17 in specific geographic areas.

18 (e) SAVINGS PROVISION.—Nothing in this section
19 provides authority to the Secretary to change the author-
20 ized purposes of any covered reservoir.

21 (f) DEFINITIONS.—In this section:

22 (1) COVERED RESERVOIR.—The term “covered
23 reservoir” means a reservoir owned and operated by
24 the Secretary or for which the Secretary has flood

1 control responsibilities under section 7 of the Act of
2 December 22, 1944 (33 U.S.C. 709).

3 (2) NATURAL FEATURE AND NATURE-BASED
4 FEATURE.—The terms “natural feature” and “na-
5 ture-based feature” have the meanings given such
6 terms in section 1184(a) of the Water Resources
7 Development Act of 2016 (33 U.S.C. 2289a(a)).

8 **SEC. 8209. RECREATION AND ECONOMIC DEVELOPMENT AT**
9 **CORPS FACILITIES IN APPALACHIA.**

10 (a) IN GENERAL.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary shall prepare
12 and submit to the Committee on Environment and Public
13 Works of the Senate and the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 a plan to implement the recreational and economic devel-
16 opment opportunities identified by the Secretary in the re-
17 port submitted under section 206 of the Water Resources
18 Development Act of 2020 (134 Stat. 2680) at Corps of
19 Engineers facilities located within a distressed county or
20 an at-risk county (as described in subsection (a)(1) of such
21 section) in Appalachia.

22 (b) CONSIDERATIONS.—In accordance with existing
23 guidance, in preparing the plan under subsection (a), the
24 Secretary shall consider options for Federal funding, part-
25 nerships, and outgrants to Federal, State, and local gov-

1 ernments, nonprofit organizations, and commercial busi-
2 nesses.

3 **SEC. 8210. OUACHITA RIVER WATERSHED, ARKANSAS AND**
4 **LOUISIANA.**

5 The Secretary shall conduct a review of projects in
6 the Ouachita River watershed, Arkansas and Louisiana,
7 under section 216 of the Flood Control Act of 1970 (33
8 U.S.C. 549a).

9 **SEC. 8211. REPORT ON SANTA BARBARA STREAMS, LOWER**
10 **MISSION CREEK, CALIFORNIA.**

11 Not later than 1 year after the date of enactment
12 of this section, the Secretary shall submit to the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives and the Committee on Environment
15 and Public Works of the Senate, and make publicly avail-
16 able (including on a publicly available website), a report
17 that provides an updated economic review of the remain-
18 ing portions of the project for flood damage reduction,
19 Santa Barbara streams, Lower Mission Creek, California,
20 authorized by section 101(b) of the Water Resources De-
21 velopment Act of 2000 (114 Stat. 2577), taking into con-
22 sideration work already completed by the non-Federal in-
23 terest.

1 **SEC. 8212. DISPOSITION STUDY ON SALINAS DAM AND RES-**
2 **ERVOIR, CALIFORNIA.**

3 In carrying out the disposition study for the project
4 for Salinas Dam (Santa Margarita Lake), California, pur-
5 suant to section 202(d) of the Water Resources Develop-
6 ment Act of 2020 (134 Stat. 2675), the Secretary shall—

7 (1) ensure that the County of San Luis Obispo
8 is provided right of first refusal for any potential
9 conveyance of the project; and

10 (2) ensure that the study identifies and de-
11 scribes any potential repairs or modifications to the
12 project necessary to meet Federal and State dam
13 safety requirements prior to transferring the project.

14 **SEC. 8213. EXCESS LANDS REPORT FOR WHITTIER NAR-**
15 **ROWS DAM, CALIFORNIA.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this section, the Secretary shall sub-
18 mit to the Committee on Transportation and Infrastruc-
19 ture of the House of Representatives and the Committee
20 on Environment and Public Works of the Senate a report
21 that identifies any real property associated with the Whit-
22 tier Narrows Dam element of the Los Angeles County
23 Drainage Area project that the Secretary determines—

24 (1) is not needed to carry out the authorized
25 purposes of the Whittier Narrows Dam element of
26 such project; and

1 (2) could be transferred to the City of Pico Ri-
2 vera, California, for the replacement of recreational
3 facilities located in such city that were adversely im-
4 pacted by dam safety construction activities associ-
5 ated with the Whittier Narrows Dam element of
6 such project.

7 (b) LOS ANGELES COUNTY DRAINAGE AREA
8 PROJECT DEFINED.—In this section, the term “Los An-
9 geles County Drainage Area project” means the project
10 for flood control, Los Angeles County Drainage Area,
11 California, authorized by section 101(b) of the Water Re-
12 sources Development Act of 1990 (104 Stat. 4611; 130
13 Stat. 1690).

14 **SEC. 8214. COMPREHENSIVE CENTRAL AND SOUTHERN**
15 **FLORIDA STUDY.**

16 (a) IN GENERAL.—The Secretary is authorized to
17 carry out a feasibility study for resiliency and comprehen-
18 sive improvements or modifications to existing water re-
19 sources development projects in the central and southern
20 Florida area, for the purposes of flood risk management,
21 water supply, ecosystem restoration (including preventing
22 saltwater intrusion), recreation, and related purposes.

23 (b) REQUIREMENTS.—In carrying out the feasibility
24 study under subsection (a), the Secretary—

25 (1) is authorized to—

1 (A) review the report of the Chief of Engi-
2 neers on central and southern Florida, pub-
3 lished as House Document 643, 80th Congress,
4 2d Session, and other related reports of the
5 Secretary; and

6 (B) recommend cost-effective structural
7 and nonstructural projects for implementation
8 that provide a systemwide approach for the pur-
9 poses described in subsection (a); and

10 (2) shall ensure the study and any projects rec-
11 ommended under paragraph (1)(B) will not interfere
12 with the efforts undertaken to carry out the Com-
13 prehensive Everglades Restoration Plan pursuant to
14 section 601 of the Water Resources Development
15 Act of 2000 (114 Stat. 2680; 132 Stat. 3786).

16 **SEC. 8215. NORTHERN ESTUARIES ECOSYSTEM RESTORA-**
17 **TION, FLORIDA.**

18 (a) DEFINITIONS.—In this section:

19 (1) CENTRAL AND SOUTHERN FLORIDA
20 PROJECT.—The term “Central and Southern Florida
21 Project” has the meaning given that term in section
22 601 of the Water Resources Development Act of
23 2000.

24 (2) NORTHERN ESTUARIES.—The term “north-
25 ern estuaries” means the Caloosahatchee Estuary,

1 Charlotte Harbor, Indian River Lagoon, Lake Worth
2 Lagoon, and St. Lucie River Estuary.

3 (3) SOUTH FLORIDA ECOSYSTEM.—

4 (A) IN GENERAL.—The term “South Flor-
5 ida ecosystem” means the area consisting of the
6 land and water within the boundary of the
7 South Florida Water Management District in
8 effect on July 1, 1999.

9 (B) INCLUSIONS.—The term “South Flor-
10 ida ecosystem” includes—

11 (i) the Everglades;

12 (ii) the Florida Keys;

13 (iii) the contiguous near-shore coastal
14 water of South Florida; and

15 (iv) Florida’s Coral Reef.

16 (4) STUDY AREA.—The term “study area”
17 means all lands and waters within—

18 (A) the northern estuaries;

19 (B) the South Florida ecosystem; and

20 (C) the study area boundaries of the In-
21 dian River Lagoon National Estuary Program
22 and the Coastal and Heartland Estuary Part-
23 nership, authorized pursuant to section 320 of
24 the Federal Water Pollution Control Act (33
25 U.S.C. 1330).

1 (b) PROPOSED COMPREHENSIVE PLAN.—

2 (1) DEVELOPMENT.—The Secretary shall de-
3 velop, in cooperation with the non-Federal sponsors
4 of the Central and Southern Florida project and any
5 relevant Federal, State, and Tribal agencies, a pro-
6 posed comprehensive plan for the purpose of restor-
7 ing, preserving, and protecting the northern estu-
8 aries.

9 (2) INCLUSIONS.—In carrying out paragraph
10 (1), the Secretary shall develop a proposed com-
11 prehensive plan that provides for ecosystem restora-
12 tion within the northern estuaries, including the
13 elimination of harmful discharges from Lake Okeeo-
14 chobee.

15 (3) SUBMISSION.—Not later than 3 years after
16 the date of enactment of this Act, the Secretary
17 shall submit to Congress for approval—

18 (A) the proposed comprehensive plan devel-
19 oped under this subsection; and

20 (B) recommendations for future feasibility
21 studies within the study area for the ecosystem
22 restoration of the northern estuaries.

23 (4) INTERIM REPORTS.—Not later than 1 year
24 after the date of enactment of this Act, and annually
25 thereafter until the submission of the proposed com-

1 preprehensive plan under paragraph (3), the Secretary
 2 shall submit to Congress an interim report on the
 3 development of the proposed comprehensive plan.

4 (5) **ADDITIONAL STUDIES AND ANALYSES.**—
 5 Notwithstanding the submission of the proposed
 6 comprehensive plan under paragraph (3), the Sec-
 7 retary shall continue to conduct such studies and
 8 analyses after the date of such submission as are
 9 necessary for the purpose of restoring, preserving,
 10 and protecting the northern estuaries.

11 (c) **LIMITATION.**—Nothing in this section shall be
 12 construed to require the alteration or amendment of the
 13 schedule for completion of the Comprehensive Everglades
 14 Restoration Plan.

15 **SEC. 8216. STUDY ON SHELLFISH HABITAT AND SEAGRASS,**
 16 **FLORIDA CENTRAL GULF COAST.**

17 (a) **IN GENERAL.**—Not later than 24 months after
 18 the date of enactment of this Act, the Secretary shall carry
 19 out a study, and submit to the Committee on Transpor-
 20 tation and Infrastructure of the House of Representatives
 21 and the Committee on Environment and Public Works of
 22 the Senate a report, on projects and activities carried out
 23 through the Engineer Research and Development Center
 24 to restore shellfish habitat and seagrass in coastal estu-
 25 aries in the Florida Central Gulf Coast.

1 (b) REQUIREMENTS.—In conducting the study under
2 subsection (a), the Secretary shall—

3 (1) consult with independent expert scientists
4 and other regional stakeholders with relevant exper-
5 tise and experience; and

6 (2) coordinate with Federal, State, and local
7 agencies providing oversight for both short- and
8 long-term monitoring of the projects and activities
9 described in subsection (a).

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to carry out this section
12 \$2,000,000, to remain available until expended.

13 **SEC. 8217. REPORT ON SOUTH FLORIDA ECOSYSTEM RES-**
14 **TORATION PLAN IMPLEMENTATION.**

15 (a) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary shall submit to
17 the Committee on Transportation and Infrastructure of
18 the House of Representatives and the Committee on Envi-
19 ronment and Public Works of the Senate a report that
20 provides an update on—

21 (1) Comprehensive Everglades Restoration Plan
22 projects, as authorized by or pursuant to section 601
23 of the Water Resources Development Act of 2000
24 (114 Stat. 2680; 121 U.S.C. 1269; 132 U.S.C.
25 3786);

1 (2) the review of the Lake Okeechobee Regula-
2 tion Schedule pursuant to section 1106 of the Water
3 Resources Development Act of 2018 (132 Stat.
4 3773) and section 210 of the Water Resources De-
5 velopment Act of 2020 (134 U.S.C. 2682); and

6 (3) any additional water resources development
7 projects and studies included in the South Florida
8 Ecosystem Restoration Plan Integrated Delivery
9 Schedule prepared in accordance with part 385 of
10 title 33, Code of Federal Regulations.

11 (b) CONTENTS.—The Secretary shall include in the
12 report submitted under subsection (a) the status of each
13 authorized water resources development project or study
14 described in such subsection, including—

15 (1) an estimated implementation or completion
16 date of the project or study; and

17 (2) the estimated costs to complete implementa-
18 tion or construction, as applicable, of the project or
19 study.

20 **SEC. 8218. GREAT LAKES RECREATIONAL BOATING.**

21 Notwithstanding subsection (f) of section 455 of the
22 Water Resources Development Act of 1999 (42 U.S.C.
23 1962d–21), not later than 1 year after the date of enact-
24 ment of this Act, the Secretary shall prepare, at Federal
25 expense, and submit to the Committee on Environment

1 and Public Works of the Senate and the Committee on
2 Transportation and Infrastructure of the House of Rep-
3 resentatives a report updating the findings of the report
4 on the economic benefits of recreational boating in the
5 Great Lakes basin prepared under subsection (c) of such
6 section.

7 **SEC. 8219. HYDRAULIC EVALUATION OF UPPER MIS-**
8 **SISSIPPI RIVER AND ILLINOIS RIVER.**

9 (a) STUDY.—The Secretary, in coordination with rel-
10 evant Federal agencies, shall, at Federal expense, periodi-
11 cally carry out a study to—

12 (1) evaluate the flow frequency probabilities of
13 the Upper Mississippi River and the Illinois River;
14 and

15 (2) develop updated water surface profiles for
16 such rivers.

17 (b) AREA OF EVALUATION.—In carrying out sub-
18 section (a), the Secretary shall conduct analysis along the
19 mainstem of the Mississippi River from upstream of the
20 Minnesota River confluence near Anoka, Minnesota, to
21 just upstream of the Ohio River confluence near Cairo,
22 Illinois, and along the Illinois River from Dresden Island
23 Lock and Dam to the confluence with the Mississippi
24 River, near Grafton, Illinois.

1 (c) REPORTS.—Not later than 5 years after the date
2 of enactment of this Act, and not less frequently than
3 every 20 years thereafter, the Secretary shall submit to
4 the Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on Envi-
6 ronment and Public Works of the Senate a report con-
7 taining the results of a study carried out under subsection
8 (a).

9 (d) PUBLIC AVAILABILITY.—Any information devel-
10 oped under subsection (a) shall be made publicly available,
11 including on a publicly available website.

12 **SEC. 8220. DISPOSITION STUDY ON HYDROPOWER IN THE**
13 **WILLAMETTE VALLEY, OREGON.**

14 (a) DISPOSITION STUDY.—

15 (1) IN GENERAL.—The Secretary shall carry
16 out a disposition study to determine the Federal in-
17 terest in, and identify the effects of, deauthorizing
18 hydropower as an authorized purpose, in whole or in
19 part, of the Willamette Valley hydropower project.

20 (2) CONTENTS.—In carrying out the disposition
21 study under paragraph (1), the Secretary shall re-
22 view the effects of deauthorizing hydropower on—

23 (A) Willamette Valley hydropower project
24 operations;

1 (B) other authorized purposes of such
2 project;

3 (C) cost apportionments;

4 (D) dam safety;

5 (E) compliance with the requirements of
6 the Endangered Species Act (16 U.S.C. 1531 et
7 seq.); and

8 (F) the operations of the remaining dams
9 within the Willamette Valley hydropower
10 project.

11 (3) RECOMMENDATIONS.—If the Secretary,
12 through the disposition study authorized by para-
13 graph (1), determines that hydropower should be re-
14 moved as an authorized purpose of any part of the
15 Willamette Valley hydropower project, the Secretary
16 shall also investigate and recommend any necessary
17 structural or operational changes at such project
18 that are necessary to achieve an appropriate balance
19 among the remaining authorized purposes of such
20 project or changes to such purposes.

21 (b) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary shall issue
23 a report to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works of the Senate
2 that describes—

3 (1) the results of the disposition study on
4 deauthorizing hydropower as a purpose of the Wil-
5 lamette Valley hydropower project; and

6 (2) any recommendations required under sub-
7 section (a)(3).

8 (c) COSTS.—Until such time as the report required
9 under subsection (b) is issued, any new construction-re-
10 lated expenditures of the Secretary at the Willamette Val-
11 ley hydropower project that are assigned to hydropower
12 shall not be reimbursable.

13 (d) DEFINITION.—In this section, the term “Willam-
14 ette Valley hydropower project” means the system of dams
15 and reservoir projects authorized to generate hydropower
16 and the power features that operate in conjunction with
17 the main regulating dam facilities, including the Big Cliff,
18 Dexter, and Foster re-regulating dams in the Willamette
19 River Basin, Oregon, as authorized by section 4 of the
20 Flood Control Act of 1938 (chapter 795, 52 Stat. 1222;
21 62 Stat. 1178; 64 Stat. 177; 68 Stat. 1264; 74 Stat. 499;
22 100 Stat. 4144).

1 **SEC. 8221. HOUSTON SHIP CHANNEL EXPANSION CHANNEL**
2 **IMPROVEMENT PROJECT, TEXAS.**

3 The Secretary shall expedite the completion of a
4 study under section 216 of the Flood Control Act of 1970
5 (33 U.S.C. 549a) for modifications of the project for navi-
6 gation, Houston Ship Channel Expansion Channel Im-
7 provement Project, Harris, Chambers, and Galveston
8 Counties, Texas, authorized by section 401 of the Water
9 Resources Development Act of 2020 (134 Stat. 2734), to
10 incorporate into the project the construction of barge lanes
11 immediately adjacent to either side of the Houston Ship
12 Channel from Bolivar Roads to Morgan's Point.

13 **SEC. 8222. SABINE-NECHES WATERWAY NAVIGATION IM-**
14 **PROVEMENT PROJECT, TEXAS.**

15 The Secretary shall expedite the review and coordina-
16 tion of the feasibility study for the project for navigation,
17 Sabine-Neches Waterway, Texas, under section 203(b) of
18 the Water Resources Development Act of 1986 (33 U.S.C.
19 2231(b)).

20 **SEC. 8223. NORFOLK HARBOR AND CHANNELS, VIRGINIA.**

21 Not later than December 31, 2023, the Secretary
22 shall complete a post-authorization change report for the
23 Anchorage F modifications to the project for navigation,
24 Norfolk Harbor and Channels, Virginia, authorized by sec-
25 tion 201 of the Water Resources Development Act of 1986
26 (100 Stat. 4090; 132 Stat. 3840).

1 **SEC. 8224. COASTAL VIRGINIA, VIRGINIA.**

2 (a) IN GENERAL.—In carrying out the feasibility
3 study for the project for flood risk management, ecosystem
4 restoration, and navigation, Coastal Virginia, authorized
5 by section 1201(9) of the Water Resources Development
6 Act of 2018 (132 Stat. 3802), the Secretary is authorized
7 to enter into a written agreement with any Federal agency
8 that owns or operates property in the area of the project
9 to accept and expend funds from such Federal agency to
10 include in the study an analysis with respect to property
11 owned or operated by such Federal agency.

12 (b) INFORMATION.—The Secretary shall use any rel-
13 evant information obtained from a Federal agency de-
14 scribed in subsection (a) to carry out the feasibility study
15 described in such subsection.

16 **SEC. 8225. WEST VIRGINIA HYDROPOWER.**

17 (a) IN GENERAL.—For water resources development
18 projects described in subsection (b), the Secretary is au-
19 thorized to evaluate Federal and non-Federal modifica-
20 tions to such projects for the purposes of adding capacity
21 for hydropower generation or energy storage.

22 (b) PROJECTS DESCRIBED.—The projects referred to
23 in subsection (a) are the following:

24 (1) Sutton Dam, Braxton County, West Vir-
25 ginia, authorized by section 5 of the Act of June 22,
26 1936 (chapter 688, 49 Stat. 1586).

1 (2) Hildebrand Lock and Dam, Monongahela
2 County, West Virginia, authorized by section 101 of
3 the River and Harbor Act of 1950 (chapter 188, 64
4 Stat. 166).

5 (3) Bluestone Lake, Summers County, West
6 Virginia, authorized by section 5 of the Act of June
7 22, 1936 (chapter 688, 49 Stat. 1586).

8 (4) R.D. Bailey Dam, Wyoming County, West
9 Virginia, authorized by section 203 of the Flood
10 Control Act of 1962 (76 Stat. 1188).

11 (5) Stonewall Jackson Dam, Lewis County,
12 West Virginia, authorized by section 203 of the
13 Flood Control Act of 1966 (80 Stat. 1421).

14 (6) East Lynn Dam, Wayne County, West Vir-
15 ginia, authorized by section 5 of the Act of June 22,
16 1936 (chapter 688, 49 Stat. 1586).

17 (7) Burnsville Lake, Braxton County, West Vir-
18 ginia, authorized by section 5 of the Act of June 22,
19 1936 (chapter 688, 49 Stat. 1586).

20 (c) DEMONSTRATION PROJECTS.—In carrying out
21 subsection (a), the Secretary may carry out demonstration
22 projects for purposes of testing and evaluating technology
23 for adding capacity for hydropower generation or energy
24 storage to a project described in subsection (b).

1 **SEC. 8226. ELECTRONIC PREPARATION AND SUBMISSION**
2 **OF APPLICATIONS.**

3 Section 2040(f) of the Water Resources Development
4 Act of 2007 (33 U.S.C. 2345(f)) is amended—

5 (1) in paragraph (1), by striking “Water Re-
6 sources Development Act of 2016” and inserting
7 “Water Resources Development Act of 2022”; and

8 (2) by striking paragraph (2) and inserting the
9 following:

10 “(2) UPDATE ON ELECTRONIC SYSTEM IMPLE-
11 MENTATION.—The Secretary shall submit to the
12 Committee on Transportation and Infrastructure of
13 the House of Representatives and the Committee on
14 Environment and Public Works of the Senate a
15 quarterly update describing the status of the imple-
16 mentation of this section.”.

17 **SEC. 8227. INVESTMENTS FOR RECREATION AREAS.**

18 (a) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the Corps of Engineers should use all available
20 authorities to promote and enhance development and rec-
21 reational opportunities at lakes that are part of authorized
22 civil works projects under the administrative jurisdiction
23 of the Corps of Engineers.

24 (b) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, the Secretary shall submit to
26 the Committee on Environment and Public Works of the

1 Senate and the Committee on Transportation and Infra-
2 structure of the House of Representatives a report on in-
3 vestments needed to support recreational activities that
4 are part of authorized water resources development
5 projects under the administrative jurisdiction of the Corps
6 of Engineers.

7 (c) REQUIREMENTS.—The report under subsection
8 (b) shall include—

9 (1) a list of deferred maintenance projects, in-
10 cluding maintenance projects relating to recreational
11 facilities and sites and associated access roads;

12 (2) a plan to fund the projects described in
13 paragraph (1) during the 5-year period beginning on
14 the date of enactment of this Act;

15 (3) a description of efforts made by the Corps
16 of Engineers to coordinate investments in rec-
17 reational facilities and sites and associated access
18 roads with—

19 (A) State and local governments; or

20 (B) private entities; and

21 (4) an assessment of whether the modification
22 of Federal contracting requirements could accelerate
23 the availability of funds for the projects described in
24 paragraph (1).

1 **SEC. 8228. AUTOMATED FEE MACHINES.**

2 For the purpose of mitigating adverse impacts to
3 public access to outdoor recreation, to the maximum ex-
4 tent practicable, the Secretary shall consider alternatives
5 to the use of automated fee machines for the collection
6 of fees for the use of developed recreation sites and facili-
7 ties in West Virginia.

8 **SEC. 8229. REVIEW OF RECREATIONAL HAZARDS.**

9 (a) IN GENERAL.—The Secretary shall—

10 (1) carry out a review of potential threats to
11 human life and safety from use of covered sites; and

12 (2) install such technologies and other meas-
13 ures, including sirens, strobe lights, and signage,
14 that the Secretary, based on the review carried out
15 under paragraph (1), determines necessary for alert-
16 ing the public of hazardous water conditions or to
17 otherwise minimize or eliminate any identified
18 threats to human life and safety.

19 (b) COVERED SITES DEFINED.—In this section, the
20 term “covered sites” means—

21 (1) designated recreational areas at the Buford
22 Dam, Lake Sidney Lanier, Georgia, authorized by
23 section 1 of the Act of July 24, 1946 (chapter 595,
24 60 Stat. 635);

25 (2) designated recreational areas at the banks
26 of the Mississippi River, Louisiana; and

1 (3) the project for navigation, Murderkill River,
2 Delaware, authorized by the first section of the Act
3 of July 13, 1892 (chapter 158, 27 Stat. 98).

4 **SEC. 8230. ASSESSMENT OF COASTAL FLOODING MITIGA-**
5 **TION MODELING AND TESTING CAPACITY.**

6 (a) IN GENERAL.—The Secretary, acting through the
7 Director of the Engineer Research and Development Cen-
8 ter, shall carry out an assessment of the current capacity
9 of the Corps of Engineers to model coastal flood mitiga-
10 tion systems and test the effectiveness of such systems in
11 preventing flood damage resulting from coastal storm
12 surges.

13 (b) CONSIDERATIONS.—In carrying out the assess-
14 ment under subsection (a), the Secretary shall—

15 (1) identify the capacity of the Corps of Engi-
16 neers to—

17 (A) carry out the testing of the perform-
18 ance and reliability of coastal flood mitigation
19 systems; or

20 (B) collaborate with private industries to
21 carry out such testing;

22 (2) identify any limitations or deficiencies at
23 Corps of Engineers facilities that are capable of test-
24 ing the performance and reliability of coastal flood
25 mitigation systems;

1 (3) assess any benefits that would result from
2 addressing the limitations or deficiencies identified
3 under paragraph (2); and

4 (4) provide recommendations for addressing
5 such limitations or deficiencies.

6 (c) **REPORT TO CONGRESS.**—Not later than 1 year
7 after the date of enactment of this section, the Secretary
8 shall submit to the Committee on Transportation and In-
9 frastructure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate,
11 and make publicly available (including on a publicly avail-
12 able website), a report describing the results of the assess-
13 ment carried out under subsection (a).

14 **SEC. 8231. REPORT ON SOCIALLY AND ECONOMICALLY DIS-**
15 **ADVANTAGED SMALL BUSINESS CONCERNS.**

16 (a) **IN GENERAL.**—Not later than 1 year after the
17 date of enactment of this Act, the Secretary shall submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Environment and Public Works of the Senate, and make
21 publicly available (including on a publicly available
22 website), a report that describes and documents the use
23 of contracts and subcontracts with Small Disadvantaged
24 Businesses in carrying out the water resources develop-
25 ment authorities of the Secretary.

1 (b) INFORMATION.—The Secretary shall include in
2 the report under subsection (a) information on the dis-
3 tribution of funds to Small Disadvantaged Businesses on
4 a disaggregated basis.

5 (c) DEFINITION.—In this section, the term “Small
6 Disadvantaged Business” has the meaning given that
7 term in section 124.1001 of title 13, Code of Federal Reg-
8 ulations (or successor regulations).

9 **SEC. 8232. REPORT ON SOLAR ENERGY OPPORTUNITIES.**

10 (a) ASSESSMENT.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 an assessment, in collaboration with relevant Fed-
13 eral agencies and after consultation with relevant
14 non-Federal interests, of opportunities to install and
15 maintain photovoltaic solar panels (including float-
16 ing solar panels) at covered projects.

17 (2) CONTENTS.—The assessment conducted
18 under paragraph (1) shall—

19 (A) include a description of the economic,
20 environmental, and technical viability of install-
21 ing and maintaining, or contracting with third
22 parties to install and maintain, photovoltaic
23 solar panels at covered projects;

24 (B) identify covered projects with a high
25 potential for the installation and maintenance

1 of photovoltaic solar panels and whether such
2 installation and maintenance would require ad-
3 ditional authorization;

4 (C) account for potential impacts of photo-
5 voltaic solar panels at covered projects and the
6 authorized purposes of such projects, including
7 potential impacts on flood risk reduction, navi-
8 gation, recreation, water supply, and fish and
9 wildlife; and

10 (D) account for the availability of electric
11 grid infrastructure close to covered projects, in-
12 cluding underutilized transmission infrastruc-
13 ture.

14 (b) REPORT TO CONGRESS.—Not later than 18
15 months after the date of enactment of this Act, the Sec-
16 retary shall submit to Congress, and make publicly avail-
17 able (including on a publicly available website), a report
18 containing the results of the assessment conducted under
19 subsection (a).

20 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated to the Secretary
22 \$10,000,000 to carry out this section.

23 (d) DEFINITION.—In this section, the term “covered
24 project” means—

1 (1) any property under the control of the Corps
2 of Engineers; and

3 (2) any water resources development project
4 constructed by the Secretary or over which the Sec-
5 retary has financial or operational responsibility.

6 **SEC. 8233. REPORT TO CONGRESS ON ECONOMIC VALU-**
7 **ATION OF PRESERVATION OF OPEN SPACE,**
8 **RECREATIONAL AREAS, AND HABITAT ASSO-**
9 **CIATED WITH PROJECT LANDS.**

10 (a) IN GENERAL.—The Secretary shall conduct a re-
11 view of the existing statutory, regulatory, and policy re-
12 quirements related to the determination of the economic
13 value of lands that—

14 (1) may be provided by the non-Federal inter-
15 est, as necessary, for the construction of a project
16 for flood risk reduction or hurricane and storm risk
17 reduction in accordance with section 103(i) of the
18 Water Resources Development Act of 1986 (33
19 U.S.C. 2213(i));

20 (2) are being maintained for open space, rec-
21 reational areas, or preservation of fish and wildlife
22 habitat; and

23 (3) will continue to be so maintained as part of
24 the project.

1 (b) REPORT TO CONGRESS.—Not later than 1 year
2 after the date of enactment of this section, the Secretary
3 shall issue to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Environment and Public Works of the Senate
6 a report containing the results of the review conducted
7 under subsection (a), including—

8 (1) a summary of the existing statutory, regu-
9 latory, and policy requirements described in such
10 subsection;

11 (2) a description of the requirements and proc-
12 ess the Secretary uses to place an economic value on
13 the lands described in such subsection;

14 (3) an assessment of whether such require-
15 ments and process affect the ability of a non-Federal
16 interest to provide such lands for the construction of
17 a project described in such subsection;

18 (4) an assessment of whether such require-
19 ments and process directly or indirectly encourage
20 the selection of developed lands for the construction
21 of a project, or have the potential to affect the total
22 cost of a project; and

23 (5) the identification of alternative measures for
24 determining the economic value of such lands that
25 could provide incentives for the preservation of open

1 space, recreational areas, and habitat in association
2 with the construction of a project.

3 **SEC. 8234. REPORT ON CORROSION PREVENTION ACTIVI-**
4 **TIES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Secretary shall submit to the Committee
7 on Transportation and Infrastructure of the House of
8 Representatives and the Committee on Environment and
9 Public Works of the Senate, and make publicly available
10 (including on a publicly available website), a report that
11 describes—

12 (1) the extent to which the Secretary has car-
13 ried out section 1033 of the Water Resources Re-
14 form and Development Act of 2014 (33 U.S.C.
15 2350);

16 (2) the extent to which the Secretary has incor-
17 porated corrosion prevention activities (as defined in
18 such section) at water resources development
19 projects constructed or maintained by the Secretary
20 since the date of enactment of such section; and

21 (3) in instances where the Secretary has not in-
22 corporated corrosion prevention activities at such
23 water resources development projects since such
24 date, an explanation of why such corrosion preven-
25 tion activities have not been incorporated.

1 **SEC. 8235. REPORT TO CONGRESS ON EASEMENTS RE-**
2 **LATED TO WATER RESOURCES DEVELOP-**
3 **MENT PROJECTS.**

4 (a) IN GENERAL.—The Secretary shall conduct a re-
5 view of the existing statutory, regulatory, and policy re-
6 quirements and procedures related to the use, in relation
7 to the construction of a project for flood risk management,
8 hurricane and storm damage risk reduction, or ecosystem
9 restoration, of covered easements that may be provided to
10 the Secretary by non-Federal interests.

11 (b) REPORT TO CONGRESS.—Not later than 1 year
12 after the date of enactment of this Act, the Secretary shall
13 submit to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works of the Senate
16 a report containing the results of the review conducted
17 under subsection (a), including—

18 (1) the findings of the Secretary relating to—

19 (A) the minimum rights in property that
20 are necessary to construct, operate, or maintain
21 projects for flood risk management, hurricane
22 and storm damage risk reduction, or ecosystem
23 restoration;

24 (B) whether increased use of covered ease-
25 ments in relation to such projects could pro-
26 mote greater participation from cooperating

1 landowners in addressing local flooding or eco-
2 system restoration challenges; and

3 (C) whether such increased use could re-
4 sult in cost savings in the implementation of
5 the projects, without any reduction in project
6 benefits; and

7 (2) any recommendations of the Secretary relat-
8 ing to whether existing requirements or procedures
9 related to such use of covered easements should be
10 revised to reflect the results of the review.

11 (c) DEFINITION.—In this section, the term “covered
12 easement” means an easement or other similar interest
13 in real property that—

14 (1) reserves for the Secretary rights in the
15 property that are necessary to construct, operate, or
16 maintain a water resources development project;

17 (2) provides for appropriate public use of the
18 property, and retains the right of continued use of
19 the property by the owner of the property, to the ex-
20 tent such uses are consistent with purposes of the
21 covered easement;

22 (3) provides access to the property for oversight
23 and inspection by the Secretary;

24 (4) is permanently recorded; and

25 (5) is enforceable under Federal and State law.

1 **SEC. 8236. GAO STUDIES.**

2 (a) **STUDY ON PROJECT DISTRIBUTION.—**

3 (1) **IN GENERAL.—**Not later than 1 year after
4 the date of enactment of this Act, the Comptroller
5 General of the United States shall initiate an anal-
6 ysis of—

7 (A) the geographic distribution of annual
8 and supplemental funding for water resources
9 development projects carried out by the Sec-
10 retary over the immediately preceding 5 fiscal
11 years; and

12 (B) the factors contributing to such dis-
13 tribution.

14 (2) **REPORT.—**Upon completion of the analysis
15 required under paragraph (1), the Comptroller Gen-
16 eral shall submit to the Committee on Environment
17 and Public Works of the Senate and the Committee
18 on Transportation and Infrastructure of the House
19 of Representatives a report on the findings of such
20 analysis.

21 (b) **ASSESSMENT OF CONCESSIONAIRE PRACTICES.—**

22 (1) **IN GENERAL.—**Not later than 1 year after
23 the date of enactment of this Act, the Comptroller
24 General of the United States shall initiate an assess-
25 ment of the concessionaire lease practices of the
26 Corps of Engineers.

1 (2) SCOPE.—In conducting the assessment
2 under paragraph (1), the Comptroller General shall
3 assess—

4 (A) the extent to which the formula of the
5 Corps of Engineers for calculating conces-
6 sionaire rental rates allows concessionaires to
7 obtain a reasonable return on investment, tak-
8 ing into account operating margins for sales of
9 food and fuel; and

10 (B) the process and formula for assessing
11 administrative fees for concessionaire leases
12 that addresses—

13 (i) the statutory authority for such
14 fees; and

15 (ii) the extent to which the process
16 and formula for assessing such fees are
17 transparent and consistent across districts
18 of the Corps of Engineers.

19 (3) REPORT.—Upon completion of the assess-
20 ment required under paragraph (1), the Comptroller
21 General shall submit to the Committee on Environ-
22 ment and Public Works of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the
24 House of Representatives a report on the findings of
25 such assessment.

1 (c) AUDIT OF PROJECTS OVER BUDGET OR BEHIND
2 SCHEDULE.—

3 (1) LIST REQUIRED.—Not later than 90 days
4 after the date of enactment of this Act, the Sec-
5 retary shall provide to the Comptroller General of
6 the United States a list of each covered ongoing
7 water resources development project.

8 (2) REVIEW.—Not later than 1 year after re-
9 ceiving the list under paragraph (1), the Comptroller
10 General shall initiate a review of the factors and
11 conditions resulting in the estimated project cost or
12 completion date exceedances for each covered ongo-
13 ing water resources development project.

14 (3) REPORT.—Upon completion of the review
15 conducted under paragraph (2), the Comptroller
16 General shall submit to the Committee on Environ-
17 ment and Public Works of the Senate and the Com-
18 mittee on Transportation and Infrastructure of the
19 House of Representatives a report on the findings of
20 such review.

21 (4) DEFINITION OF COVERED ONGOING WATER
22 RESOURCES DEVELOPMENT PROJECT.—In this sub-
23 section, the term “covered ongoing water resources
24 development project” means a water resources devel-

1 opment project being carried out by the Secretary
2 for which, as of the date of enactment of this Act—

3 (A) the estimated total project cost of the
4 project exceeds the authorized total project cost
5 of the project by not less than \$50,000,000; or

6 (B) the estimated completion date of the
7 project exceeds the original estimated comple-
8 tion date of the project by not less than 5
9 years.

10 (d) STUDIES ON MITIGATION.—

11 (1) STUDY ON MITIGATION FOR WATER RE-
12 SOURCES DEVELOPMENT PROJECTS.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the
15 Comptroller General of the United States shall
16 initiate a review of projects and activities to
17 mitigate fish and wildlife losses resulting from
18 the construction, or operation and maintenance,
19 of an authorized water resources development
20 project.

21 (B) REQUIREMENTS.—In conducting the
22 review under subparagraph (A), the Comp-
23 troller General shall—

24 (i) assess the extent to which—

1 (I) districts of the Corps of Engi-
2 neers consistently implement the final
3 rule of the Department of Defense
4 and the Environmental Protection
5 Agency titled “Compensatory Mitiga-
6 tion for Losses of Aquatic Resources”
7 and issued on April 10, 2008 (73
8 Fed. Reg. 19594);

9 (II) mitigation projects and ac-
10 tivities (including the acquisition of
11 lands or interests in lands) restore the
12 natural hydrologic conditions, restore
13 native vegetation, and otherwise sup-
14 port native fish and wildlife species,
15 as required under section 906 of the
16 Water Resources Development Act of
17 1986 (33 U.S.C. 2283);

18 (III) mitigation projects or activi-
19 ties (including the acquisition of lands
20 or interests in lands) are undertaken
21 before, or concurrent with, the con-
22 struction of the authorized water re-
23 sources development project for which
24 such mitigation is required;

1 (IV) mitigation projects or activi-
2 ties (including the acquisition of lands
3 or interests in lands) are completed;

4 (V) mitigation projects or activi-
5 ties are undertaken to mitigate fish
6 and wildlife losses resulting from the
7 operation and maintenance of an au-
8 thorized water resources development
9 project, including based on periodic
10 review and updating of such projects
11 or activities;

12 (VI) the Secretary includes miti-
13 gation plans, as required by section
14 906(d) of the Water Resources Devel-
15 opment Act of 1986 (33 U.S. 2283),
16 in any project study (as defined in
17 section 2034(l) of the Water Re-
18 sources Development Act of 2007 (33
19 U.S.C. 2343));

20 (VII) processing and approval of
21 mitigation projects and activities (in-
22 cluding the acquisition of lands or in-
23 terests in lands) affects the timeline
24 of completion of authorized water re-
25 sources development projects; and

1 (VIII) mitigation projects and ac-
2 tivities (including the acquisition of
3 lands or interests in lands) affect the
4 total cost of authorized water re-
5 sources development projects;

6 (ii) evaluate the performance of each
7 of the mitigation mechanisms included in
8 the final rule described in clause (i)(I);

9 (iii) evaluate the efficacy of the use of
10 alternative methods, such as a perform-
11 ance-based contract, to satisfy mitigation
12 requirements of authorized water resources
13 development projects;

14 (iv) review any reports submitted to
15 Congress in accordance with section
16 2036(b) of the Water Resources Develop-
17 ment Act of 2007 (121 Stat. 1094) on the
18 status of construction of authorized water
19 resources development projects that require
20 mitigation; and

21 (v) consult with independent sci-
22 entists, economists, and other stakeholders
23 with expertise and experience to conduct
24 such review.

1 (C) DEFINITION OF PERFORMANCE-BASED
2 CONTRACT.—In this paragraph, the term “per-
3 formance-based contract” means a procurement
4 mechanism by which the Corps of Engineers
5 contracts with a public or private non-Federal
6 entity for a specific mitigation outcome require-
7 ment, with payment to the entity linked to de-
8 livery of verifiable, sustainable, and functionally
9 equivalent mitigation performance.

10 (D) REPORT.—Upon completion of the re-
11 view conducted under this paragraph, the
12 Comptroller General shall submit to the Com-
13 mittee on Environment and Public Works of the
14 Senate and the Committee on Transportation
15 and Infrastructure of the House of Representa-
16 tives a report on the findings of such review.

17 (2) STUDY ON COMPENSATORY MITIGATION.—

18 (A) IN GENERAL.—Not later than 1 year
19 after the date of enactment of this Act, the
20 Comptroller General of the United States shall
21 initiate a review of the performance metrics for,
22 compliance with, and adequacy of potential
23 mechanisms for fulfilling compensatory mitiga-
24 tion obligations pursuant to the Federal Water
25 Pollution Control Act (33 U.S.C. 1251 et seq.).

- 1 (B) REQUIREMENTS.—The Comptroller
2 General shall include in the review conducted
3 under subparagraph (A) an analysis of—
- 4 (i) the primary mechanisms for ful-
5 filling compensatory mitigation obligations,
6 including—
- 7 (I) mitigation banks;
8 (II) in-lieu fee programs; and
9 (III) direct mitigation by permit-
10 tees;
- 11 (ii) the timeliness of initiation and
12 successful completion of compensatory
13 mitigation activities in relation to when a
14 permitted activity occurs;
- 15 (iii) the timeliness of processing and
16 approval of compensatory mitigation activi-
17 ties;
- 18 (iv) the costs of carrying out compen-
19 satory mitigation activities borne by the
20 Federal Government, a permittee, or any
21 other involved entity;
- 22 (v) Federal and State agency over-
23 sight and short- and long-term monitoring
24 of compensatory mitigation activities;

1 (vi) whether a compensatory mitiga-
2 tion activity successfully replaces any lost
3 or adversely affected habitat with a habitat
4 having similar functions of equal or greater
5 ecological value; and

6 (vii) the continued, long-term oper-
7 ation of the compensatory mitigation ac-
8 tivities over a 5-, 10-, 20-, and 50-year pe-
9 riod, including ecological performance and
10 the functioning of long-term funding mech-
11 anisms.

12 (C) UPDATE.—In conjunction with the re-
13 view required under subparagraph (A), the
14 Comptroller General shall review and update
15 the findings and recommendations contained in
16 the report of the Comptroller General titled
17 “Corps of Engineers Does Not Have an Effec-
18 tive Oversight Approach to Ensure That Com-
19 pensatory Mitigation Is Occurring” and dated
20 September 2005 (GAO-05-898), including a
21 review of Federal agency compliance with such
22 recommendations.

23 (D) REPORT.—Upon completion of the re-
24 view conducted under required subparagraph
25 (A), the Comptroller General shall submit to

1 the Committee on Environment and Public
2 Works of the Senate and the Committee on
3 Transportation and Infrastructure of the House
4 of Representatives a report on the findings of
5 such review.

6 (e) STUDY ON WATERBORNE COMMERCE STATIS-
7 TICS.—

8 (1) IN GENERAL.—Not later than 18 months
9 after the date of enactment of this Act, the Comp-
10 troller General of the United States shall initiate a
11 review of the Waterborne Commerce Statistics Cen-
12 ter of the Corps of Engineers that includes—

13 (A) an assessment of ways in which the
14 Waterborne Commerce Statistics Center can
15 improve the collection of information relating to
16 all commercial maritime activity within the ju-
17 risdiction of a port, including the collection and
18 reporting of records of fishery landings and
19 aquaculture harvest; and

20 (B) recommendations to improve the col-
21 lection of such information from non-Federal
22 entities, taking into consideration—

23 (i) the cost, efficiency, and accuracy
24 of collecting such information; and

1 (ii) the protection of proprietary infor-
2 mation.

3 (2) REPORT.—Upon completion of the review
4 conducted out under paragraph (1), the Comptroller
5 General shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Represent-
7 atives and the Committee on Environment and Pub-
8 lic Works of the Senate a report containing the re-
9 sults of such review.

10 (f) STUDY ON THE INTEGRATION OF INFORMATION
11 INTO THE NATIONAL LEVEE DATABASE.—

12 (1) IN GENERAL.—Not later than 18 months
13 after the date of enactment of this Act, the Comp-
14 troller General of the United States shall initiate a
15 review of the sharing of levee information, and the
16 integration of such information into the National
17 Levee Database, by the Corps of Engineers and the
18 Federal Emergency Management Agency in accord-
19 ance with section 9004 of the Water Resources De-
20 velopment Act of 2007 (33 U.S.C. 3303).

21 (2) REQUIREMENTS.—In conducting the review
22 under paragraph (1), the Comptroller General
23 shall—

24 (A) investigate the information-sharing
25 protocols and procedures between the Corps of

1 Engineers and the Federal Emergency Manage-
2 ment Agency regarding the construction of new
3 Federal flood protection projects;

4 (B) analyze the timeliness of the integra-
5 tion of information relating to newly con-
6 structed Federal flood protection projects into
7 the National Levee Database;

8 (C) identify any delays between the con-
9 struction of a new Federal flood protection
10 project and when a policyholder of the National
11 Flood Insurance Program would realize a pre-
12 mium discount due to the construction of a new
13 Federal flood protection project; and

14 (D) determine whether such information-
15 sharing protocols are adversely impacting the
16 ability of the Secretary to perform accurate
17 benefit-cost analyses for future flood risk man-
18 agement activities.

19 (3) REPORT.—Upon completion of the review
20 conducted under paragraph (1), the Comptroller
21 General shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives and the Committee on Environment and Pub-
24 lic Works of the Senate a report containing the re-
25 sults of such review.

1 (g) AUDIT OF JOINT COSTS FOR OPERATION AND
2 MAINTENANCE.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of enactment of this Act, the Comptroller
5 General of the United States shall initiate a review
6 of the practices of the Corps of Engineers with re-
7 spect to the determination of joint costs associated
8 with operations and maintenance of reservoirs owned
9 and operated by the Secretary.

10 (2) REPORT.—Upon completion of the review
11 conducted under paragraph (1), the Comptroller
12 General shall submit to the Committee on Environ-
13 ment and Public Works of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the
15 House of Representatives a report on the findings of
16 such review and any recommendations that result
17 from such review.

18 **SEC. 8237. ASSESSMENT OF FOREST, RANGELAND, AND WA-**
19 **TERSHEDED RESTORATION SERVICES ON**
20 **LANDS OWNED BY THE CORPS OF ENGI-**
21 **NEERS.**

22 (a) IN GENERAL.—The Secretary shall carry out an
23 assessment of forest, rangeland, and watershed restoration
24 services on lands owned by the Corps of Engineers, includ-
25 ing an assessment of whether the provision of such serv-

1 ices on such lands by non-Federal interests through good
2 neighbor agreements would be in the best interests of the
3 United States.

4 (b) CONSIDERATIONS.—In carrying out the assess-
5 ment under subsection (a), the Secretary shall—

6 (1) describe the forest, rangeland, and water-
7 shed restoration services provided by the Secretary
8 on lands owned by the Corps of Engineers;

9 (2) assess whether such services, including ef-
10 forts to reduce hazardous fuels and to restore and
11 improve forest, rangeland, and watershed health (in-
12 cluding the health of fish and wildlife habitats)
13 would be enhanced by authorizing the Secretary to
14 enter into a good neighbor agreement with a non-
15 Federal interest;

16 (3) describe the process for ensuring that Fed-
17 eral requirements for land management plans for
18 forests on lands owned by the Corps of Engineers
19 remain in effect under good neighbor agreements;

20 (4) assess whether Congress should authorize
21 the Secretary to enter into a good neighbor agree-
22 ment with a non-Federal interest to provide forest,
23 rangeland, and watershed restoration services on
24 lands owned by the Corps of Engineers, including by

1 assessing any interest expressed by a non-Federal
2 interest to enter into such an agreement;

3 (5) consider whether implementation of a good
4 neighbor agreement on lands owned by the Corps of
5 Engineers would benefit State and local governments
6 and Indian Tribes that are located in the same geo-
7 graphic area as such lands; and

8 (6) consult with the heads of other Federal
9 agencies authorized to enter into good neighbor
10 agreements with non-Federal interests.

11 (c) REPORT TO CONGRESS.—Not later than 18
12 months after the date of enactment of this section, the
13 Secretary shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Environment and Public Works of
16 the Senate, and make publicly available (including on a
17 publicly available website), a report describing the results
18 of the assessment carried out under subsection (a).

19 (d) DEFINITIONS.—In this section:

20 (1) FOREST, RANGELAND, AND WATERSHED
21 RESTORATION SERVICES.—The term “forest, range-
22 land, and watershed restoration services” has the
23 meaning given such term in section 8206 of the Ag-
24 ricultural Act of 2014 (16 U.S.C. 2113a).

1 (2) GOOD NEIGHBOR AGREEMENT.—The term
2 “good neighbor agreement” means a cooperative
3 agreement or contract (including a sole source con-
4 tract) entered into between the Secretary and a non-
5 Federal interest to carry out forest, rangeland, and
6 watershed restoration services.

7 (3) LANDS OWNED BY THE CORPS OF ENGI-
8 NEERS.—The term “lands owned by the Corps of
9 Engineers” means any land owned by the Corps of
10 Engineers, but does not include—

11 (A) a component of the National Wilder-
12 ness Preservation System;

13 (B) land on which the removal of vegeta-
14 tion is prohibited or restricted by law or Presi-
15 dential proclamation;

16 (C) a wilderness study area; or

17 (D) any other land with respect to which
18 the Secretary determines that forest, rangeland,
19 and watershed restoration services should re-
20 main the responsibility of the Secretary.

21 **Subtitle C—Deauthorizations and** 22 **Modifications**

23 **SEC. 8301. DEAUTHORIZATION OF INACTIVE PROJECTS.**

24 (a) PURPOSES; PROPOSED DEAUTHORIZATION LIST;
25 SUBMISSION OF FINAL LIST.—Section 301 of the Water

1 Resources Development Act of 2020 (33 U.S.C. 579d–2)
2 is amended by striking subsections (a) through (c) and
3 inserting the following:

4 “(a) PURPOSES.—The purposes of this section are—

5 “(1) to identify water resources development
6 projects, and separable elements of projects, author-
7 ized by Congress that are no longer viable for con-
8 struction due to—

9 “(A) a lack of local support;

10 “(B) a lack of available Federal or non-
11 Federal resources; or

12 “(C) an authorizing purpose that is no
13 longer relevant or feasible;

14 “(2) to create an expedited and definitive proc-
15 ess for Congress to deauthorize water resources de-
16 velopment projects and separable elements that are
17 no longer viable for construction; and

18 “(3) to allow the continued authorization of
19 water resources development projects and separable
20 elements that are viable for construction.

21 “(b) PROPOSED DEAUTHORIZATION LIST.—

22 “(1) PRELIMINARY LIST OF PROJECTS.—

23 “(A) IN GENERAL.—The Secretary shall
24 develop a preliminary list of each water re-
25 sources development project, or separable ele-

1 ment of a project, authorized for construction
2 before November 8, 2007, for which—

3 “(i) planning, design, or construction
4 was not initiated before the date of enact-
5 ment of this Act; or

6 “(ii) planning, design, or construction
7 was initiated before the date of enactment
8 of this Act, but for which no funds, Fed-
9 eral or non-Federal, were obligated for
10 planning, design, or construction of the
11 project or separable element of the project
12 during the current fiscal year or any of the
13 10 preceding fiscal years.

14 “(B) USE OF COMPREHENSIVE CONSTRU-
15 TION BACKLOG AND OPERATION AND MAINTEN-
16 NANCE REPORT.—The Secretary may develop
17 the preliminary list from the comprehensive
18 construction backlog and operation and mainte-
19 nance reports developed pursuant to section
20 1001(b)(2) of the Water Resources Develop-
21 ment Act of 1986 (33 U.S.C. 579a).

22 “(2) PREPARATION OF PROPOSED DEAUTHOR-
23 IZATION LIST.—

1 “(A) PROPOSED LIST AND ESTIMATED DE-
2 AUTHORIZATION AMOUNT.—The Secretary
3 shall—

4 “(i) prepare a proposed list of projects
5 for deauthorization comprised of a subset
6 of projects and separable elements identi-
7 fied on the preliminary list developed
8 under paragraph (1) that are projects or
9 separable elements described in subsection
10 (a)(1), as determined by the Secretary;
11 and

12 “(ii) include with such proposed list
13 an estimate, in the aggregate, of the Fed-
14 eral cost to complete such projects.

15 “(B) DETERMINATION OF FEDERAL COST
16 TO COMPLETE.—For purposes of subparagraph
17 (A), the Federal cost to complete shall take into
18 account any allowances authorized by section
19 902 of the Water Resources Development Act
20 of 1986 (33 U.S.C. 2280), as applied to the
21 most recent project schedule and cost estimate.

22 “(3) PUBLIC COMMENT AND CONSULTATION.—

23 “(A) IN GENERAL.—The Secretary shall
24 solicit comments from the public and the Gov-
25 ernors of each applicable State on the proposed

1 deauthorization list prepared under paragraph
2 (2)(A).

3 “(B) COMMENT PERIOD.—The public com-
4 ment period shall be 90 days.

5 “(4) PREPARATION OF FINAL DEAUTHORIZA-
6 TION LIST.—

7 “(A) IN GENERAL.—The Secretary shall
8 prepare a final deauthorization list by—

9 “(i) considering any comments re-
10 ceived under paragraph (3); and

11 “(ii) revising the proposed deauthor-
12 ization list prepared under paragraph
13 (2)(A) as the Secretary determines nec-
14 essary to respond to such comments.

15 “(B) APPENDIX.—The Secretary shall in-
16 clude as part of the final deauthorization list an
17 appendix that—

18 “(i) identifies each project or sepa-
19 rable element on the proposed deauthoriza-
20 tion list that is not included on the final
21 deauthorization list; and

22 “(ii) describes the reasons why the
23 project or separable element is not in-
24 cluded on the final deauthorization list.

1 “(c) SUBMISSION OF FINAL DEAUTHORIZATION LIST
2 TO CONGRESS FOR CONGRESSIONAL REVIEW; PUBLICA-
3 TION.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the date of the close of the comment period
6 under subsection (b)(3), the Secretary shall—

7 “(A) submit the final deauthorization list
8 and appendix prepared under subsection (b)(4)
9 to the Committee on Transportation and Infra-
10 structure of the House of Representatives and
11 the Committee on Environment and Public
12 Works of the Senate; and

13 “(B) publish the final deauthorization list
14 and appendix in the Federal Register.

15 “(2) EXCLUSIONS.—The Secretary shall not in-
16 clude in the final deauthorization list submitted
17 under paragraph (1) any project or separable ele-
18 ment with respect to which Federal funds for plan-
19 ning, design, or construction are obligated after the
20 development of the preliminary list under subsection
21 (b)(1)(A) but prior to the submission of the final de-
22 authorization list under paragraph (1)(A) of this
23 subsection.”.

1 (b) REPEAL.—Section 301(d) of the Water Resources
2 Development Act of 2020 (33 U.S.C. 579d–2(d)) is re-
3 pealed.

4 **SEC. 8302. WATERSHED AND RIVER BASIN ASSESSMENTS.**

5 Section 729 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2267a) is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (5), by striking “and” at
9 the end;

10 (B) in paragraph (6), by striking the pe-
11 riod at the end and inserting a semicolon; and

12 (C) by adding at the end the following:

13 “(7) sea level rise;

14 “(8) coastal storm damage reduction; and

15 “(9) streambank and shoreline protection.”;

16 and

17 (2) in subsection (d)—

18 (A) in paragraph (9), by striking “and” at
19 the end;

20 (B) in paragraph (10), by striking the pe-
21 riod at the end and inserting a semicolon; and

22 (C) by adding at the end the following:

23 “(11) New York-New Jersey Watershed Basin,
24 which encompasses all the watersheds that flow into
25 the New York-New Jersey Harbor and their associ-

1 ated estuaries, including the Hudson, Mohawk, Rari-
2 tan, Passaic, Hackensack, and Bronx River Water-
3 sheds and the Hudson River Estuary;

4 “(12) Mississippi River Watershed; and

5 “(13) Chattahoochee River Basin, Alabama,
6 Florida, and Georgia.”.

7 **SEC. 8303. FORECAST-INFORMED RESERVOIR OPERATIONS.**

8 (a) **ADDITIONAL UTILIZATION OF FORECAST-IN-**
9 **FORMED RESERVOIR OPERATIONS.**—Section 1222(c) of
10 the Water Resources Development Act of 2018 (132 Stat.
11 3811; 134 Stat. 2661) is amended—

12 (1) in paragraph (1), by striking “the Upper
13 Missouri River Basin and the North Platte River
14 Basin” and inserting “the Upper Missouri River
15 Basin, the North Platte River Basin, and the Apa-
16 lachicola Chattahoochee Flint River Basin”; and

17 (2) in paragraph (2)—

18 (A) in subparagraph (A), by striking “the
19 Upper Missouri River Basin or the North
20 Platte River Basin” and inserting “the Upper
21 Missouri River Basin, the North Platte River
22 Basin, or the Apalachicola Chattahoochee Flint
23 River Basin”; and

24 (B) in subparagraph (B), by striking “the
25 Upper Missouri River Basin or the North

1 Platte River Basin” and inserting “the Upper
2 Missouri River Basin, the North Platte River
3 Basin, or the Apalachicola Chattahoochee Flint
4 River Basin”.

5 (b) COMPLETION OF REPORTS.—The Secretary shall
6 expedite completion of the reports authorized by section
7 1222 of the Water Resources Development Act of 2018
8 (132 Stat. 3811; 134 Stat. 2661).

9 (c) FORECAST-INFORMED RESERVOIR OPER-
10 ATIONS.—

11 (1) IN GENERAL.—The Secretary is authorized
12 to carry out a research study pilot program at 1 or
13 more dams owned and operated by the Secretary in
14 the North Atlantic Division of the Corps of Engi-
15 neers to assess the viability of forecast-informed res-
16 ervoir operations in the eastern United States.

17 (2) REPORT.—Not later than 1 year after com-
18 pletion of the research study pilot program under
19 paragraph (1), the Secretary shall submit to the
20 Committee on Transportation and Infrastructure of
21 the House of Representatives and the Committee on
22 Environment and Public Works of the Senate a re-
23 port on the results of the research study pilot pro-
24 gram.

1 **SEC. 8304. LAKES PROGRAM.**

2 Section 602(a) of the Water Resources Development
3 Act of 1986 (100 Stat. 4148; 104 Stat. 4646; 110 Stat.
4 3758; 113 Stat. 295; 121 Stat. 1076; 134 Stat. 2703)
5 is amended—

6 (1) in paragraph (29), by striking “and” at the
7 end;

8 (2) in paragraph (30), by striking the period at
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(31) Salisbury Pond, Worcester, Massachu-
12 setts;

13 “(32) Baisley Pond, New York;

14 “(33) Legacy Park, Decatur, Georgia; and

15 “(34) White Rock Lake, Dallas, Texas.”.

16 **SEC. 8305. INVASIVE SPECIES.**

17 (a) AQUATIC INVASIVE SPECIES RESEARCH.—Sec-
18 tion 1108(a) of the Water Resources Development Act of
19 2018 (33 U.S.C. 2263a(a)) is amended by inserting “,
20 hydrilla” after “elodea”.

21 (b) INVASIVE SPECIES MANAGEMENT.—Section 104
22 of the River and Harbor Act of 1958 (33 U.S.C. 610)
23 is amended—

24 (1) in subsection (b)(2)(A)(ii)—

25 (A) by striking “\$50,000,000” and insert-
26 ing “\$75,000,000”; and

1 (B) by striking “2024” and inserting
2 “2028”;

3 (2) in subsection (f)(4) by striking “2024” and
4 inserting “2028”; and

5 (3) in subsection (g)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) by striking “water quantity or
9 water quality” and inserting “water
10 quantity, water quality, or eco-
11 systems”; and

12 (II) by inserting “the Lake Erie
13 Basin, the Ohio River Basin,” after
14 “the Upper Snake River Basin,”; and

15 (ii) in subparagraph (B), by inserting
16 “, hydrilla (*Hydrilla verticillata*),” after
17 “(*Elaeagnus angustifolia*)”; and

18 (B) in paragraph (3)(D), by striking
19 “2024” and inserting “2028”.

20 (c) HARMFUL ALGAL BLOOM DEMONSTRATION PRO-
21 GRAM.—Section 128(c) of the Water Resources Develop-
22 ment Act of 2020 (33 U.S.C. 610 note) is amended to
23 read as follows:

24 “(c) FOCUS AREAS.—In carrying out the demonstra-
25 tion program under subsection (a), the Secretary shall un-

1 dertake program activities related to harmful algal blooms
2 in—

3 “(1) the Great Lakes;

4 “(2) the tidal and inland waters of the State of
5 New Jersey, including Lake Hopatcong, New Jersey;

6 “(3) the coastal and tidal waters of the State
7 of Louisiana;

8 “(4) the waterways of the counties that com-
9 prise the Sacramento-San Joaquin Delta, California;

10 “(5) the Allegheny Reservoir Watershed, New
11 York;

12 “(6) Lake Okeechobee, Florida;

13 “(7) the Caloosahatchee and St. Lucie Rivers,
14 Florida;

15 “(8) Lake Sidney Lanier, Georgia;

16 “(9) Rio Grande River Basin, Colorado, New
17 Mexico, and Texas;

18 “(10) lakes and reservoirs in the State of Ohio;

19 “(11) the Upper Mississippi River and tribu-
20 taries;

21 “(12) Detroit Lake, Oregon;

22 “(13) Ten Mile Lake, Oregon; and

23 “(14) the coastal waters of the United States
24 Virgin Islands.”.

1 (d) UPDATE ON INVASIVE SPECIES POLICY GUID-
2 ANCE.—Section 501(b) of the Water Resources Develop-
3 ment Act of 2020 (33 U.S.C. 610 note) is amended—

4 (1) in paragraph (1), by striking “and” at the
5 end;

6 (2) in paragraph (2), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(3) the Sacramento-San Joaquin Delta, Cali-
10 fornia.”.

11 **SEC. 8306. MAINTENANCE OF NAVIGATION CHANNELS.**

12 Section 509(a) of the Water Resources Development
13 Act of 1996 (110 Stat. 3759; 113 Stat. 339; 114 Stat.
14 2679) is amended by adding at the end the following:

15 “(18) Second harbor at New Madrid County
16 Harbor, Missouri.

17 “(19) Yabucoa Harbor, Puerto Rico.

18 “(20) Everett Harbor and Snohomish River,
19 Boat Launch Connector Channel, Washington.

20 “(21) Port Townsend, Boat Haven Marina
21 Breakwater, Washington.

22 “(22) Segment 1B of Houston Ship Channel,
23 Texas.”.

24 **SEC. 8307. PROJECT REAUTHORIZATIONS.**

25 (a) IN GENERAL.—

1 (1) NEW YORK HARBOR, NEW YORK AND NEW
2 JERSEY.—The New York Harbor collection and re-
3 moval of drift project authorized by section 2 of the
4 Act of March 4, 1915 (chapter 142, 38 Stat. 1051;
5 88 Stat. 39; 104 Stat. 4615), and deauthorized pur-
6 suant to section 6001 of the Water Resources Re-
7 form and Development Act of 2014 (128 Stat.
8 1345), is authorized to be carried out by the Sec-
9 retary.

10 (2) RIO NIGUA, SALINAS, PUERTO RICO.—The
11 project for flood control, Rio Nigua, Salinas, Puerto
12 Rico, authorized by section 101 of the Water Re-
13 sources Development Act of 1999 (113 Stat. 278),
14 and deauthorized pursuant to section 6001 of the
15 Water Resources Reform and Development Act of
16 2014 (128 Stat. 1345), is authorized to be carried
17 out by the Secretary.

18 (3) RIO GRANDE DE LOIZA, PUERTO RICO.—
19 The project for flood control, Rio Grande De Loiza,
20 Puerto Rico, authorized by section 101 of the Water
21 Resources Development Act of 1992 (106 Stat.
22 4803), and deauthorized pursuant to section 6001 of
23 the Water Resources Reform and Development Act
24 of 2014 (128 Stat. 1345), is authorized to be carried
25 out by the Secretary.

1 (b) FEASIBILITY STUDIES.—The Secretary shall
2 carry out, and submit to the Committee on Environment
3 and Public Works of the Senate and the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives a report on the results of, a feasibility study
6 for each of the projects described in subsection (a).

7 **SEC. 8308. SPECIAL RULE FOR CERTAIN BEACH NOURISH-**
8 **MENT PROJECTS.**

9 (a) IN GENERAL.—In the case of a water resources
10 development project described in subsection (b), the Sec-
11 retary shall—

12 (1) fund, at Federal expense, any incremental
13 increase in cost to the project that results from a
14 legal requirement to use a borrow source determined
15 by the Secretary to be other than the least-cost op-
16 tion; and

17 (2) exclude the cost described in paragraph (1)
18 from the cost-benefit analysis for the project.

19 (b) WATER RESOURCES DEVELOPMENT PROJECT
20 DESCRIBED.—A water resources development project re-
21 ferred to in subsection (a) is any of the following:

22 (1) The Townsends Inlet to Cape May Inlet,
23 New Jersey, hurricane storm damage reduction,
24 shore protection, and ecosystem restoration project,

1 authorized by section 101(a)(26) of the Water Re-
2 sources Development Act of 1999 (113 Stat. 278).

3 (2) The Folly Beach, South Carolina, shoreline
4 protection project, authorized by section 501(a) of
5 the Water Resources Development Act of 1986 (100
6 Stat. 4136; 105 Stat. 520).

7 (3) The Carolina Beach and Vicinity, North
8 Carolina, coastal storm risk management project,
9 authorized by section 203 of the Flood Control Act
10 of 1962 (76 Stat. 1182; 134 Stat. 2741).

11 (4) The Wrightsville Beach, North Carolina,
12 coastal storm risk management project, authorized
13 by section 203 of the Flood Control Act of 1962 (76
14 Stat. 1182; 134 Stat. 2741).

15 (c) SAVINGS PROVISION.—Nothing in this section
16 limits the eligibility for, or availability of, Federal expendi-
17 tures or financial assistance for any water resources devel-
18 opment project, including any beach nourishment or re-
19 nourishment project, under any other provision of Federal
20 law.

21 **SEC. 8309. COLUMBIA RIVER BASIN.**

22 (a) STUDY OF FLOOD RISK MANAGEMENT ACTIVI-
23 TIES.—

24 (1) IN GENERAL.—Using funds made available
25 to carry out this section, the Secretary is authorized,

1 at Federal expense, to carry out a study to deter-
2 mine the feasibility of a project for flood risk man-
3 agement and related purposes in the Columbia River
4 Basin and to report to the Committee on Transpor-
5 tation and Infrastructure of the House of Represent-
6 atives and the Committee on Environment and Pub-
7 lic Works of the Senate with recommendations
8 thereon, including recommendations for a project to
9 potentially reduce the reliance on Canada for flood
10 risk management in the basin.

11 (2) COORDINATION.—The Secretary shall carry
12 out the activities described in this subsection in co-
13 ordination with other Federal and State agencies
14 and Indian Tribes.

15 (b) FUNDS FOR COLUMBIA RIVER TREATY OBLIGA-
16 TIONS.—

17 (1) IN GENERAL.—The Secretary is authorized
18 to expend funds appropriated for the purpose of sat-
19 isfying United States obligations under the Colum-
20 bia River Treaty to compensate Canada for oper-
21 ating Canadian storage on behalf of the United
22 States under such treaty.

23 (2) NOTIFICATION.—If the U.S. entity calls
24 upon Canada to operate Canadian reservoir storage
25 for flood risk management on behalf of the United

1 States, which operation may incur an obligation to
2 compensate Canada under the Columbia River Trea-
3 ty—

4 (A) the Secretary shall submit to the Com-
5 mittees on Transportation and Infrastructure
6 and Appropriations of the House of Representa-
7 tives and the Committees on Environment and
8 Public Works and Appropriations of the Senate,
9 by not later than 30 days after the initiation of
10 the call, a written notice of the action and a
11 justification, including a description of the cir-
12 cumstances necessitating the call;

13 (B) upon a determination by the United
14 States of the amount of compensation that shall
15 be paid to Canada, the Secretary shall submit
16 to the Committees on Transportation and In-
17 frastructure and Appropriations of the House
18 of Representatives and the Committees on En-
19 vironment and Public Works and Appropria-
20 tions of the Senate a written notice specifying
21 such amount and an explanation of how such
22 amount was derived, which notification shall
23 not delay or impede the flood risk management
24 mission of the U.S. entity; and

1 (C) the Secretary shall make no payment
2 to Canada for the call under the Columbia
3 River Treaty until such time as funds appro-
4 priated for the purpose of compensating Can-
5 ada under such treaty are available.

6 (3) DEFINITIONS.—In this section:

7 (A) COLUMBIA RIVER BASIN.—The term
8 “Columbia River Basin” means the entire
9 United States portion of the Columbia River
10 watershed.

11 (B) COLUMBIA RIVER TREATY.—The term
12 “Columbia River Treaty” means the treaty re-
13 lating to cooperative development of the water
14 resources of the Columbia River Basin, signed
15 at Washington January 17, 1961, and entered
16 into force September 16, 1964.

17 (C) U.S. ENTITY.—The term “U.S. entity”
18 means the entity designated by the United
19 States under Article XIV of the Columbia River
20 Treaty.

21 **SEC. 8310. EVALUATION OF HYDROLOGIC CHANGES IN**
22 **SOURIS RIVER BASIN.**

23 The Secretary is authorized to evaluate hydrologic
24 changes affecting the agreement entitled “Agreement Be-
25 tween the Government of Canada and the Government of

1 the United States of America for Water Supply and Flood
2 Control in the Souris River Basin”, signed and entered
3 into force on October 26, 1989.

4 **SEC. 8311. ACEQUIAS IRRIGATION SYSTEMS.**

5 Section 1113 of the Water Resources Development
6 Act of 1986 (100 Stat. 4232; 110 Stat. 3719) is amend-
7 ed—

8 (1) in subsection (b)—

9 (A) by striking “(b) Subject to section
10 903(a) of this Act, the Secretary is authorized
11 and directed to undertake” and inserting the
12 following:

13 “(b) AUTHORIZATION.—The Secretary shall carry
14 out”; and

15 (B) by striking “canals” and all that fol-
16 lows through “100 percent.” and inserting the
17 following: “channels attendant to the operations
18 of the community ditch and Acequia systems in
19 New Mexico that—

20 “(1) are declared to be a political subdivision of
21 the State; or

22 “(2) belong to an Indian Tribe (as defined in
23 section 4 of the Indian Self-Determination and Edu-
24 cation Assistance Act (25 U.S.C. 5304)).”;

1 (2) by redesignating subsection (c) as sub-
2 section (f);

3 (3) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) INCLUSIONS.—The measures described in sub-
6 section (b) shall, to the maximum extent practicable—

7 “(1) ensure greater resiliency of diversion struc-
8 tures, including to flow variations, prolonged
9 drought conditions, invasive plant species, and
10 threats from changing hydrological and climatic con-
11 ditions; or

12 “(2) support research, development, and train-
13 ing for innovative management solutions, including
14 those for controlling invasive aquatic plants that af-
15 fect acequias.

16 “(d) COST SHARING.—The non-Federal share of the
17 cost of carrying out the measures described in subsection
18 (b), including study costs, shall be 25 percent, except that
19 in the case of a measure benefitting an economically dis-
20 advantaged community (as defined by the Secretary under
21 section 160 of the Water Resources Development Act of
22 2020 (33 U.S.C. 2201 note)), including economically dis-
23 advantaged communities located in urban and rural areas,
24 the Federal share of the cost of carrying out such measure
25 shall be 90 percent.

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to carry out the measures
3 described in subsection (b) \$80,000,000.”; and

4 (4) in subsection (f) (as so redesignated)—

5 (A) in the first sentence—

6 (i) by striking “(f) The Secretary is
7 further authorized and directed to” and in-
8 serting the following:

9 “(f) PUBLIC ENTITY STATUS.—

10 “(1) IN GENERAL.—The Secretary shall”; and

11 (ii) by inserting “or belong to an In-
12 dian Tribe within the State of New Mex-
13 ico” after “that State”; and

14 (B) in the second sentence, by striking
15 “This public entity status will allow the officials
16 of these Acequia systems” and inserting the fol-
17 lowing:

18 “(2) EFFECT.—The public entity status pro-
19 vided under paragraph (1) shall allow the officials of
20 the Acequia systems described in such paragraph”.

21 **SEC. 8312. PORT OF NOME, ALASKA.**

22 (a) IN GENERAL.—The Secretary shall carry out the
23 project for navigation, Port of Nome, Alaska, authorized
24 by section 401(1) of the Water Resources Development
25 Act of 2020 (134 Stat. 2733).

1 (b) COST SHARE.—

2 (1) IN GENERAL.—The non-Federal interest for
3 the project described in subsection (a) shall pay 10
4 percent of the costs associated with the general navi-
5 gation features of the project during the period of
6 construction.

7 (2) EXCEPTION.—Section 101(a)(2) of the
8 Water Resources Development Act of 1986 (33
9 U.S.C. 2211(a)(2)) shall not apply to the project de-
10 scribed in subsection (a).

11 **SEC. 8313. ST. GEORGE, ALASKA.**

12 Notwithstanding the terms of the local cooperation
13 agreement between the Department of the Army and the
14 City of St. George, Alaska, dated December 23, 1988, the
15 Secretary shall waive any and all payments due and owing
16 to the United States by the City of St. George on or after
17 the date of enactment this Act resulting from the judg-
18 ment filed on November 8, 1993, in the United States
19 Court of Federal Claims in *J.E. McAmis, Inc. v. United*
20 *States*, 90–315C, 91–1194C, and 91–1195C.

21 **SEC. 8314. UNALASKA (DUTCH HARBOR) CHANNELS, ALAS-**

22 **KA.**

23 Section 401(1) of the Water Resources Development
24 Act of 2020 (134 Stat. 2734) is amended, in row 3 (relat-
25 ing to the project for navigation, Unalaska (Dutch Har-

1 bor) Channels, Alaska), by striking “February 7, 2020”
2 and inserting “October 2, 2020”.

3 **SEC. 8315. STORM DAMAGE PREVENTION AND REDUCTION,**
4 **COASTAL EROSION, AND ICE AND GLACIAL**
5 **DAMAGE, ALASKA.**

6 (a) IN GENERAL.—The Secretary shall establish a
7 program to carry out structural and nonstructural
8 projects for storm damage prevention and reduction,
9 coastal erosion, and ice and glacial damage in the State
10 of Alaska, including—

- 11 (1) relocation of affected communities; and
12 (2) construction of replacement facilities.

13 (b) COST SHARE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (2), the non-Federal share of the cost of a
16 project carried out under this section shall be in ac-
17 cordance with sections 103 and 105 of the Water
18 Resources Development Act of 1986 (33 U.S.C.
19 2213, 2215).

20 (2) EXCEPTION.—In the case of a project bene-
21 fitting an economically disadvantaged community (as
22 defined by the Secretary under section 160 of the
23 Water Resources Development Act of 2020 (33
24 U.S.C. 2201 note)), including economically disadvan-
25 taged communities located in urban and rural areas,

1 the non-Federal share of the cost of such project
2 shall be 10 percent.

3 (c) REPEAL.—Section 116 of the Energy and Water
4 Development and Related Agencies Appropriations Act,
5 2010 (123 Stat. 2851), is repealed.

6 (d) TREATMENT.—The program authorized by sub-
7 section (a) shall be considered a continuation of the pro-
8 gram authorized by section 116 of the Energy and Water
9 Development and Related Agencies Appropriations Act,
10 2010 (123 Stat. 2851) (as in effect on the day before the
11 date of enactment of this Act).

12 **SEC. 8316. ST. FRANCIS LAKE CONTROL STRUCTURE.**

13 (a) IN GENERAL.—The Secretary shall set the ordi-
14 nary high water mark for water impounded behind the St.
15 Francis Lake Control Structure, authorized by the Act of
16 May 15, 1928 (chapter 569, 45 Stat. 538; 79 Stat. 1077),
17 at 208 feet mean sea level.

18 (b) OPERATION BY PROJECT MANAGER.—In setting
19 the ordinary high water mark under subsection (a), the
20 Secretary shall ensure that the project manager for the
21 St. Francis Lake Control Structure may continue oper-
22 ating such structure in accordance with the instructions
23 set forth in the document titled “St. Francis Lake Control
24 Structure Standing Instructions to the Project Manager”

1 and published in January 1982 by the Corps of Engineers,
2 Memphis District.

3 **SEC. 8317. SOUTH PLATTE RIVER AND TRIBUTARIES,**
4 **ADAMS AND DENVER COUNTIES, COLORADO.**

5 (a) IN GENERAL.—The Secretary shall expedite the
6 completion of a written agreement under section 204(d)
7 of the Water Resources Development Act of 1986 (33
8 U.S.C. 2232(d)) with the non-Federal interest for the
9 project for ecosystem restoration and flood risk manage-
10 ment, South Platte River and Tributaries, Adams and
11 Denver Counties, Colorado, authorized by section 401(4)
12 of the Water Resources Development Act of 2020 (134
13 Stat. 2739).

14 (b) REIMBURSEMENT.—The written agreement de-
15 scribed in subsection (a) shall provide for reimbursement
16 of the non-Federal interest from funds in the allocation
17 for the project described in subsection (a) in the detailed
18 spend plan submitted for amounts appropriated under the
19 heading “**DEPARTMENT OF THE ARMY—CORPS OF**
20 **ENGINEERS—CIVIL—CONSTRUCTION**” in title III of
21 division J of the Infrastructure Investment and Jobs Act
22 (135 Stat. 1359) if the Secretary determines that funds
23 in an amount sufficient to reimburse the non-Federal in-
24 terest are available in such allocation.

1 **SEC. 8318. FRUITVALE AVENUE RAILROAD BRIDGE, ALA-**
2 **MEDA, CALIFORNIA.**

3 Section 4017(d) of the Water Resources Development
4 Act of 2007 (121 Stat. 1175) is repealed.

5 **SEC. 8319. LOS ANGELES COUNTY, CALIFORNIA.**

6 (a) **ESTABLISHMENT OF PROGRAM.**—The Secretary
7 may establish a program to provide environmental assist-
8 ance to non-Federal interests in Los Angeles County, Cali-
9 fornia.

10 (b) **FORM OF ASSISTANCE.**—Assistance provided
11 under this section may be in the form of design and con-
12 struction assistance for water-related environmental infra-
13 structure and resource protection and development
14 projects in Los Angeles County, California, including
15 projects for wastewater treatment and related facilities,
16 water supply and related facilities, environmental restora-
17 tion, and surface water resource protection and develop-
18 ment.

19 (c) **OWNERSHIP REQUIREMENT.**—The Secretary may
20 provide assistance for a project under this section only if
21 the project is publicly owned.

22 (d) **PARTNERSHIP AGREEMENTS.**—

23 (1) **IN GENERAL.**—Before providing assistance
24 under this section to a non-Federal interest, the Sec-
25 retary shall enter into a partnership agreement
26 under section 221 of the Flood Control Act of 1970

1 (42 U.S.C. 1962d–5b) with the non-Federal interest
2 with respect to the project to be carried out with
3 such assistance.

4 (2) REQUIREMENTS.—Each partnership agree-
5 ment for a project entered into under this subsection
6 shall provide for the following:

7 (A) Development by the Secretary, in con-
8 sultation with appropriate Federal and State of-
9 ficials, of a facilities or resource protection and
10 development plan, including appropriate engi-
11 neering plans and specifications.

12 (B) Establishment of such legal and insti-
13 tutional structures as are necessary to ensure
14 the effective long-term operation of the project
15 by the non-Federal interest.

16 (3) COST SHARING.—

17 (A) IN GENERAL.—The Federal share of
18 the cost of a project under this section—

19 (i) shall be 75 percent; and

20 (ii) may be provided in the form of
21 grants or reimbursements of project costs.

22 (B) CREDIT FOR INTEREST.—In case of a
23 delay in the funding of the Federal share of a
24 project that is the subject of an agreement
25 under this section, the non-Federal interest

1 shall receive credit for reasonable interest in-
2 curred in providing the non-Federal share of
3 the project cost.

4 (C) CREDIT FOR LAND, EASEMENTS, AND
5 RIGHTS-OF-WAY.—Notwithstanding section
6 221(a)(4)(G) of the Flood Control Act of 1970
7 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
8 eral interest shall receive credit for land, ease-
9 ments, rights-of-way, and relocations toward
10 the non-Federal share of project cost (including
11 all reasonable costs associated with obtaining
12 permits necessary for the construction, oper-
13 ation, and maintenance of the project on pub-
14 licly owned or controlled land), but the credit
15 may not exceed 25 percent of total project
16 costs.

17 (D) OPERATION AND MAINTENANCE.—The
18 non-Federal share of operation and mainte-
19 nance costs for projects constructed with assist-
20 ance provided under this section shall be 100
21 percent.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) IN GENERAL.—There is authorized to be
24 appropriated \$50,000,000 to carry out this section.

1 (2) CORPS OF ENGINEERS EXPENSES.—Not
2 more than 10 percent of the amounts made available
3 to carry out this section may be used by the Corps
4 of Engineers district offices to administer projects
5 under this section at Federal expense.

6 **SEC. 8320. DEAUTHORIZATION OF DESIGNATED PORTIONS**
7 **OF THE LOS ANGELES COUNTY DRAINAGE**
8 **AREA, CALIFORNIA.**

9 (a) IN GENERAL.—The portion of the project for
10 flood risk management, Los Angeles County Drainage
11 Area, California, authorized by section 5 of the Act of
12 June 22, 1936 (chapter 688, 49 Stat. 1589; 50 Stat. 167;
13 52 Stat. 1215; 55 Stat. 647; 64 Stat. 177; 104 Stat.
14 4611), consisting of the debris basins described in sub-
15 section (b), is no longer authorized beginning on the date
16 that is 18 months after the date of enactment of this Act.

17 (b) DEBRIS BASINS DESCRIBED.—The debris basins
18 referred to in subsection (a) are the following debris basins
19 operated and maintained by the Los Angeles County Flood
20 Control District, as generally defined in Corps of Engi-
21 neers operations and maintenance manuals as may be fur-
22 ther described in an agreement entered into under sub-
23 section (c): Auburn Debris Basin, Bailey Debris Basin,
24 Big Dalton Debris Basin, Blanchard Canyon Debris
25 Basin, Blue Gum Canyon Debris Basin, Brand Canyon

1 Debris Basin, Carter Debris Basin, Childs Canyon Debris
2 Basin, Dunsmuir Canyon Debris Basin, Eagle Canyon
3 Debris Basin, Eaton Wash Debris Basin, Elmwood Can-
4 yon Debris Basin, Emerald East Debris Basin, Emerald
5 West Debris Retention Inlet, Hay Debris Basin, Hillcrest
6 Debris Basin, La Tuna Canyon Debris Basin, Little Dal-
7 ton Debris Basin, Live Oak Debris Retention Inlet, Lopez
8 Debris Retention Inlet, Lower Sunset Canyon Debris
9 Basin, Marshall Canyon Debris Retention Inlet, Santa
10 Anita Debris Basin, Sawpit Debris Basin, Schoolhouse
11 Canyon Debris Basin, Shields Canyon Debris Basin, Si-
12 erra Madre Villa Debris Basin, Snover Canyon Debris
13 Basin, Stough Canyon Debris Basin, Wilson Canyon De-
14 bris Basin, and Winery Canyon Debris Basin.

15 (c) AGREEMENT.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary shall seek
17 to enter into an agreement with the Los Angeles County
18 Flood Control District to ensure that the Los Angeles
19 County Flood Control District—

20 (1) operates, maintains, repairs, and rehabili-
21 tates, and replaces as necessary, the debris basins
22 described in subsection (b)—

23 (A) in perpetuity at no cost to the United
24 States; and

1 (B) in a manner that ensures that the
2 quantity and concentration of stormwater
3 inflows from such debris basins does not reduce
4 the level of flood protection of the project de-
5 scribed in subsection (a);

6 (2) retains public ownership of, and compatible
7 uses for, all real property required for the continued
8 functioning of the debris basins described in sub-
9 section (b), consistent with authorized purposes of
10 the project described in subsection (a);

11 (3) allows the Corps of Engineers to continue
12 to operate, maintain, rehabilitate, repair, and replace
13 appurtenant structures, such as rain and stream
14 gages, located within the debris basins subject to de-
15 authorization under subsection (a) as necessary to
16 ensure the continued functioning of the project de-
17 scribed in subsection (a); and

18 (4) holds and saves the United States harmless
19 from damages due to overtopping, breach, failure,
20 operation, or maintenance of the debris basins de-
21 scribed in subsection (b).

22 (d) ADMINISTRATIVE COSTS.—The Secretary may
23 accept and expend funds voluntarily contributed by the
24 Los Angeles County Flood Control District to cover the
25 administrative costs incurred by the Secretary to—

1 (1) enter into an agreement under subsection
2 (c); and

3 (2) monitor compliance with such agreement.

4 **SEC. 8321. MURRIETA CREEK, CALIFORNIA.**

5 Section 103 of title I of appendix B of Public Law
6 106–377 (114 Stat. 1441A–65) (relating to the project
7 for flood control, environmental restoration, and recre-
8 ation, Murrieta Creek, California), is amended—

9 (1) by striking “\$89,850,000” and inserting
10 “\$277,194,000”;

11 (2) by striking “\$57,735,000” and inserting
12 “\$180,176,100”; and

13 (3) by striking “\$32,115,000” and inserting
14 “\$97,017,900”.

15 **SEC. 8322. SACRAMENTO RIVER BASIN, CALIFORNIA.**

16 The portion of the project for flood protection in the
17 Sacramento River Basin, authorized by section 2 of the
18 Act of March 1, 1917 (chapter 144, 39 Stat. 949; 68 Stat.
19 1264; 110 Stat. 3662; 113 Stat. 319), consisting of the
20 portion of the American River North Levee, upstream of
21 Arden Way, from G.P.S. coordinate 38.600948N
22 121.330599W to 38.592261N 121.334155W, is no longer
23 authorized beginning on the date of enactment of this Act.

1 **SEC. 8323. SAN DIEGO RIVER AND MISSION BAY, SAN DIEGO**
2 **COUNTY, CALIFORNIA.**

3 (a) IN GENERAL.—The project for flood control and
4 navigation, San Diego River and Mission Bay, San Diego
5 County, California, authorized by the Act of July 24, 1946
6 (chapter 595, 60 Stat. 636; 134 Stat. 2705), is modified
7 to change the authorized conveyance capacity of the
8 project to a level determined appropriate by the Secretary
9 based on the actual capacity of the project, which level
10 may be further modified by the Secretary as necessary to
11 account for sea level rise.

12 (b) OPERATION AND MAINTENANCE MANUAL.—

13 (1) IN GENERAL.—The non-Federal sponsor for
14 the project described in subsection (a) shall prepare
15 for review and approval by the Secretary a revised
16 operation and maintenance manual for the project to
17 implement the modification described in subsection
18 (a).

19 (2) FUNDING.—The non-Federal sponsor shall
20 provide to the Secretary funds sufficient to cover the
21 costs incurred by the Secretary to review and ap-
22 prove the manual described in paragraph (1), and
23 the Secretary may accept and expend such funds in
24 the performance of such review and approval.

25 (c) EMERGENCY REPAIR AND RESTORATION ASSIST-
26 ANCE.—Upon approval by the Secretary of the revised op-

1 eration and maintenance manual required under sub-
2 section (b), and subject to compliance by the non-Federal
3 sponsor with the requirements of such manual and with
4 any other eligibility requirement established by the Sec-
5 retary, the project described in subsection (a) shall be con-
6 sidered for assistance under section 5(a) of the Act of Au-
7 gust 18, 1941 (33 U.S.C. 701n(a)).

8 **SEC. 8324. ADDITIONAL ASSISTANCE FOR EASTERN SANTA**
9 **CLARA BASIN, CALIFORNIA.**

10 Section 111 of title I of division B of the Miscella-
11 neous Appropriations Act, 2001 (Public Law 106–554,
12 appendix D, 114 Stat. 2763A–224 (as enacted by section
13 1(a)(4) of the Consolidated Appropriations Act, 2001 (114
14 Stat. 2763)); 121 Stat. 1209), is amended—

15 (1) in subsection (a), by inserting “and volatile
16 organic compounds” after “perchlorates”; and

17 (2) in subsection (b)(3), by inserting “and vola-
18 tile organic compounds” after “perchlorates”.

19 **SEC. 8325. SAN FRANCISCO BAY, CALIFORNIA.**

20 (a) **TECHNICAL AMENDMENT.**—Section 203(a)(1)(A)
21 of the Water Resources Development Act of 2020 (134
22 Stat. 2675) is amended by striking “ocean shoreline” and
23 inserting “bay and ocean shorelines”.

24 (b) **IMPLEMENTATION.**—In carrying out a study
25 under section 142 of the Water Resources Development

1 Act of 1976 (90 Stat. 2930; 100 Stat. 4158), pursuant
2 to section 203(a)(1)(A) of the Water Resources Develop-
3 ment Act of 2020 (as amended by this section), the Sec-
4 retary shall not differentiate between damages related to
5 high tide flooding and coastal storm flooding for the pur-
6 poses of determining the Federal interest or cost share.

7 **SEC. 8326. SOUTH SAN FRANCISCO BAY SHORELINE, CALI-**
8 **FORNIA.**

9 (a) IN GENERAL.—Except for funds required for a
10 betterment or for a locally preferred plan, the Secretary
11 shall not require the non-Federal interest for the project
12 for flood risk management, ecosystem restoration, and
13 recreation, South San Francisco Bay Shoreline, Cali-
14 fornia, authorized by section 1401(6) of the Water Re-
15 sources Development Act of 2016 (130 Stat. 1714), to
16 contribute funds under an agreement entered into prior
17 to the date of enactment of this Act in excess of the total
18 cash contribution required from the non-Federal interest
19 for the project under section 103 of the Water Resources
20 Development Act of 1986 (33 U.S.C. 2213).

21 (b) REQUIREMENT.—The Secretary shall not, at any
22 time, defer, suspend, or terminate construction of the
23 project described in subsection (a) solely on the basis of
24 a determination by the Secretary that an additional appro-
25 priation is required to cover the Federal share of the cost

1 to complete construction of the project, if Federal funds,
2 in an amount determined by the Secretary to be sufficient
3 to continue construction of the project, remain available
4 in the allocation for the project under the Long-Term Dis-
5 aster Recovery Investment Plan for amounts appropriated
6 under the heading “CORPS OF ENGINEERS—CIVIL—DE-
7 PARTMENT OF THE ARMY—CONSTRUCTION” in title IV of
8 subdivision 1 of division B of the Bipartisan Budget Act
9 of 2018 (Public Law 115–123; 132 Stat. 76).

10 **SEC. 8327. DELAWARE SHORE PROTECTION AND RESTORA-**
11 **TION.**

12 (a) DELAWARE BENEFICIAL USE OF DREDGED MA-
13 TERIAL FOR THE DELAWARE RIVER, DELAWARE.—

14 (1) IN GENERAL.—At the request of the non-
15 Federal interest for the project for hurricane and
16 storm damage risk reduction, Delaware Beneficial
17 Use of Dredged Material for the Delaware River,
18 Delaware, authorized by section 401(3) of the Water
19 Resources Development Act of 2020 (134 Stat.
20 2736) (referred to in this subsection as the
21 “project”), the Secretary shall implement the project
22 using borrow sources that are alternatives to the
23 Delaware River, Philadelphia to the Sea, project,
24 Delaware, New Jersey, Pennsylvania, authorized by
25 the Act of June 25, 1910 (chapter 382, 36 Stat.

1 637; 46 Stat. 921; 52 Stat. 803; 59 Stat. 14; 68
2 Stat. 1249; 72 Stat. 297).

3 (2) INTERIM AUTHORITY.—Until the Secretary
4 implements the modification under paragraph (1),
5 the Secretary is authorized, at the request of a non-
6 Federal interest, to carry out initial construction or
7 periodic nourishments at any site included in the
8 project under—

9 (A) section 1122 of the Water Resources
10 Development Act of 2016 (33 U.S.C. 2326
11 note); or

12 (B) section 204(d) of the Water Resources
13 Development Act of 1992 (33 U.S.C. 2326(d)).

14 (3) COST SHARE.—The Federal share of the
15 cost to construct and periodically nourish the
16 project, including the cost of any modifications car-
17 ried out under paragraph (1) and the incremental
18 cost of any placements carried out under paragraph
19 (2)(B), shall be 90 percent.

20 (b) DELAWARE EMERGENCY SHORE RESTORA-
21 TION.—

22 (1) IN GENERAL.—The Secretary is authorized
23 to repair or restore a federally authorized hurricane
24 and storm damage reduction structure or project or
25 a public beach located in the State of Delaware pur-

1 suant to section 5(a) of the Act of August 18, 1941
2 (33 U.S.C. 701n(a)), if—

3 (A) the structure, project, or public beach
4 is damaged by wind, wave, or water action asso-
5 ciated with a Nor'easter; and

6 (B) the Secretary determines that the
7 damage prevents—

8 (i) in the case of a structure or
9 project, the adequate functioning of the
10 structure or project for the authorized pur-
11 poses of the structure or project; or

12 (ii) in the case of a public beach, the
13 adequate functioning of the beach as a
14 natural barrier to inundation, wave attack,
15 or erosion coinciding with hurricanes,
16 coastal storms, or Nor'easters.

17 (2) **JUSTIFICATION.**—The Secretary may carry
18 out a repair or restoration activity under paragraph
19 (1) without the need to demonstrate that the activity
20 is justified solely by national economic development
21 benefits if—

22 (A) the Secretary determines that—

23 (i) such activity is necessary to restore
24 the adequate functioning of the structure,
25 project, or public beach for the purposes

1 described in paragraph (1)(B), as applica-
2 ble; and

3 (ii) such activity is warranted to pro-
4 tect against loss to life or property of the
5 community protected by the structure,
6 project, or public beach; and

7 (B) in the case of a public beach, the non-
8 Federal interest agrees to participate in, and
9 comply with, applicable Federal floodplain man-
10 agement and flood insurance programs.

11 (3) **PRIORITIZATION.**—Repair or restoration ac-
12 tivities carried out by the Secretary under paragraph
13 (2) shall be given equal budgetary consideration and
14 priority as activities justified solely by national eco-
15 nomic development benefits.

16 (4) **LIMITATIONS.**—An activity carried out
17 under paragraph (1) for a public beach shall not—

18 (A) repair or restore the beach beyond its
19 natural profile; or

20 (B) be considered initial construction of
21 the hurricane and storm damage reduction
22 project.

23 (5) **SAVINGS PROVISION.**—The authority pro-
24 vided by this subsection shall be in addition to any
25 authority provided by section 5(a) of the Act of Au-

1 gust 18, 1941 (33 U.S.C. 701n(a)) to repair or re-
2 store federally authorized hurricane or shore protec-
3 tive structure or project located in the State of Dela-
4 ware damaged or destroyed by wind, wave, or water
5 action of other than an ordinary nature.

6 (6) SUNSET.—The authority of the Secretary to
7 carry out an activity under paragraph (1) for a pub-
8 lic beach shall expire on the date that is 10 years
9 after the date of enactment of this Act.

10 (7) DEFINITIONS.—In this subsection:

11 (A) NOR'EASTER.—The term “Nor'easter”
12 means a synoptic-scale, extratropical cyclone in
13 the western North Atlantic Ocean.

14 (B) PUBLIC BEACH.—The term “public
15 beach” means a beach within the geographic
16 boundary of an unconstructed federally author-
17 ized hurricane and storm damage reduction
18 project that is—

19 (i) a publicly owned beach; or

20 (ii) a privately owned beach that is
21 available for public use, including the avail-
22 ability of reasonable public access, in ac-
23 cordance with Engineer Regulation 1165–
24 2–130, published by the Corps of Engi-
25 neers, dated June 15, 1989.

1 (c) INDIAN RIVER INLET AND BAY, DELAWARE.—

2 (1) IN GENERAL.—In carrying out major main-
3 tenance of the project for navigation, Indian River
4 Inlet and Bay, Delaware, authorized by the first sec-
5 tion of the Act of August 26, 1937 (chapter 832, 50
6 Stat. 846; 59 Stat. 14), the Secretary shall repair,
7 restore, or relocate any non-Federal public recre-
8 ation facility that has been damaged, in whole or in
9 part, by the deterioration or failure of the project.

10 (2) AUTHORIZATION OF APPROPRIATIONS.—

11 There is authorized to be appropriated to carry out
12 this subsection \$10,000,000.

13 (d) INDIAN RIVER INLET SAND BYPASS PLANT,
14 DELAWARE.—

15 (1) IN GENERAL.—The project for hurricane-
16 flood protection and beach erosion control at Indian
17 River Inlet, Delaware, commonly known as the “In-
18 dian River Inlet Sand Bypass Plant”, authorized by
19 section 869 of the Water Resources Development
20 Act of 1986 (100 Stat. 4182), is modified to author-
21 ize the Secretary, at the request of a non-Federal in-
22 terest, to provide periodic nourishment through dedi-
23 cated dredging or other means to maintain or re-
24 store the functioning of such project when—

25 (A) the sand bypass plant is inoperative; or

1 (B) operation of the sand bypass plant is
2 insufficient to maintain the functioning of the
3 project.

4 (2) COST SHARE.—The non-Federal share of
5 the cost of a cycle of periodic nourishment provided
6 pursuant to paragraph (1) shall be the same per-
7 centage as the non-Federal share of the cost to oper-
8 ate the sand bypass plant.

9 (e) REPROGRAMMING FOR COASTAL STORM RISK
10 MANAGEMENT PROJECT AT INDIAN RIVER INLET.—

11 (1) IN GENERAL.—For each fiscal year, the
12 Secretary may reprogram amounts made available
13 for any coastal storm risk management project to
14 use such amounts for the project for hurricane-flood
15 protection and beach erosion control at Indian River
16 Inlet, Delaware, commonly known as the “Indian
17 River Inlet Sand Bypass Plant”, authorized by sec-
18 tion 869 of the Water Resources Development Act
19 of 1986 (100 Stat. 4182).

20 (2) LIMITATIONS.—

21 (A) IN GENERAL.—The Secretary may
22 carry out not more than 2 reprogramming ac-
23 tions under paragraph (1) for each fiscal year.

24 (B) AMOUNT.—For each fiscal year, the
25 Secretary may reprogram—

1 (i) not more than \$100,000 per re-
2 programming action; and

3 (ii) not more than \$200,000 for each
4 fiscal year.

5 **SEC. 8328. ST. JOHNS RIVER BASIN, CENTRAL AND SOUTH-**
6 **ERN FLORIDA.**

7 The portions of the project for flood control and other
8 purposes, Central and Southern Florida, authorized by
9 section 203 of the Flood Control Act of 1948 (62 Stat.
10 1176), consisting of the southernmost 3.5-mile reach of
11 the L-73 levee, Section 2, Osceola County Florida, are
12 no longer authorized beginning on the date of enactment
13 of this Act.

14 **SEC. 8329. LITTLE PASS, CLEARWATER BAY, FLORIDA.**

15 The portion of the project for navigation, Little Pass,
16 Clearwater Bay, Florida, authorized by section 101 of the
17 River and Harbor Act of 1960 (74 Stat. 481), beginning
18 with the most westerly 1,000 linear feet of the channel
19 encompassing all of Cut H, to include the turning basin,
20 is no longer authorized beginning on the date of enactment
21 of this Act.

1 **SEC. 8330. COMPREHENSIVE EVERGLADES RESTORATION**
2 **PLAN, FLORIDA.**

3 (a) IN GENERAL.—Section 601(e)(5) of the Water
4 Resources Development Act of 2000 (114 Stat. 2685; 121
5 Stat. 1269; 132 Stat. 3786) is amended—

6 (1) in subparagraph (D), by striking “subpara-
7 graph (D)” and inserting “subparagraph (E)”; and

8 (2) in subparagraph (E)—

9 (A) in clause (i), in the matter preceding
10 subclause (I), by striking “during each 5-year
11 period, beginning with commencement of design
12 of the Plan” and inserting “during each period
13 of 5 fiscal years, beginning on October 1,
14 2022”;

15 (B) in clause (ii), by inserting “for each
16 project in the Plan” before the period at the
17 end; and

18 (C) by adding at the end the following:

19 “(iii) ACCOUNTING.—Not later than
20 90 days after the end of each fiscal year,
21 the Secretary shall provide to the non-Fed-
22 eral sponsor a financial accounting of non-
23 Federal contributions under clause (i)(I)
24 for such fiscal year.

25 “(iv) LIMITATION.—In the case of an
26 authorized project for which a project part-

1 nership agreement has not been executed
2 and for which there is an agreement under
3 subparagraph (B)(i)(III), the Secretary—

4 “(I) shall consider all expendi-
5 tures and obligations incurred by the
6 non-Federal sponsor for land and in-
7 kind services for the project in deter-
8 mining the amount of any cash con-
9 tribution required from the non-Fed-
10 eral sponsor to satisfy the cost-share
11 requirements of this subsection; and

12 “(II) may only require any such
13 cash contribution to be made at the
14 end of each period of 5 fiscal years
15 under clause (i).”.

16 (b) UPDATE.—The Secretary and the non-Federal in-
17 terest shall revise the Master Agreement for the Com-
18 prehensive Everglades Restoration Plan, executed in 2009
19 pursuant to section 601 of the Water Resources Develop-
20 ment Act of 2000 (114 Stat. 2680), to reflect the amend-
21 ment made by subsection (a).

22 **SEC. 8331. PALM BEACH HARBOR, FLORIDA.**

23 Beginning on the date of enactment of this Act, the
24 project for navigation, Palm Beach Harbor, Florida, for
25 which assumption of maintenance was authorized by sec-

1 tion 202 of the Water Resources Development Act of 1986
2 (100 Stat. 4093), is modified to deauthorize the portion
3 of the project, known as the Northern Turning Basin, con-
4 sisting of an approximate 209,218-square foot area (4.803
5 acres) of the Federal northern turning basin within Palm
6 Beach Harbor, starting at a point with coordinates
7 N887149.6299, E965813.7673; thence running
8 N46°05'59"E for 106.07 feet to a point with coordinates
9 N887223.1767, E965890.1929; thence running
10 S88°54'01"E for 393.00 feet to a point with coordinates
11 N887215.6342, E966283.1205; thence running
12 S32°48'37"E for 433.78 feet to a point with coordinates
13 N886851.0560, E966518.1668; thence running
14 N88°54'01"W for 710.00 feet to a point with coordinates
15 N886864.6824, E965808.2975; thence running
16 N01°05'59"E for 285.00 feet to the point of origin.

17 **SEC. 8332. PORT EVERGLADES, FLORIDA.**

18 Section 1401(1) of the Water Resources Development
19 Act of 2016 (130 Stat. 1709) is amended, in row 4 (relat-
20 ing to the project for navigation, Port Everglades, Flor-
21 ida)—

22 (1) by striking “\$229,770,000” and inserting
23 “\$529,700,000”;

24 (2) by striking “\$107,233,000” and inserting
25 “\$247,209,000”; and

1 (3) by striking “\$337,003,000” and inserting
2 “\$776,909,000”.

3 **SEC. 8333. SOUTH FLORIDA ECOSYSTEM RESTORATION**
4 **TASK FORCE.**

5 Section 528(f)(1)(J) of the Water Resources Develop-
6 ment Act of 1996 (110 Stat. 3771) is amended by striking
7 “2 representatives of the State of Florida,” and inserting
8 “3 representatives of the State of Florida, including at
9 least 1 representative of the Florida Department of Envi-
10 ronmental Protection and 1 representative of the Florida
11 Fish and Wildlife Conservation Commission,”.

12 **SEC. 8334. NEW SAVANNAH BLUFF LOCK AND DAM, GEOR-**
13 **GIA AND SOUTH CAROLINA.**

14 Section 1319(c) of the Water Resources Development
15 Act of 2016 (130 Stat. 1704) is amended by striking para-
16 graph (2) and inserting the following:

17 “(2) COST SHARE.—

18 “(A) IN GENERAL.—The costs of construc-
19 tion of a Project feature constructed pursuant
20 to paragraph (1) shall be determined in accord-
21 ance with section 101(a)(1)(B) of the Water
22 Resources Development Act of 1986 (33 U.S.C.
23 2211(a)(1)(B)).

24 “(B) SAVINGS PROVISION.—Any increase
25 in costs for the Project due to the construction

1 of a Project feature constructed pursuant to
2 paragraph (1) shall not be included in the total
3 project cost for purposes of section 902 of the
4 Water Resources Development Act of 1986 (33
5 U.S.C. 2280).”.

6 **SEC. 8335. LITTLE WOOD RIVER, GOODING, IDAHO.**

7 Section 3057 of the Water Resources Development
8 Act of 2007 (121 Stat. 1120) is amended—

9 (1) in subsection (a)(2), by striking
10 “\$9,000,000” and inserting “\$40,000,000”; and

11 (2) in subsection (b)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) PLANNING, DESIGN, AND RECONSTRUC-
15 TION COSTS.—The Federal share of planning, de-
16 sign, and reconstruction costs for a project under
17 this section, including any work associated with
18 bridges, shall be 90 percent.”; and

19 (B) by adding at the end the following:

20 “(3) IN-KIND CONTRIBUTIONS.—The non-Fed-
21 eral interest may provide and receive credit for in-
22 kind contributions for a project carried out under
23 this section, consistent with section 221(a)(4) of the
24 Flood Control Act of 1970 (42 U.S.C. 1962d-
25 5b(a)(4)).

1 “(4) CASH CONTRIBUTION NOT APPLICABLE.—
2 The requirement under section 103(a)(1)(A) of the
3 Water Resources Development Act of 1986 (33
4 U.S.C. 2213(a)(1)(A)) for a non-Federal interest to
5 provide 5 percent of the cost of a project carried out
6 under this section shall not apply with respect to the
7 project.

8 “(5) PAYMENT OPTIONS.—At the request of the
9 non-Federal interest for a project carried out under
10 this section and subject to available funding, the
11 non-Federal contribution for construction of the
12 project shall be financed in accordance with the pro-
13 visions of section 103(k) of the Water Resources De-
14 velopment Act of 1986 (33 U.S.C. 2213(k)) over a
15 period of thirty years from the date of completion of
16 the project.”.

17 **SEC. 8336. CHICAGO SHORELINE PROTECTION.**

18 The project for storm damage reduction and shore-
19 line erosion protection, Lake Michigan, Illinois, from
20 Wilmette, Illinois, to the Illinois-Indiana State line, au-
21 thorized by section 101(a)(12) of the Water Resources De-
22 velopment Act of 1996 (110 Stat. 3664), is modified to
23 authorize the Secretary to provide 65 percent of the cost
24 of the locally preferred plan, as described in the Report

1 of the Chief of Engineers, dated April 14, 1994, for the
2 construction of the following segments of the project:

3 (1) Shoreline revetment at Morgan Shoal.

4 (2) Shoreline revetment at Promontory Point.

5 **SEC. 8337. GREAT LAKES AND MISSISSIPPI RIVER**
6 **INTERBASIN PROJECT, BRANDON ROAD,**
7 **WILL COUNTY, ILLINOIS.**

8 (a) IN GENERAL.—Section 402(a)(1) of the Water
9 Resources Development Act of 2020 (134 Stat. 2742) is
10 amended by striking “80 percent” and inserting “90 per-
11 cent”.

12 (b) LOCAL COOPERATION REQUIREMENTS.—At the
13 request of the applicable non-Federal interests for the
14 project for ecosystem restoration, Great Lakes and Mis-
15 sissippi River Interbasin project, Brandon Road, Will
16 County, Illinois, authorized by section 401(a)(5) of the
17 Water Resources Development Act of 2020 (134 Stat.
18 2740), the Secretary shall not require such non-Federal
19 interests to be jointly and severally liable for all non-Fed-
20 eral obligations in the project partnership agreement for
21 the project.

22 **SEC. 8338. SOUTHEAST DES MOINES, SOUTHWEST PLEAS-**
23 **ANT HILL, IOWA.**

24 (a) PROJECT MODIFICATIONS.—The project for flood
25 control and other purposes, Red Rock Dam and Lake, Des

1 Moines River, Iowa (referred to in this section as the “Red
2 Rock Dam Project”), authorized by section 10 of the Act
3 of December 22, 1944 (chapter 665, 58 Stat. 896), and
4 the project for local flood protection, Des Moines Local
5 Flood Protection, Des Moines River, Iowa (referred to in
6 this section as “Flood Protection Project”), authorized by
7 such section, shall be modified as follows, subject to a new
8 or amended agreement between the Secretary and the non-
9 Federal interest for the Flood Protection Project, the City
10 of Des Moines, Iowa (referred to in this section as the
11 “City”), in accordance with section 221 of the Flood Con-
12 trol Act of 1970 (42 U.S.C. 1962d–5b):

13 (1) That portion of the Red Rock Dam Project
14 consisting of the segment of levee from Station
15 15+88.8W to Station 77+43.7W shall be trans-
16 ferred to the Flood Protection Project.

17 (2) The relocated levee improvement con-
18 structed by the City, from Station 77+43.7W to ap-
19 proximately Station 20+00, shall be included in the
20 Flood Protection Project.

21 (b) FEDERAL EASEMENT CONVEYANCES.—

22 (1) IN GENERAL.—The Secretary is authorized
23 to convey the following easements, acquired by the
24 Federal Government for the Red Rock Dam Project,

1 to the City to become part of the Flood Protection
2 Project in accordance with subsection (a):

3 (A) Easements identified as Tracts
4 3215E-1, 3235E, and 3227E.

5 (B) Easements identified as Partial Tracts
6 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

7 (2) ADDITIONAL CONVEYANCES AUTHORIZED.—

8 After execution of a new or amended agreement pur-
9 suant to subsection (a) and conveyance of the ease-
10 ments under paragraph (1), the Secretary is author-
11 ized to convey the following easements, by quitclaim
12 deed, without consideration, acquired by the Federal
13 Government for the Red Rock Dam project, to the
14 City or to the Des Moines Metropolitan Wastewater
15 Reclamation Authority and no longer required for
16 the Red Rock Dam Project or for the Des Moines
17 Local Flood Protection Project:

18 (A) Easements identified as Tracts 3200E,
19 3202E-1, 3202E-2, 3202E-4, 3203E-2,
20 3215E-3, 3216E-1, and 3216E-5.

21 (B) Easements identified as Partial Tracts
22 3216E-2, 3216E-3, 3217E-1, and 3217E-2.

23 (3) EASEMENT DISPOSAL PROCESS AND
24 FEES.—All real property interests conveyed under
25 this subsection shall be subject to the standard re-

1 lease of easement disposal process. All administra-
2 tive fees associated with the transfer of the subject
3 easements to the City or to the Des Moines Metro-
4 politan Wastewater Reclamation Authority will be
5 borne by the transferee.

6 **SEC. 8339. CITY OF EL DORADO, KANSAS.**

7 (a) IN GENERAL.—The Secretary shall amend the
8 contract described in subsection (b) between the United
9 States and the City of El Dorado, Kansas, relating to stor-
10 age space for water supply, to change the method of cal-
11 culation of the interest charges that began accruing on
12 June 30, 1991, on the investment costs for the 72,087
13 acre-feet of future use storage space, from compounding
14 interest annually to charging simple interest annually on
15 the principal amount, until—

16 (1) the City of El Dorado informs the Secretary
17 of the desire to convert the future use storage space
18 to present use; and

19 (2) the principal amount plus the accumulated
20 interest becomes payable pursuant to the terms of
21 the contract.

22 (b) CONTRACT DESCRIBED.—The contract referred
23 to in subsection (a) is the contract between the United
24 States and the City of El Dorado, Kansas, for the use
25 by the City of El Dorado of storage space for water supply

1 in El Dorado Lake, Kansas, entered into on June 30,
2 1972, and titled Contract DACW56-72-C-0220.

3 **SEC. 8340. ALGIERS CANAL LEVEES, LOUISIANA.**

4 (a) IN GENERAL.—In accordance with section 328 of
5 the Water Resources Development Act of 1999 (113 Stat.
6 304; 121 Stat. 1129), the Secretary shall resume oper-
7 ation, maintenance, repair, rehabilitation, and replace-
8 ment of the Algiers Canal Levees, Louisiana, at full Fed-
9 eral expense.

10 (b) TECHNICAL AMENDMENT.—Section 328(c) of the
11 Water Resources Development Act of 1999 (113 Stat.
12 304; 121 Stat. 1129) is amended by inserting “described
13 in subsection (b)” after “the project”.

14 **SEC. 8341. MISSISSIPPI RIVER GULF OUTLET, LOUISIANA.**

15 The Federal share of the cost of the project for eco-
16 system restoration, Mississippi River Gulf Outlet, Lou-
17 isiana, authorized by section 7013(a)(4) of the Water Re-
18 sources Development Act of 2007 (121 Stat. 1281), shall
19 be 100 percent.

20 **SEC. 8342. CAMP ELLIS, SACO, MAINE.**

21 (a) IN GENERAL.—The project being carried out
22 under section 111 of the River and Harbor Act of 1968
23 (33 U.S.C. 426i) for the mitigation of shore damages at-
24 tributable to the project for navigation, Camp Ellis, Saco,
25 Maine, is modified as follows:

1 (1) The maximum amount of Federal funds
2 that may be expended for the project shall be
3 \$45,000,000.

4 (2) The project may include Federal participa-
5 tion in periodic nourishment.

6 (3) For purposes of subsection (b) of section
7 111 of the River and Harbor Act of 1968 (33
8 U.S.C. 426i(b)), the Secretary shall determine that
9 the navigation works to which the shore damages are
10 attributable were constructed at Federal expense.

11 (b) CONFORMING AMENDMENT.—Section 3085 of the
12 Water Resources Development Act of 2007 (121 Stat.
13 1129), and the item relating to such section in the table
14 of contents for such Act, are repealed.

15 **SEC. 8343. LOWER MISSISSIPPI RIVER COMPREHENSIVE**
16 **MANAGEMENT STUDY.**

17 Section 213 of the Water Resources Development Act
18 of 2020 (134 Stat. 2684) is amended by adding at the
19 end the following:

20 “(j) COST SHARE.—The Federal share of the cost of
21 the comprehensive study carried out under subsection (a),
22 and any feasibility study carried out under subsection (e),
23 shall be 100 percent.”.

1 **SEC. 8344. UPPER MISSISSIPPI RIVER PROTECTION.**

2 Section 2010 of the Water Resources Reform and De-
3 velopment Act of 2014 (128 Stat. 1270; 132 Stat. 3812)
4 is amended by adding at the end the following:

5 “(f) LIMITATION.—The Secretary shall not rec-
6 ommend deauthorization of the Upper St. Anthony Falls
7 Lock and Dam pursuant to the disposition study carried
8 out under subsection (d) unless the Secretary identifies
9 a willing and capable non-Federal public entity to assume
10 ownership of the Upper St. Anthony Falls Lock and Dam.

11 “(g) MODIFICATION.—The Secretary is authorized to
12 investigate the feasibility of modifying, prior to
13 deauthorizing, the Upper St. Anthony Falls Lock and
14 Dam to add ecosystem restoration, including the preven-
15 tion and control of invasive species, water supply, and
16 recreation as authorized purposes.”.

17 **SEC. 8345. UPPER MISSISSIPPI RIVER RESTORATION PRO-**
18 **GRAM.**

19 Section 1103(e)(3) of the Water Resources Develop-
20 ment Act of 1986 (33 U.S.C. 652(e)(3)) is amended by
21 striking “\$40,000,000” and inserting “\$75,000,000”.

22 **SEC. 8346. WATER LEVEL MANAGEMENT ON THE UPPER**
23 **MISSISSIPPI RIVER AND ILLINOIS WATER-**
24 **WAY.**

25 (a) IN GENERAL.—As part of the operation and
26 maintenance of the navigation channel projects on the

1 Upper Mississippi River, including all projects authorized
2 for navigation of the Mississippi River from the mouth of
3 the Missouri River to Minneapolis, authorized by the first
4 section of the Act of July 3, 1930 (chapter 847, 46 Stat.
5 927; 49 Stat. 1034; 50 Stat. 848; 59 Stat. 19; 72 Stat.
6 298; 92 Stat. 1695; 95 Stat. 1634; 100 Stat. 4208; 100
7 Stat. 4213; 100 Stat. 4228; 102 Stat. 4027; 104 Stat.
8 4613; 106 Stat. 4806; 106 Stat. 4811; 110 Stat. 3716;
9 121 Stat. 1283; 128 Stat. 1270; 132 Stat. 3812; 134
10 Stat. 2704), and as part of the operation and maintenance
11 of the navigation channel projects on the Illinois River,
12 Illinois (also called the Illinois Waterway), authorized by
13 the first section of the Act of January 21, 1927 (chapter
14 47, 44 Stat. 1013; 46 Stat. 929; 49 Stat. 1035; 49 Stat.
15 1036; 52 Stat. 805; 59 Stat. 19; 60 Stat. 636; 72 Stat.
16 302; 82 Stat. 735; 100 Stat. 4208; 106 Stat. 4806; 121
17 Stat. 1283; 128 Stat. 1351), the Secretary is authorized
18 to and shall carry out water level management activities
19 to help redress the degrading influences of prolonged inun-
20 dation or sedimentation from such projects, and to im-
21 prove the quality and quantity of habitat available for fish
22 and wildlife.

23 (b) CONDITIONS ON DRAWDOWNS.—In carrying out
24 subsection (a), the Secretary shall carry out routine and
25 systemic water level drawdowns of the pools created by

1 the locks and dams of the projects described in subsection
2 (a), including drawdowns during the growing season,
3 when—

4 (1) hydrologic conditions allow the Secretary to
5 carry out a drawdown within applicable dam oper-
6 ating plans; or

7 (2) hydrologic conditions allow the Secretary to
8 carry out a drawdown and sufficient funds are avail-
9 able to the Secretary to carry out any additional ac-
10 tivities that may be required to ensure that the
11 drawdown does not adversely affect navigation.

12 (c) COORDINATION AND NOTIFICATION.—

13 (1) COORDINATION.—The Secretary shall use
14 existing coordination and consultation processes to
15 regularly coordinate and consult with other relevant
16 Federal agencies and States regarding the planning
17 and assessment of water level management actions
18 implemented under this section.

19 (2) NOTIFICATION AND OPPORTUNITY FOR
20 COMMENT.—Prior to carrying out any activity under
21 this section, the Secretary shall provide to the public
22 and to navigation interests and other interested
23 stakeholders notice and an opportunity for comment
24 on such activity.

1 (d) REPORT.—Not later than December 31, 2028,
2 the Secretary shall make publicly available (including on
3 a publicly available website) and submit to the Committee
4 on Transportation and Infrastructure of the House of
5 Representatives and the Committee on Environment and
6 Public Works of the Senate a report that describes any
7 activity carried out under this section and the effects of
8 such activity.

9 **SEC. 8347. MISSISSIPPI DELTA HEADWATERS, MISSISSIPPI.**

10 As part of the authority of the Secretary to carry out
11 the project for flood damage reduction, bank stabilization,
12 and sediment and erosion control, Yazoo Basin, Mis-
13 sissippi Delta Headwaters, Mississippi, authorized pursu-
14 ant to the matter under the heading “ENHANCEMENT OF
15 WATER RESOURCE BENEFITS AND FOR EMERGENCY DIS-
16 ASTER WORK” in title I of Public Law 98–8 (97 Stat. 22),
17 the Secretary may carry out emergency maintenance ac-
18 tivities, as the Secretary determines to be necessary, for
19 features of the project completed before the date of enact-
20 ment of this Act.

21 **SEC. 8348. SENSE OF CONGRESS RELATING TO OKATIBBEE**
22 **LAKE, MISSISSIPPI.**

23 It is the sense of Congress that—

24 (1) there is significant shoreline sloughing and
25 erosion at the Okatibbee Lake portion of the project

1 for flood protection, Chunky Creek, Chickasawhay
2 and Pascagoula Rivers, Mississippi, authorized by
3 section 203 of the Flood Control Act of 1962 (76
4 Stat. 1183), which has the potential to impact infra-
5 structure, damage property, and put lives at risk;
6 and

7 (2) addressing shoreline sloughing and erosion
8 at a project of the Secretary, including at a location
9 leased by non-Federal entities such as Okatibbee
10 Lake, is an activity that is eligible to be carried out
11 by the Secretary as part of the operation and main-
12 tenance of such project.

13 **SEC. 8349. ARGENTINE, EAST BOTTOMS, FAIRFAX-JERSEY**
14 **CREEK, AND NORTH KANSAS LEVEES UNITS,**
15 **MISSOURI RIVER AND TRIBUTARIES AT KAN-**
16 **SAS CITIES, MISSOURI AND KANSAS.**

17 (a) IN GENERAL.—The project for flood control,
18 Kansas Citys on Missouri and Kansas Rivers in Missouri
19 and Kansas, authorized by section 5 of the Act of June
20 22, 1936 Flood Control Act of 1936 (chapter 688, 49
21 Stat. 1588; 58 Stat. 897; 121 Stat. 1054) is modified to
22 direct the Secretary to—

23 (1) construct access manholes, or other fea-
24 tures, in the Fairfax portion of such project to allow

1 for regular inspection of project features if the Sec-
2 retary determines that such work is—

3 (A) not required as a result of improper
4 operation and maintenance of the project by the
5 nonFederal interest; and

6 (B) technically feasible and environ-
7 mentally acceptable; and

8 (2) plan, design, and carry out the construction
9 described in paragraph (1) as a continuation of the
10 construction of such project.

11 (b) COST SHARING.—The Federal share of the cost
12 of planning, design, and construction of access manholes
13 or other features under this section shall be 90 percent.

14 **SEC. 8350. LOWER MISSOURI RIVER STREAMBANK EROSION**
15 **CONTROL EVALUATION AND DEMONSTRA-**
16 **TION PROJECTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 carry out streambank erosion control evaluation and dem-
19 onstration projects in the Lower Missouri River through
20 contracts with non-Federal interests, including projects
21 for streambank protection and stabilization.

22 (b) AREA.—The Secretary shall carry out demonstra-
23 tion projects under this section on the reach of the Mis-
24 souri River between Sioux City, Iowa, and the confluence
25 of the Missouri River and the Mississippi River.

1 (c) REQUIREMENTS.—In carrying out subsection (a),
2 the Secretary shall—

3 (1) conduct an evaluation of the extent of
4 streambank erosion on the Lower Missouri River;
5 and

6 (2) develop new methods and techniques for
7 streambank protection, research soil stability, and
8 identify the causes of erosion.

9 (d) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall submit to
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on Envi-
13 ronment and Public Works of the Senate a report describ-
14 ing the results of the demonstration projects carried out
15 under this section, including any recommendations for
16 methods to prevent and correct streambank erosion.

17 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated to carry out this section
19 \$15,000,000, to remain available until expended.

20 (f) SUNSET.—The authority of the Secretary to enter
21 into contracts under subsection (a) shall expire on the date
22 that is 5 years after the date of enactment of this Act.

1 **SEC. 8351. MISSOURI RIVER INTERCEPTION-REARING COM-**
2 **PLEXES.**

3 (a) IN GENERAL.—Notwithstanding section 129 of
4 the Water Resources Development Act of 2020 (134 Stat.
5 2643), and subject to subsection (b), the Secretary is au-
6 thorized to carry out the construction of an interception-
7 rearing complex at each of Plowboy Bend A (River Mile:
8 174.5 to 173.2) and Pelican Bend B (River Mile: 15.8
9 to 13.4) on the Missouri River.

10 (b) ANALYSIS AND MITIGATION OF RISK.—

11 (1) ANALYSIS.—Prior to construction of the
12 interception-rearing complexes under subsection (a),
13 the Secretary shall perform an analysis to identify
14 whether the interception-rearing complexes will—

15 (A) contribute to an increased risk of
16 flooding to adjacent lands and properties, in-
17 cluding local levees;

18 (B) affect the navigation channel, includ-
19 ing crossflows, velocity, channel depth, and
20 channel width;

21 (C) affect the harvesting of sand;

22 (D) affect ports and harbors; or

23 (E) contribute to bank erosion on adjacent
24 private lands.

25 (2) MITIGATION.—The Secretary may not con-
26 struct an interception-rearing complex under sub-

1 section (a) until the Secretary successfully mitigates
2 any effects described in paragraph (1) with respect
3 to such interception-rearing complex.

4 (c) REPORT.—Not later than 1 year after completion
5 of the construction of the interception-rearing complexes
6 under subsection (a), the Secretary shall submit to the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives and the Committee on Environ-
9 ment and Public Works of the Senate a report describing
10 the extent to which the construction of such interception-
11 rearing complexes affected the population recovery of pal-
12 lid sturgeon in the Missouri River.

13 (d) CONFORMING AMENDMENT.—Section 129(b) of
14 the Water Resources Development Act of 2020 (134 Stat.
15 2643) is amended by redesignating paragraphs (2) and
16 (3) as paragraphs (3) and (4), respectively, and inserting
17 after paragraph (1) the following:

18 “(2) submits the report required by section
19 318(c) of the Water Resources Development Act of
20 2022;”.

21 **SEC. 8352. MISSOURI RIVER MITIGATION PROJECT, MIS-**
22 **SOURI, KANSAS, IOWA, AND NEBRASKA.**

23 (a) USE OF OTHER FUNDS.—

1 (1) IN GENERAL.—Section 334 of the Water
2 Resources Development Act of 1999 (113 Stat. 306)
3 is amended by adding at the end the following:

4 “(c) USE OF OTHER FUNDS.—

5 “(1) IN GENERAL.—The Secretary shall consult
6 with other Federal agencies to determine if lands or
7 interests in lands acquired by such other Federal
8 agencies—

9 “(A) meet the purposes of the Missouri
10 River Mitigation Project, Missouri, Kansas,
11 Iowa, and Nebraska, authorized by section
12 601(a) of the Water Resources Development
13 Act of 1986 (100 Stat. 4143; 113 Stat. 306;
14 121 Stat. 1155); and

15 “(B) whether such lands are restricted by
16 such other Federal agencies from being applied
17 toward the total number of acres required
18 under subsection (a).

19 “(2) APPLICATION OF LANDS.—Upon making a
20 determination under paragraph (1) that lands or in-
21 terests in lands acquired by a Federal agency meet
22 the purposes of the project described in paragraph
23 (1)(A) and that such lands are not otherwise re-
24 stricted, the Secretary shall apply the lands or inter-
25 ests in lands acquired toward the total number of

1 acres required under subsection (a), regardless of
2 the source of the Federal funds used to acquire such
3 lands or interests in lands.

4 “(3) SAVINGS PROVISION.—Nothing in this sub-
5 section authorizes any transfer of administrative ju-
6 risdiction over any lands or interests in lands ac-
7 quired by a Federal agency that are applied toward
8 the total number of acres required under subsection
9 (a) pursuant to this subsection.”.

10 (2) REPORT REQUIRED.—

11 (A) IN GENERAL.—Not later than 180
12 days after the enactment of this Act, the Sec-
13 retary shall submit to the Committee on Trans-
14 portation and Infrastructure of the House of
15 Representatives and the Committee on Environ-
16 ment and Public Works of the Senate a report
17 identifying the lands or interests in lands ac-
18 quired with Federal funds that the Secretary
19 determines, pursuant to section 344(c)(1) of the
20 Water Resources Development Act of 1999,
21 meet the purposes of the Missouri River Mitiga-
22 tion Project, Missouri, Kansas, Iowa, and Ne-
23 braska, authorized by section 601(a) of the
24 Water Resources Development Act of 1986

1 (100 Stat. 4143; 113 Stat. 306; 121 Stat.
2 1155).

3 (B) CONTENTS.—The Secretary shall in-
4 clude in the report submitted under subpara-
5 graph (A) a justification for any lands or inter-
6 ests in lands acquired with Federal funding
7 that the Secretary determines will not be ap-
8 plied toward the total number of acres required
9 under section 334(a) of the Water Resources
10 Development Act of 1999 (113 Stat. 306).

11 (b) FLOOD RISK MANAGEMENT BENEFITS.—The
12 project for mitigation of fish and wildlife losses, Missouri
13 River Bank Stabilization and Navigation Project, Mis-
14 souri, Kansas, Iowa, and Nebraska, authorized by section
15 601(a) of the Water Resources Development Act of 1986
16 (100 Stat. 4143; 113 Stat. 306; 121 Stat. 1155), is modi-
17 fied to authorize the Secretary to consider incidental flood
18 risk management benefits when acquiring land for the
19 project.

20 **SEC. 8353. NORTHERN MISSOURI.**

21 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
22 may establish a program to provide environmental assist-
23 ance to non-Federal interests in northern Missouri.

24 (b) FORM OF ASSISTANCE.—Assistance provided
25 under this section may be in the form of design and con-

1 struction assistance for water-related environmental infra-
2 structure and resource protection and development
3 projects in northern Missouri, including projects for
4 wastewater treatment and related facilities, water supply
5 and related facilities, environmental restoration, and sur-
6 face water resource protection and development.

7 (c) OWNERSHIP REQUIREMENT.—The Secretary may
8 provide assistance for a project under this section only if
9 the project is publicly owned.

10 (d) PARTNERSHIP AGREEMENTS.—

11 (1) IN GENERAL.—Before providing assistance
12 under this section to a non-Federal interest, the Sec-
13 retary shall enter into a partnership agreement
14 under section 221 of the Flood Control Act of 1970
15 (42 U.S.C. 1962d–5b) with the non-Federal interest
16 with respect to the project to be carried out with
17 such assistance.

18 (2) REQUIREMENTS.—Each partnership agree-
19 ment for a project entered into under this subsection
20 shall provide for the following:

21 (A) Development by the Secretary, in con-
22 sultation with appropriate Federal and State of-
23 ficials, of a facilities or resource protection and
24 development plan, including appropriate engi-
25 neering plans and specifications.

1 (B) Establishment of such legal and insti-
2 tutional structures as are necessary to ensure
3 the effective long-term operation of the project
4 by the non-Federal interest.

5 (3) COST SHARING.—

6 (A) IN GENERAL.—The Federal share of
7 the cost of a project carried out under this sec-
8 tion—

9 (i) shall be 75 percent; and

10 (ii) may be provided in the form of
11 grants or reimbursements of project costs.

12 (B) CREDIT FOR INTEREST.—In case of a
13 delay in the funding of the Federal share of a
14 project that is the subject of a partnership
15 agreement under this section, the non-Federal
16 interest shall receive credit for reasonable inter-
17 est incurred in providing the non-Federal share
18 of the project cost.

19 (C) CREDIT FOR LAND, EASEMENTS, AND
20 RIGHTS-OF-WAY.—Notwithstanding section
21 221(a)(4)(G) of the Flood Control Act of 1970
22 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
23 eral interest shall receive credit for land, ease-
24 ments, rights-of-way, and relocations toward
25 the non-Federal share of project cost (including

1 all reasonable costs associated with obtaining
2 permits necessary for the construction, oper-
3 ation, and maintenance of the project on pub-
4 licly owned or controlled land), but such credit
5 may not exceed 25 percent of total project
6 costs.

7 (D) OPERATION AND MAINTENANCE.—The
8 non-Federal share of operation and mainte-
9 nance costs for projects constructed with assist-
10 ance provided under this section shall be 100
11 percent.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—

13 (1) IN GENERAL.—There is authorized to be
14 appropriated \$50,000,000 to carry out this section.

15 (2) CORPS OF ENGINEERS EXPENSES.—Not
16 more than 10 percent of the amounts made available
17 to carry out this section may be used by the Corps
18 of Engineers district offices to administer projects
19 under this section at Federal expense.

20 (f) NORTHERN MISSOURI DEFINED.—In this section,
21 the term “northern Missouri” means the counties of
22 Buchanan, Marion, Platte, and Clay, Missouri.

23 **SEC. 8354. ISRAEL RIVER, LANCASTER, NEW HAMPSHIRE.**

24 The project for flood control, Israel River, Lancaster,
25 New Hampshire, carried out under section 205 of the

1 Flood Control Act of 1948 (33 U.S.C. 701s), is no longer
2 authorized beginning on the date of enactment of this Act.

3 **SEC. 8355. MIDDLE RIO GRANDE FLOOD PROTECTION,**
4 **BERNALILLO TO BELEN, NEW MEXICO.**

5 The non-Federal share of the cost of the project for
6 flood risk management, Middle Rio Grande, Bernalillo to
7 Belen, New Mexico, authorized by section 401(2) of the
8 Water Resources Development Act of 2020 (134 Stat.
9 2735), shall be 25 percent.

10 **SEC. 8356. ECOSYSTEM RESTORATION, HUDSON-RARITAN**
11 **ESTUARY, NEW YORK AND NEW JERSEY.**

12 (a) IN GENERAL.—The Secretary may carry out ad-
13 ditional feasibility studies for the project ecosystem res-
14 toration, Hudson–Raritan Estuary, New York and New
15 Jersey, authorized by section 401(5) of the Water Re-
16 sources Development Act of 2020 (134 Stat. 2739), in-
17 cluding an examination of measures and alternatives at
18 Baisley Pond Park and the Richmond Terrace Wetlands.

19 (b) TREATMENT.—A feasibility study carried out
20 under subsection (a) shall be considered a continuation of
21 the study that formulated the project for ecosystem res-
22 toration, Hudson–Raritan Estuary, New York and New
23 Jersey, authorized by section 401(5) of the Water Re-
24 sources Development Act of 2020 (134 Stat. 2740).

1 **SEC. 8357. ARKANSAS RIVER CORRIDOR, OKLAHOMA.**

2 Section 3132 of the Water Resources Development
3 Act of 2007 (121 Stat. 1141) is amended by striking sub-
4 section (b) and inserting the following:

5 “(b) **AUTHORIZED COST.**—The Secretary is author-
6 ized to carry out construction of projects under this sec-
7 tion at a total cost of \$128,400,000, with the cost shared
8 in accordance with section 103 of the Water Resources
9 Development Act of 1986 (33 U.S.C. 2213).

10 “(c) **ADDITIONAL FEASIBILITY STUDIES AUTHOR-**
11 **IZED.**—

12 “(1) **IN GENERAL.**—The Secretary is authorized
13 to carry out feasibility studies for purposes of rec-
14 ommending to the Committee on Environment and
15 Public Works of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives additional projects under this sec-
18 tion.

19 “(2) **TREATMENT.**—An additional feasibility
20 study carried out under this subsection shall be con-
21 sidered a continuation of the feasibility study that
22 formulated any project carried out under subsection
23 (a).”.

24 **SEC. 8358. COPAN LAKE, OKLAHOMA.**

25 (a) **IN GENERAL.**—The Secretary shall amend the
26 contract described in subsection (c) between the United

1 States and the Copan Public Works Authority, relating
2 to the use of storage space for water supply in Copan
3 Lake, Oklahoma, to—

4 (1) release to the United States all rights of the
5 Copan Public Works Authority to utilize 4,750 acre-
6 feet of future use water storage space; and

7 (2) relieve the Copan Public Works Authority
8 from all financial obligations, to include the initial
9 project investment costs and the accumulated inter-
10 est on unpaid project investment costs, for the vol-
11 ume of water storage space described in paragraph
12 (1).

13 (b) REQUIREMENT.—During the 2-year period begin-
14 ning on the effective date of the contract amendment
15 under subsection (a), the Secretary shall—

16 (1) provide the City of Bartlesville, Oklahoma,
17 with the right of first refusal to contract for the uti-
18 lization of storage space for water supply for any
19 portion of the storage space that was released by the
20 Authority under subsection (a); and

21 (2) ensure that the City of Bartlesville, Okla-
22 homa, shall not pay more than 110 percent of the
23 initial project investment cost per acre-foot of stor-
24 age for the acre-feet of storage space sought under
25 an agreement under paragraph (1).

1 (c) CONTRACT DESCRIBED.—The contract referred
2 to in subsection (a) is the contract between the United
3 States and the Copan Public Works Authority for the use
4 of storage space for water supply in Copan Lake, Okla-
5 homa, entered into on June 22, 1981, and titled Contract
6 DACW56–81–C–0114.

7 **SEC. 8359. SOUTHWESTERN OREGON.**

8 (a) ESTABLISHMENT OF PROGRAM.—The Secretary
9 may establish a program to provide environmental assist-
10 ance to non-Federal interests in southwestern Oregon.

11 (b) FORM OF ASSISTANCE.—Assistance provided
12 under this section may be in the form of design and con-
13 struction assistance for water-related environmental infra-
14 structure and resource protection and development
15 projects in southwestern Oregon, including projects for
16 wastewater treatment and related facilities, water supply
17 and related facilities, environmental restoration, and sur-
18 face water resource protection and development.

19 (c) OWNERSHIP REQUIREMENT.—The Secretary may
20 provide assistance for a project under this section only if
21 the project is publicly owned.

22 (d) PARTNERSHIP AGREEMENTS.—

23 (1) IN GENERAL.—Before providing assistance
24 under this section to a non-Federal interest, the Sec-
25 retary shall enter into a partnership agreement

1 under section 221 of the Flood Control Act of 1970
2 (42 U.S.C. 1962d–5b) with the non-Federal interest
3 with respect to the project to be carried out with
4 such assistance.

5 (2) REQUIREMENTS.—Each partnership agree-
6 ment for a project entered into under this subsection
7 shall provide for the following:

8 (A) Development by the Secretary, in con-
9 sultation with appropriate Federal and State of-
10 ficials, of a facilities or resource protection and
11 development plan, including appropriate engi-
12 neering plans and specifications.

13 (B) Establishment of such legal and insti-
14 tutional structures as are necessary to ensure
15 the effective long-term operation of the project
16 by the non-Federal interest.

17 (3) COST SHARING.—

18 (A) IN GENERAL.—The Federal share of
19 the cost of a project carried out under this sec-
20 tion—

21 (i) shall be 75 percent; and

22 (ii) may be provided in the form of
23 grants or reimbursements of project costs.

24 (B) CREDIT FOR INTEREST.—In case of a
25 delay in the funding of the Federal share of a

1 project that is the subject of a partnership
2 agreement under this section, the non-Federal
3 interest shall receive credit for reasonable inter-
4 est incurred in providing the non-Federal share
5 of the project cost.

6 (C) CREDIT FOR LAND, EASEMENTS, AND
7 RIGHTS-OF-WAY.—Notwithstanding section
8 221(a)(4)(G) of the Flood Control Act of 1970
9 (42 U.S.C. 1962d–5b(a)(4)(G)), the non-Fed-
10 eral interest shall receive credit for land, ease-
11 ments, rights-of-way, and relocations toward
12 the non-Federal share of project cost (including
13 all reasonable costs associated with obtaining
14 permits necessary for the construction, oper-
15 ation, and maintenance of the project on pub-
16 licly owned or controlled land), but such credit
17 may not exceed 25 percent of total project
18 costs.

19 (D) OPERATION AND MAINTENANCE.—The
20 non-Federal share of operation and mainte-
21 nance costs for projects constructed with assist-
22 ance provided under this section shall be 100
23 percent.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated \$50,000,000 to carry out this section.

3 (2) CORPS OF ENGINEERS EXPENSE.—Not
4 more than 10 percent of the amounts made available
5 to carry out this section may be used by the Corps
6 of Engineers district offices to administer projects
7 under this section at Federal expense.

8 (f) SOUTHWESTERN OREGON DEFINED.—In this sec-
9 tion, the term “southwestern Oregon” means the counties
10 of Benton, Coos, Curry, Douglas, Lane, Linn, and Jose-
11 phine, Oregon.

12 **SEC. 8360. YAQUINA RIVER, OREGON.**

13 The Secretary shall not require the non-Federal in-
14 terest for the project for navigation, Yaquina River, Or-
15 egon, authorized by the first section of the Act of March
16 4, 1913 (chapter 144, 37 Stat. 819), to—

17 (1) provide a floating plant to the United
18 States for use in maintaining the project; or

19 (2) provide funds in an amount determined by
20 the Secretary to be equivalent to the value of the
21 floating plant as a non-Federal contribution to the
22 cost of maintaining the project.

23 **SEC. 8361. LOWER BLACKSTONE RIVER, RHODE ISLAND.**

24 The project being carried out under section 206 of
25 the Water Resources Development Act of 1996 (33 U.S.C.

1 2330) for ecosystem restoration, Lower Blackstone River,
2 Rhode Island, is modified as follows:

3 (1) The maximum amount of Federal funds
4 that may be expended for the project shall be
5 \$15,000,000.

6 (2) If the Secretary includes in the project a
7 measure on Federal land under the jurisdiction of
8 another Federal agency, the Secretary may enter
9 into an agreement with such agency that grants per-
10 mission for the Secretary to—

11 (A) construct the measure on the land
12 under the jurisdiction of such agency; and

13 (B) operate and maintain the measure
14 using funds provided to the Secretary by the
15 non-Federal interest for the project.

16 (3) If the Secretary includes in the project a
17 measure for fish passage at a dam licensed for hy-
18 dropower, the Secretary shall include in the project
19 costs all costs for such measure, except that those
20 costs that are in excess of the costs to provide fish
21 passage at the dam if hydropower improvements
22 were not in place shall be at 100 percent non-Fed-
23 eral expense.

1 **SEC. 8362. CHARLESTON HARBOR, SOUTH CAROLINA.**

2 The Secretary shall reimburse the non-Federal inter-
3 est for project for navigation, Charleston Harbor, South
4 Carolina, authorized by section 1401(1) of the Water Re-
5 sources Development Act of 2016 (130 Stat. 1708), for
6 advanced funds provided by the non-Federal interest for
7 construction of the project that exceed the non-Federal
8 share of the cost of construction of the project as soon
9 as practicable after the completion of each individual con-
10 tract for the project.

11 **SEC. 8363. COLLETON COUNTY, SOUTH CAROLINA.**

12 Notwithstanding subparagraph (C)(i) of section
13 221(a)(4) of the Flood Control Act of 1970 (42 U.S.C.
14 1962d–5b(a)(4)), the non-Federal interest for the project
15 for hurricane and storm damage risk reduction, Colleton
16 County, South Carolina, authorized by section 1401(3) of
17 the Water Resources Development Act of 2016 (130 Stat.
18 1711), may receive credit under subparagraph (A) of such
19 section 221(a)(4) for the cost of construction carried out
20 before the date of enactment of this Act.

21 **SEC. 8364. ENSLEY LEVEE, TENNESSEE.**

22 (a) IN GENERAL.—Section 353(b)(1) of the Water
23 Resources Development Act of 2020 (134 Stat. 2721) is
24 amended by striking “and Nonconnah Creek” and insert-
25 ing “, Nonconnah Creek, and Ensley”.

1 (b) RESUMPTION OF MAINTENANCE.—The Secretary
2 shall resume operation and maintenance of Ensley levee
3 system portion of the project described in the modification
4 made by subsection (a) pursuant to the requirements of
5 section 353(b)(1) of the Water Resources Development
6 Act of 2020 (134 Stat. 2721).

7 **SEC. 8365. WOLF RIVER HARBOR, TENNESSEE.**

8 Beginning on the date of enactment of this Act, the
9 project for navigation, Wolf River Harbor, Tennessee, au-
10 thorized by section 202 of the National Industrial Recov-
11 ery Act (48 Stat. 201; 49 Stat. 1034; 72 Stat. 308), is
12 modified to reduce, in part, the authorized dimensions of
13 the project, such that the remaining authorized dimen-
14 sions are as follows:

15 (1) A 250-foot-wide, 9-foot-depth channel with
16 a center line beginning at an approximate point of
17 35.139634, -90.062343 and extending approximately
18 1,300 feet to an approximate point of 35.142077,
19 -90.059107.

20 (2) A 200-foot-wide, 9-foot-depth channel with
21 a center line beginning at an approximate point of
22 35.142077, -90.059107 and extending approximately
23 1,800 feet to an approximate point of 35.1467861,
24 -90.057003.

1 (3) A 250-foot-wide, 9-foot-depth channel with
2 a center line beginning at an approximate point of
3 35.1467861, -90.057003 and extending approxi-
4 mately 5,550 feet to an approximate point of
5 35.160848, -90.050566.

6 **SEC. 8366. ADDICKS AND BARKER RESERVOIRS, TEXAS.**

7 The Secretary is authorized to provide, pursuant to
8 section 206 of the Flood Control Act of 1960 (33 U.S.C.
9 709a), information and advice to non-Federal interests on
10 the removal of sediment obstructing inflow channels to the
11 Addicks and Barker Reservoirs, authorized pursuant to
12 the project for Buffalo Bayou and its tributaries, Texas,
13 under section 3a of the Act of August 11, 1939 (chapter
14 699, 53 Stat. 1414; 68 Stat. 1258).

15 **SEC. 8367. NORTH PADRE ISLAND, CORPUS CHRISTI BAY,**
16 **TEXAS.**

17 The project for ecosystem restoration, North Padre
18 Island, Corpus Christi Bay, Texas, authorized under sec-
19 tion 556 of the Water Resources Development Act of 1999
20 (113 Stat. 353), shall not be eligible for repair and res-
21 toration assistance under section 5(a) of the Act of August
22 18, 1941 (33 U.S.C. 701n(a)).

23 **SEC. 8368. NUECES COUNTY, TEXAS.**

24 (a) IN GENERAL.—Upon receipt of a written request
25 from the owner of land subject to a covered easement, the

1 Secretary shall, without consideration, release or otherwise
2 convey the covered easement to the holder of such ease-
3 ment, if the Secretary determines that the covered ease-
4 ment is no longer required for purposes of navigation.

5 (b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The
6 exact acreage and legal description of any covered ease-
7 ments to be released or otherwise conveyed under this sec-
8 tion shall be determined by a survey that is satisfactory
9 to the Secretary.

10 (c) COSTS.—An entity to which a release or convey-
11 ance is made under this section shall be responsible for
12 all reasonable and necessary costs, including real estate
13 transaction and environmental documentation costs, asso-
14 ciated with the release or conveyance.

15 (d) ADDITIONAL TERMS AND CONDITIONS.—The
16 Secretary may require that the release or conveyance of
17 a covered easement under this section be subject to such
18 additional terms and conditions as the Secretary deter-
19 mines necessary and appropriate to protect the interests
20 of the United States.

21 (e) DEFINITION OF COVERED EASEMENT.—In this
22 subsection, the term “covered easement” means an ease-
23 ment held by the United States for purposes of navigation
24 in Nueces County, Texas.

1 **SEC. 8369. LAKE CHAMPLAIN CANAL, VERMONT AND NEW**
2 **YORK.**

3 Section 5146 of the Water Resources Development
4 Act of 2007 (121 Stat. 1255) is amended by adding at
5 the end the following:

6 “(c) CLARIFICATIONS.—

7 “(1) IN GENERAL.—At the request of the non-
8 Federal interest for the study of the Lake Cham-
9 plain Canal Aquatic Invasive Species Barrier carried
10 out under section 542 of the Water Resources Devel-
11 opment Act of 2000 (114 Stat. 2671; 121 Stat.
12 1150; 134 Stat. 2652), the Secretary shall scope the
13 phase II portion of such study to satisfy the feasi-
14 bility determination under subsection (a).

15 “(2) DISPERSAL BARRIER.—A dispersal barrier
16 constructed, maintained, or operated under this sec-
17 tion may include—

18 “(A) physical hydrologic separation;

19 “(B) nonstructural measures;

20 “(C) deployment of technologies; and

21 “(D) buffer zones.”.

22 **SEC. 8370. REHABILITATION OF CORPS OF ENGINEERS**
23 **CONSTRUCTED DAMS.**

24 Section 1177 of the Water Resources Development
25 Act of 2016 (33 U.S.C. 467f–2 note) is amended by add-
26 ing at the end the following:

1 “(g) SPECIAL RULE.—Notwithstanding subsection
 2 (c), the non-Federal share of the cost of the project for
 3 rehabilitation of Waterbury Dam, Washington County,
 4 Vermont, under this section, including the cost of any re-
 5 quired study, shall be the same share assigned to the non-
 6 Federal interest for the cost of initial construction of the
 7 Waterbury Dam.”.

8 **SEC. 8371. PUGET SOUND NEARSHORE ECOSYSTEM RES-**
 9 **TORATION, WASHINGTON.**

10 In carrying out the project for ecosystem restoration,
 11 Puget Sound, Washington, authorized by section 1401(4)
 12 of the Water Resources Development Act of 2016 (130
 13 Stat. 1713), the Secretary shall consider the removal and
 14 replacement of the Highway 101 causeway and bridges at
 15 the Duckabush River Estuary site to be a project feature
 16 the costs of which are shared as construction.

17 **SEC. 8372. LOWER MUD RIVER, MILTON, WEST VIRGINIA.**

18 (a) IN GENERAL.—The Federal share of the cost of
 19 the project for flood control, Milton, West Virginia, au-
 20 thorized by section 580 of the Water Resources Develop-
 21 ment Act of 1996 (110 Stat. 3790; 114 Stat. 2612; 121
 22 Stat. 1154), shall be 90 percent.

23 (b) LAND, EASEMENTS, AND RIGHTS-OF-WAY.—For
 24 the project described in subsection (a), the Secretary shall
 25 include in the cost of the project, and credit toward the

1 non-Federal share of that cost, the value of land, ease-
2 ments, and rights-of-way provided by the non-Federal in-
3 terest for the project, including the value of land, ease-
4 ments, and rights-of-way required for the project that are
5 owned or held by the non-Federal interest or other non-
6 Federal public body.

7 (c) **ADDITIONAL ELIGIBILITY.**—Unless otherwise ex-
8 plicitly prohibited in an Act making appropriations for the
9 Corps of Engineers, the project described in subsection (a)
10 shall be eligible for additional funding appropriated and
11 deposited into the “CORPS OF ENGINEERS—CIVIL—CON-
12 STRUCTION” account—

13 (1) without a new investment decision; and

14 (2) on the same terms as a project that is not
15 the project described in subsection (a).

16 **SEC. 8373. NORTHERN WEST VIRGINIA.**

17 (a) **IN GENERAL.**—Section 571 of the Water Re-
18 sources Development Act of 1999 (113 Stat. 371; 121
19 Stat. 1257; 134 Stat. 2719) is amended—

20 (1) in the section heading, by striking “**CEN-**
21 **TRAL**” and inserting “**NORTHERN**”;

22 (2) by striking subsection (a) and inserting the
23 following:

24 “(a) **DEFINITION OF NORTHERN WEST VIRGINIA.**—

25 In this section, the term ‘northern West Virginia’ means

1 the counties of Barbour, Berkeley, Brooke, Doddridge,
2 Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson,
3 Lewis, Marion, Marshall, Mineral, Morgan, Monongalia,
4 Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor,
5 Tucker, Tyler, Upshur, Wetzel, and Wood, West Vir-
6 ginia.”;

7 (3) in subsection (b), by striking “central” and
8 inserting “northern”;

9 (4) in subsection (c), by striking “central” and
10 inserting “northern”; and

11 (5) in subsection (h), by striking
12 “\$100,000,000” and inserting “\$120,000,000”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Water Resources Development Act
15 of 1999 (113 Stat. 269) is amended by striking the item
16 relating to section 571 and inserting the following:

“Sec. 571. Northern West Virginia.”.

17 **SEC. 8374. SOUTHERN WEST VIRGINIA.**

18 (a) IN GENERAL.—Section 340 of the Water Re-
19 sources Development Act of 1992 (106 Stat. 4856) is
20 amended—

21 (1) in the section heading, by striking “**ENVI-**
22 **RONMENTAL RESTORATION INFRASTRUCTURE**
23 **AND RESOURCE PROTECTION DEVELOPMENT**
24 **PILOT PROGRAM**”;

1 (2) by striking subsection (f) and inserting the
2 following:

3 “(f) DEFINITION OF SOUTHERN WEST VIRGINIA.—
4 In this section, the term ‘southern West Virginia’ means
5 the counties of Boone, Braxton, Cabell, Calhoun, Clay,
6 Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lincoln,
7 Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nich-
8 olas, Pendleton, Pocahontas, Putnam, Raleigh, Roane,
9 Summers, Wayne, Webster, Wirt, and Wyoming, West
10 Virginia.”; and

11 (3) in subsection (g), by striking
12 “\$120,000,000” and inserting “\$140,000,000”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 in section 1(b) of the Water Resources Development Act
15 of 1992 (106 Stat. 4797) is amended by striking the item
16 relating to section 340 and inserting the following:

 “Sec. 340. Southern West Virginia.”.

17 **SEC. 8375. ENVIRONMENTAL INFRASTRUCTURE.**

18 (a) NEW PROJECTS.—Section 219(f) of the Water
19 Resources Development Act of 1992 (106 Stat. 4835; 113
20 Stat. 336; 121 Stat. 1258) is amended by adding at the
21 end the following:

22 “(274) ALABAMA.—\$50,000,000 for water,
23 wastewater, and other environmental infrastructure
24 in Alabama.

1 “(275) CHANDLER, ARIZONA.—\$18,750,000 for
2 water and wastewater infrastructure in the city of
3 Chandler, Arizona.

4 “(276) PINAL COUNTY, ARIZONA.—\$40,000,000
5 for water and wastewater infrastructure in Pinal
6 County, Arizona.

7 “(277) TEMPE, ARIZONA.—\$37,500,000 for
8 water and wastewater infrastructure, including
9 water reclamation and groundwater recharge, for the
10 City of Tempe, Arizona.

11 “(278) ALAMEDA COUNTY, CALIFORNIA.—
12 \$20,000,000 for environmental infrastructure, in Al-
13 ameda County, California.

14 “(279) BELL GARDENS, CALIFORNIA.—
15 \$12,500,000 for water and wastewater infrastruc-
16 ture, including water recycling and water supply, in
17 the city of Bell Gardens, California.

18 “(280) CALIMESA, CALIFORNIA.—\$3,500,000
19 for stormwater management and water supply infra-
20 structure, including groundwater recharge and water
21 recycling, in the city of Calimesa, California.

22 “(281) COMPTON CREEK, CALIFORNIA.—
23 \$6,165,000 for stormwater management infrastruc-
24 ture in the vicinity of Compton Creek, city of Comp-
25 ton, California.

1 “(282) DOWNEY, CALIFORNIA.—\$100,000,000
2 for water infrastructure, including water supply, in
3 the city of Downey, California.

4 “(283) EAST COUNTY, SAN DIEGO COUNTY,
5 CALIFORNIA.—\$70,000,000 for water and waste-
6 water infrastructure, including water recycling and
7 water supply, in East County, San Diego County,
8 California.

9 “(284) EASTERN LOS ANGELES COUNTY, CALI-
10 FORNIA.—\$25,000,000 for the planning, design, and
11 construction of water and wastewater infrastructure,
12 including water recycling and water supply, for the
13 cities of Azusa, Baldwin Park, Covina, Duarte, El
14 Monte, Glendora, Industry, Irwindale, La Puente,
15 La Verne, Monrovia, San Dimas, and West Covina,
16 and for Avocado Heights, Bassett, and Valinda,
17 California.

18 “(285) ESCONDIDO CREEK, CALIFORNIA.—
19 \$34,000,000 for water and wastewater infrastruc-
20 ture, including stormwater management, in the vi-
21 cinity of Escondido Creek, city of Escondido, Cali-
22 fornia.

23 “(286) FONTANA, CALIFORNIA.—\$16,000,000
24 for stormwater management infrastructure in the
25 city of Fontana, California.

1 “(287) HEALDSBURG, CALIFORNIA.—
2 \$23,500,000 for water and wastewater infrastruc-
3 ture, including water recycling and water supply, in
4 the city of Healdsburg, California.

5 “(288) INLAND EMPIRE, CALIFORNIA.—
6 \$60,000,000 for water and wastewater infrastruc-
7 ture, including water supply, in Riverside County
8 and San Bernardino County, California.

9 “(289) LOMITA, CALIFORNIA.—\$4,716,600 for
10 stormwater management infrastructure in the city of
11 Lomita, California.

12 “(290) MARIN COUNTY, CALIFORNIA.—
13 \$28,000,000 for water and wastewater infrastruc-
14 ture, including water supply, in Marin County, Cali-
15 fornia.

16 “(291) MAYWOOD, CALIFORNIA.—\$10,000,000
17 for wastewater infrastructure in the city of May-
18 wood, California.

19 “(292) MONTEREY PENINSULA, CALIFORNIA.—
20 \$20,000,000 for water and wastewater infrastruc-
21 ture, and water supply, on the Monterey Peninsula,
22 California.

23 “(293) NORTH RICHMOND, CALIFORNIA.—
24 \$45,000,000 for water and wastewater infrastruc-
25 ture, including coastal flooding resilience measures

1 for such infrastructure, in North Richmond, Cali-
2 fornia.

3 “(294) ONTARIO, CALIFORNIA.—\$40,700,000
4 for water and wastewater infrastructure, including
5 water recycling and water supply, in the city of On-
6 tario, California.

7 “(295) PARAMOUNT, CALIFORNIA.—
8 \$20,000,000 for water and wastewater infrastruc-
9 ture, including stormwater management, in the city
10 of Paramount, California.

11 “(296) PETALUMA, CALIFORNIA.—\$13,700,000
12 for water and wastewater infrastructure, including
13 water recycling, in the city of Petaluma, California.

14 “(297) PLACER COUNTY, CALIFORNIA.—
15 \$21,000,000 for environmental infrastructure, in
16 Placer County, California.

17 “(298) RIALTO, CALIFORNIA.—\$27,500,000 for
18 wastewater infrastructure in the city of Rialto, Cali-
19 fornia.

20 “(299) RINCON RESERVATION, CALIFORNIA.—
21 \$38,000,000 for water and wastewater infrastruc-
22 ture on the Rincon Band of Luiseño Indians res-
23 ervation, California.

24 “(300) SACRAMENTO-SAN JOAQUIN DELTA,
25 CALIFORNIA.—\$50,000,000 for water and waste-

1 water infrastructure (including stormwater manage-
2 ment), water supply and related facilities, environ-
3 mental restoration, and surface water protection and
4 development, including flooding resilience measures
5 for such infrastructure, in Contra Costa County,
6 San Joaquin County, Solano County, Sacramento
7 County, and Yolo County, California.

8 “(301) SAN JOAQUIN AND STANISLAUS, CALI-
9 FORNIA.—\$200,000,000 for water and wastewater
10 infrastructure, including stormwater management,
11 and water supply, in San Joaquin County and
12 Stanislaus County, California.

13 “(302) SANTA ROSA, CALIFORNIA.—
14 \$19,400,000 for water and wastewater infrastruc-
15 ture, in the city of Santa Rosa California.

16 “(303) SIERRA MADRE, CALIFORNIA.—
17 \$20,000,000 for water and wastewater infrastruc-
18 ture, and water supply, including earthquake resil-
19 ience measures for such infrastructure and water
20 supply, in the city of Sierra Madre, California.

21 “(304) SMITH RIVER, CALIFORNIA.—
22 \$25,000,000 for wastewater infrastructure in
23 Howonquet Village and Resort and Tolowa Dee-ni’
24 Nation, Smith River, California.

1 “(305) SOUTH SAN FRANCISCO, CALIFORNIA.—
2 \$270,000,000 for water and wastewater infrastruc-
3 ture, including stormwater management and water
4 recycling, at the San Francisco International Air-
5 port, California.

6 “(306) TEMECULA, CALIFORNIA.—\$18,000,000
7 for environmental infrastructure, in the city of
8 Temecula, California.

9 “(307) TORRANCE, CALIFORNIA.—
10 \$100,000,000 for water and wastewater infrastruc-
11 ture, including groundwater recharge and water sup-
12 ply, in the city of Torrance, California.

13 “(308) WESTERN CONTRA COSTA COUNTY,
14 CALIFORNIA.—\$15,000,000 for wastewater infra-
15 structure in the cities of Pinole, San Pablo, and
16 Richmond, and in El Sobrante, California.

17 “(309) YOLO COUNTY, CALIFORNIA.—
18 \$6,000,000 for environmental infrastructure, in Yolo
19 County, California.

20 “(310) HEBRON, CONNECTICUT.—\$3,700,000
21 for water and wastewater infrastructure in the town
22 of Hebron, Connecticut.

23 “(311) NEW LONDON, CONNECTICUT.—
24 \$16,000,000 for wastewater infrastructure in the

1 town of Bozrah and the City of Norwich, Con-
2 necticut.

3 “(312) WINDHAM, CONNECTICUT.—
4 \$18,000,000 for water and wastewater infrastruc-
5 ture in the town of Windham, Connecticut.

6 “(313) KENT, DELAWARE.—\$35,000,000 for
7 water and wastewater infrastructure, including
8 stormwater management, water storage and treat-
9 ment systems, and environmental restoration, in
10 Kent County, Delaware.

11 “(314) NEW CASTLE, DELAWARE.—
12 \$35,000,000 for water and wastewater infrastruc-
13 ture, including stormwater management, water stor-
14 age and treatment systems, and environmental res-
15 toration, in New Castle County, Delaware.

16 “(315) SUSSEX, DELAWARE.—\$35,000,000 for
17 water and wastewater infrastructure, including
18 stormwater management, water storage and treat-
19 ment systems, and environmental restoration, in
20 Sussex County, Delaware.

21 “(316) WASHINGTON, DISTRICT OF COLUM-
22 BIA.—\$1,000,000 for water and wastewater infra-
23 structure, including stormwater management, in
24 Washington, District of Columbia.

1 “(317) LONGBOAT KEY, FLORIDA.—
2 \$12,750,000 for water and wastewater infrastruc-
3 ture in the town of Longboat Key, Florida.

4 “(318) MARTIN, ST. LUCIE, AND PALM BEACH
5 COUNTIES, FLORIDA.—\$100,000,000 for water and
6 wastewater infrastructure, including stormwater
7 management, to improve water quality in the St.
8 Lucie River, Indian River Lagoon, and Lake Worth
9 Lagoon in Martin County, St. Lucie County, and
10 Palm Beach County, Florida.

11 “(319) POLK COUNTY, FLORIDA.—\$10,000,000
12 for wastewater infrastructure, including stormwater
13 management, in Polk County, Florida.

14 “(320) OKEECHOBEE COUNTY, FLORIDA.—
15 \$20,000,000 for wastewater infrastructure in Okee-
16 chobee County, Florida.

17 “(321) ORANGE COUNTY, FLORIDA.—
18 \$50,000,000 for water and wastewater infrastruc-
19 ture, including water reclamation and water supply,
20 in Orange County, Florida.

21 “(322) GEORGIA.—\$75,000,000 for environ-
22 mental infrastructure in Baldwin County, Bartow
23 County, Floyd County, Haralson County, Jones
24 County, Gilmer County, Towns County, Warren
25 County, Lamar County, Lowndes County, Troup

1 County, Madison County, Toombs County, Dade
2 County, Bulloch County, Gordon County, Walker
3 County, Dooly County, Butts County, Clarke Coun-
4 ty, Crisp County, Newton County, Bibb County,
5 Baker County, Barrow County, Oglethorpe County,
6 Peach County, Brooks County, Carroll County,
7 Worth County, Jenkins County, Wheeler County,
8 Calhoun County, Randolph County, Wilcox County,
9 Stewart County, Telfair County, Clinch County,
10 Hancock County, Ben Hill County, Jeff Davis Coun-
11 ty, Chattooga County, Lanier County, Brantley
12 County, Charlton County, Tattnall County, Emanuel
13 County, Mitchell County, Turner County, Bacon
14 County, Terrell County, Macon County, Ware Coun-
15 ty, Bleckley County, Colquitt County, Washington
16 County, Berrien County, Coffee County, Pulaski
17 County, Cook County, Atkinson County, Candler
18 County, Taliaferro County, Evans County, Johnson
19 County, Irwin County, Dodge County, Jefferson
20 County, Appling County, Taylor County, Wayne
21 County, Clayton County, Decatur County, Schley
22 County, Sumter County, Early County, Webster
23 County, Clay County, Upson County, Long County,
24 Twiggs County, Dougherty County, Quitman Coun-
25 ty, Meriwether County, Stephens County, Wilkinson

1 County, Murray County, Wilkes County, Elbert
2 County, McDuffie County, Heard County, Marion
3 County, Talbot County, Laurens County, Mont-
4 gomery County, Echols County, Pierce County,
5 Richmond County, Chattahoochee County, Screven
6 County, Habersham County, Lincoln County, Burke
7 County, Liberty County, Tift County, Polk County,
8 Glascock County, Grady County, Jasper County,
9 Banks County, Franklin County, Whitfield County,
10 Treutlen County, Crawford County, and Hart Coun-
11 ty, Georgia.

12 “(323) GUAM.—\$10,000,000 for water and
13 wastewater infrastructure in Guam.

14 “(324) STATE OF HAWAII.—\$75,000,000 for
15 water and wastewater infrastructure (including
16 urban stormwater conveyance), resource protection
17 and development, water supply, environmental res-
18 toration, and surface water protection and develop-
19 ment, in the State of Hawaii.

20 “(325) COUNTY OF HAWAI‘I, HAWAII.—
21 \$20,000,000 for water and wastewater infrastruc-
22 ture, including stormwater management, in the
23 County of Hawai‘i, Hawaii.

24 “(326) HONOLULU, HAWAII.—\$20,000,000 for
25 water and wastewater infrastructure, including

1 stormwater management, in the City and County of
2 Honolulu, Hawaii.

3 “(327) KAUA‘I, HAWAII.—\$20,000,000 for
4 water and wastewater infrastructure, including
5 stormwater management, in the County of Kaua‘i,
6 Hawaii.

7 “(328) MAUI, HAWAII.—\$20,000,000 for water
8 and wastewater infrastructure, including stormwater
9 management, in the County of Maui, Hawaii.

10 “(329) DIXMOOR, ILLINOIS.—\$15,000,000 for
11 water and water supply infrastructure in the village
12 of Dixmoor, Illinois.

13 “(330) FOREST PARK, ILLINOIS.—\$10,000,000
14 for wastewater infrastructure, including stormwater
15 management, in the village of Forest Park, Illinois.

16 “(331) LEMONT, ILLINOIS.—\$3,135,000 for
17 water infrastructure in the village of Lemont, Illi-
18 nois.

19 “(332) LOCKPORT, ILLINOIS.—\$6,550,000 for
20 wastewater infrastructure, including stormwater
21 management, in the city of Lockport, Illinois.

22 “(333) MONTGOMERY AND CHRISTIAN COUN-
23 TIES, ILLINOIS.—\$30,000,000 for water and waste-
24 water infrastructure, including water supply, in
25 Montgomery County and Christian County, Illinois.

1 “(334) WILL COUNTY, ILLINOIS.—\$30,000,000
2 for water and wastewater infrastructure, including
3 stormwater management, in Will County, Illinois.

4 “(335) ORLEANS PARISH, LOUISIANA.—
5 \$100,000,000 for water and wastewater infrastruc-
6 ture in Orleans Parish, Louisiana.

7 “(336) FITCHBURG, MASSACHUSETTS.—
8 \$20,000,000 for water and wastewater infrastruc-
9 ture, including stormwater management (including
10 combined sewer overflows), in the city of Fitchburg,
11 Massachusetts.

12 “(337) HAVERHILL, MASSACHUSETTS.—
13 \$20,000,000 for water and wastewater infrastruc-
14 ture, including stormwater management (including
15 combined sewer overflows), in the city of Haverhill,
16 Massachusetts.

17 “(338) LAWRENCE, MASSACHUSETTS.—
18 \$20,000,000 for water and wastewater infrastruc-
19 ture, including stormwater management (including
20 combined sewer overflows), in the city of Lawrence,
21 Massachusetts.

22 “(339) LOWELL, MASSACHUSETTS.—
23 \$20,000,000 for water and wastewater infrastruc-
24 ture, including stormwater management (including

1 combined sewer overflows), in the city of Lowell,
2 Massachusetts.

3 “(340) METHUEN, MASSACHUSETTS.—
4 \$20,000,000 for water and wastewater infrastruc-
5 ture, including stormwater management (including
6 combined sewer overflows), in the city of Methuen,
7 Massachusetts.

8 “(341) MARYLAND.—\$100,000,000 for water,
9 wastewater, and other environmental infrastructure,
10 Maryland.

11 “(342) BOONSBORO, MARYLAND.—\$5,000,000
12 for water infrastructure, including water supply, in
13 the town of Boonsboro, Maryland.

14 “(343) BRUNSWICK, MARYLAND.—\$15,000,000
15 for water and wastewater infrastructure in the city
16 of Brunswick, Maryland.

17 “(344) CASCADE CHARTER TOWNSHIP, MICHIGAN.—
18 \$7,200,000 for water and wastewater infrastruc-
19 ture in Cascade Charter Township, Michigan.

20 “(345) MACOMB COUNTY, MICHIGAN.—
21 \$40,000,000 for wastewater infrastructure, including
22 stormwater management, in Macomb County, Michi-
23 gan.

1 “(346) NORTHFIELD, MINNESOTA.—
2 \$33,450,000 for water and wastewater infrastruc-
3 ture in the city of Northfield, Minnesota.

4 “(347) CENTERTOWN, MISSOURI.—\$15,900,000
5 for water and wastewater infrastructure in the vil-
6 lage of Centertown, Missouri.

7 “(348) CITY OF ST. LOUIS, MISSOURI.—
8 \$45,000,000 for water and wastewater infrastruc-
9 ture in the city of St. Louis, Missouri.

10 “(349) ST. LOUIS COUNTY, MISSOURI.—
11 \$45,000,000 for water and wastewater infrastruc-
12 ture in St. Louis County, Missouri.

13 “(350) CLINTON, MISSISSIPPI.—\$13,600,000
14 for environmental infrastructure, including water
15 and wastewater infrastructure (including stormwater
16 management), drainage systems, and water quality
17 enhancement, in the city of Clinton, Mississippi.

18 “(351) MADISON COUNTY, MISSISSIPPI.—
19 \$10,000,000 for environmental infrastructure, in-
20 cluding water and wastewater infrastructure (includ-
21 ing stormwater management), drainage systems, and
22 water quality enhancement, in Madison County, Mis-
23 sissippi.

24 “(352) MERIDIAN, MISSISSIPPI.—\$10,000,000
25 for environmental infrastructure, including water

1 and wastewater infrastructure (including stormwater
2 management), drainage systems, and water quality
3 enhancement, in the city of Meridian, Mississippi.

4 “(353) OXFORD, MISSISSIPPI.—\$10,000,000 for
5 environmental infrastructure, including water and
6 wastewater infrastructure (including stormwater
7 management), drainage systems, and water quality
8 enhancement, in the City of Oxford, Mississippi.

9 “(354) RANKIN COUNTY, MISSISSIPPI.—
10 \$10,000,000 for environmental infrastructure, in-
11 cluding water and wastewater infrastructure (includ-
12 ing stormwater management), drainage systems, and
13 water quality enhancement, in Rankin County, Mis-
14 sissippi.

15 “(355) MANCHESTER, NEW HAMPSHIRE.—
16 \$20,000,000 for water and wastewater infrastruc-
17 ture, including stormwater management (including
18 combined sewer overflows), in the city of Man-
19 chester, New Hampshire.

20 “(356) BAYONNE, NEW JERSEY.—\$825,000 for
21 wastewater infrastructure, including stormwater
22 management (including combined sewer overflows),
23 in the city of Bayonne, New Jersey.

1 “(357) CAMDEN, NEW JERSEY.—\$119,000,000
2 for wastewater infrastructure, including stormwater
3 management, in the city of Camden, New Jersey.

4 “(358) ESSEX AND SUSSEX COUNTIES, NEW
5 JERSEY.—\$60,000,000 for water and wastewater in-
6 frastructure, including water supply, in Essex Coun-
7 ty and Sussex County, New Jersey.

8 “(359) FLEMINGTON, NEW JERSEY.—
9 \$4,500,000 for water and wastewater infrastructure,
10 including water supply, in the Borough of
11 Flemington, New Jersey.

12 “(360) JEFFERSON, NEW JERSEY.—
13 \$90,000,000 for wastewater infrastructure, including
14 stormwater management, in Jefferson Township,
15 New Jersey.

16 “(361) KEARNY, NEW JERSEY.—\$69,900,000
17 for wastewater infrastructure, including stormwater
18 management (including combined sewer overflows),
19 in the town of Kearny, New Jersey.

20 “(362) LONG HILL, NEW JERSEY.—\$7,500,000
21 for wastewater infrastructure, including stormwater
22 management, in Long Hill Township, New Jersey.

23 “(363) MORRIS COUNTY, NEW JERSEY.—
24 \$30,000,000 for water and wastewater infrastruc-
25 ture in Morris County, New Jersey.

1 “(364) PASSAIC, NEW JERSEY.—\$1,000,000 for
2 wastewater infrastructure, including stormwater
3 management, in Passaic County, New Jersey.

4 “(365) PHILLIPSBURG, NEW JERSEY.—
5 \$2,600,000 for wastewater infrastructure, including
6 stormwater management, in the town of Phillips-
7 burg, New Jersey.

8 “(366) RAHWAY, NEW JERSEY.—\$3,250,000
9 for water and wastewater infrastructure in the city
10 of Rahway, New Jersey.

11 “(367) ROSELLE, NEW JERSEY.—\$5,000,000
12 for wastewater infrastructure, including stormwater
13 management, in the Borough of Roselle, New Jer-
14 sey.

15 “(368) SOUTH ORANGE VILLAGE, NEW JER-
16 SEY.—\$7,500,000 for water infrastructure, including
17 water supply, in the Township of South Orange Vil-
18 lage, New Jersey.

19 “(369) SUMMIT, NEW JERSEY.—\$1,000,000 for
20 wastewater infrastructure, including stormwater
21 management, in the city of Summit, New Jersey.

22 “(370) WARREN, NEW JERSEY.—\$4,550,000
23 for wastewater infrastructure, including stormwater
24 management, in Warren Township, New Jersey.

1 “(371) ESPAÑOLA, NEW MEXICO.—\$21,995,000
2 for water and wastewater infrastructure in the city
3 of Española, New Mexico.

4 “(372) FARMINGTON, NEW MEXICO.—
5 \$15,500,000 for water infrastructure, including
6 water supply, in the city of Farmington, New Mex-
7 ico.

8 “(373) MORA COUNTY, NEW MEXICO.—
9 \$2,874,000 for wastewater infrastructure in Mora
10 County, New Mexico.

11 “(374) SANTA FE, NEW MEXICO.—\$20,700,000
12 for water and wastewater infrastructure, including
13 water reclamation, in the city of Santa Fe, New
14 Mexico.

15 “(375) CLARKSTOWN, NEW YORK.—
16 \$14,600,000 for wastewater infrastructure, including
17 stormwater management, in the town of Clarkstown,
18 New York.

19 “(376) GENESEE, NEW YORK.—\$85,000,000
20 for water and wastewater infrastructure, including
21 stormwater management and water supply, in Gen-
22 esee County, New York.

23 “(377) QUEENS, NEW YORK.—\$119,200,000
24 for water and wastewater infrastructure, including

1 stormwater management (including combined sewer
2 overflows), in Queens, New York.

3 “(378) YORKTOWN, NEW YORK.—\$40,000,000
4 for wastewater infrastructure, including stormwater
5 management, in the town of Yorktown, New York.

6 “(379) BRUNSWICK, OHIO.—\$4,510,000 for
7 wastewater infrastructure, including stormwater
8 management, in the city of Brunswick, Ohio.

9 “(380) BROOKINGS, OREGON.—\$2,000,000 for
10 wastewater infrastructure in the City of Brookings
11 and the Port of Brookings Harbor, Oregon.

12 “(381) MONROE, OREGON.—\$6,000,000 for
13 water and wastewater infrastructure in the city of
14 Monroe, Oregon.

15 “(382) NEWPORT, OREGON.—\$60,000,000 for
16 water and wastewater infrastructure, including
17 water supply and water storage, in the city of New-
18 port, Oregon.

19 “(383) LANE COUNTY, OREGON.—\$25,000,000
20 for water and wastewater infrastructure, including
21 water supply and storage, distribution, and treat-
22 ment systems, in Lane County, Oregon.

23 “(384) PALMYRA, PENNSYLVANIA.—
24 \$36,300,000 for wastewater infrastructure in Pal-
25 myra Township, Pennsylvania.

1 “(385) PIKE COUNTY, PENNSYLVANIA.—
2 \$10,000,000 for water and stormwater management
3 infrastructure, including water supply, in Pike Coun-
4 ty, Pennsylvania.

5 “(386) PITTSBURGH, PENNSYLVANIA.—
6 \$20,000,000 for wastewater infrastructure, including
7 stormwater management, in the city of Pittsburgh,
8 Pennsylvania.

9 “(387) POCONO, PENNSYLVANIA.—\$22,000,000
10 for water and wastewater infrastructure in Pocono
11 Township, Pennsylvania.

12 “(388) WESTFALL, PENNSYLVANIA.—
13 \$16,880,000 for wastewater infrastructure in
14 Westfall Township, Pennsylvania.

15 “(389) WHITEHALL, PENNSYLVANIA.—
16 \$6,000,000 for stormwater management infrastruc-
17 ture in Whitehall Township and South Whitehall
18 Township, Pennsylvania.

19 “(390) BEAUFORT, SOUTH CAROLINA.—
20 \$7,462,000 for stormwater management infrastruc-
21 ture in Beaufort County, South Carolina.

22 “(391) CHARLESTON, SOUTH CAROLINA.—
23 \$25,583,000 for wastewater infrastructure, including
24 stormwater management, in the city of Charleston,
25 South Carolina.

1 “(392) HORRY COUNTY, SOUTH CAROLINA.—
2 \$19,000,000 for environmental infrastructure, in-
3 cluding ocean outfalls, in Horry County, South
4 Carolina.

5 “(393) MOUNT PLEASANT, SOUTH CAROLINA.—
6 \$7,822,000 for wastewater infrastructure, including
7 stormwater management, in the town of Mount
8 Pleasant, South Carolina.

9 “(394) PORTLAND, TENNESSEE.—\$1,850,000
10 for water and wastewater infrastructure, including
11 water supply, in the city of Portland, Tennessee.

12 “(395) SMITH COUNTY, TENNESSEE.—
13 \$19,500,000 for wastewater infrastructure, including
14 stormwater management, in Smith County, Ten-
15 nessee.

16 “(396) TROUSDALE, MACON, AND SUMNER
17 COUNTIES, TENNESSEE.—\$178,000,000 for water
18 and wastewater infrastructure in Trousdale County,
19 Macon County, and Sumner County, Tennessee.

20 “(397) UNITED STATES VIRGIN ISLANDS.—
21 \$1,584,000 for wastewater infrastructure in the
22 United States Virgin Islands.

23 “(398) BONNEY LAKE, WASHINGTON.—
24 \$3,000,000 for water and wastewater infrastructure
25 in the city of Bonney Lake, Washington.

1 “(399) BURIEN, WASHINGTON.—\$5,000,000 for
2 stormwater management infrastructure in the city of
3 Burien, Washington.

4 “(400) ELLENSBURG, WASHINGTON.—
5 \$3,000,000 for wastewater infrastructure, including
6 stormwater management, in the city of Ellensburg,
7 Washington.

8 “(401) NORTH BEND, WASHINGTON.—
9 \$30,000,000 for wastewater infrastructure, including
10 stormwater management, in the city of North Bend,
11 Washington.

12 “(402) PORT ANGELES, WASHINGTON.—
13 \$7,500,000 for wastewater infrastructure, including
14 stormwater management, in the City and Port of
15 Port Angeles, Washington.

16 “(403) SNOHOMISH COUNTY, WASHINGTON.—
17 \$56,000,000 for water and wastewater infrastruc-
18 ture, including water supply, in Snohomish County,
19 Washington.

20 “(404) WESTERN WASHINGTON STATE.—
21 \$200,000,000 for water and wastewater infrastruc-
22 ture, including stormwater management, water sup-
23 ply, and conservation, in Chelan County, King Coun-
24 ty, Kittitas County, Pierce County, Snohomish

1 County, Skagit County, and Whatcom County,
2 Washington.

3 “(405) MILWAUKEE, WISCONSIN.—\$4,500,000
4 for water and wastewater infrastructure, including
5 stormwater management (including combined sewer
6 overflows), and resource protection and development,
7 in the Milwaukee metropolitan area, Wisconsin.”.

8 (b) PROJECT MODIFICATIONS.—

9 (1) CONSISTENCY WITH REPORTS.—Congress
10 finds that the project modifications described in this
11 subsection are in accordance with the reports sub-
12 mitted to Congress by the Secretary under section
13 7001 of the Water Resources Reform and Develop-
14 ment Act of 2014 (33 U.S.C. 2282d), titled “Report
15 to Congress on Future Water Resources Develop-
16 ment”, or have otherwise been reviewed by Congress.

17 (2) MODIFICATIONS.—

18 (A) CALAVERAS COUNTY, CALIFORNIA.—
19 Section 219(f)(86) of the Water Resources De-
20 velopment Act of 1992 (106 Stat. 4835; 113
21 Stat. 334; 121 Stat. 1259) is amended by strik-
22 ing “\$3,000,000” and inserting “\$13,280,000”.

23 (B) SACRAMENTO AREA, CALIFORNIA.—
24 Section 219(f)(23) of the Water Resources De-
25 velopment Act of 1992 (106 Stat. 4835; 113

1 Stat. 336; 117 Stat. 1840; 134 Stat. 2718) is
2 amended by striking “Suburban”.

3 (C) LOS ANGELES COUNTY, CALIFORNIA.—
4 Section 219(f) of the Water Resources Develop-
5 ment Act of 1992 (106 Stat. 4835; 113 Stat.
6 334; 117 Stat. 1840; 121 Stat. 1259) is
7 amended by striking paragraph (93) and insert-
8 ing the following:

9 “(93) LOS ANGELES COUNTY, CALIFORNIA.—
10 \$103,000,000 for water and wastewater infrastruc-
11 ture, including stormwater management, Diamond
12 Bar, La Habra Heights, Dominguez Channel, Santa
13 Clarity Valley, and Rowland Heights, Los Angeles
14 County, California.”.

15 (D) BOULDER COUNTY, COLORADO.—Sec-
16 tion 219(f)(109) of the Water Resources Devel-
17 opment Act of 1992 (106 Stat. 4835; 113 Stat.
18 334; 114 Stat. 2763A–220) is amended by
19 striking “\$10,000,000 for water supply infra-
20 structure” and inserting “\$20,000,000 for
21 water and wastewater infrastructure, including
22 stormwater management and water supply”.

23 (E) CHARLOTTE COUNTY, FLORIDA.—Sec-
24 tion 219(f)(121) of the Water Resources Devel-
25 opment Act of 1992 (106 Stat. 4835; 113 Stat.

1 336; 121 Stat. 1261) is amended by striking
2 “\$3,000,000 for” and inserting “\$33,000,000
3 for wastewater and”.

4 (F) MIAMI-DADE COUNTY, FLORIDA.—Sec-
5 tion 219(f)(128) of the Water Resources Devel-
6 opment Act of 1992 (106 Stat. 4835; 113 Stat.
7 336; 121 Stat. 1261) is amended by striking
8 “\$6,250,000 for” and inserting “\$190,250,000
9 for wastewater infrastructure, including”.

10 (G) ALBANY, GEORGIA.—Section
11 219(f)(130) of the Water Resources Develop-
12 ment Act of 1992 (106 Stat. 4835; 113 Stat.
13 336; 121 Stat. 1261) is amended by striking
14 “\$4,000,000 for a storm drainage system,” and
15 inserting “\$109,000,000 for wastewater infra-
16 structure, including stormwater management
17 (including combined sewer overflows),”.

18 (H) ATLANTA, GEORGIA.—Section
19 219(e)(5) of the Water Resources Development
20 Act of 1992 (106 Stat. 4835; 110 Stat. 3757;
21 113 Stat. 334) is amended by striking
22 “\$25,000,000” and inserting “\$75,000,000”.

23 (I) EAST POINT, GEORGIA.—Section
24 219(f)(136) of the Water Resources Develop-
25 ment Act of 1992 (106 Stat. 4835; 113 Stat.

1 336; 121 Stat. 1261) is amended by striking
2 “\$5,000,000 for” and inserting “\$15,000,000
3 for stormwater management and other”.

4 (J) COOK COUNTY AND LAKE COUNTY, IL-
5 LINOIS.—Section 219(f)(54) of the Water Re-
6 sources Development Act of 1992 (106 Stat.
7 4835; 113 Stat. 336; 114 Stat. 2763A–220) is
8 amended—

9 (i) in the paragraph heading, by strik-
10 ing “COOK COUNTY” and inserting “COOK
11 COUNTY AND LAKE COUNTY”;

12 (ii) by striking “\$35,000,000 for” and
13 inserting “\$100,000,000 for wastewater in-
14 frastructure, including stormwater man-
15 agement, and other”; and

16 (iii) by inserting “and Lake County”
17 after “Cook County”.

18 (K) MADISON AND ST. CLAIR COUNTIES,
19 ILLINOIS.—Section 219(f)(55) of the Water Re-
20 sources Development Act of 1992 (106 Stat.
21 4835; 113 Stat. 334; 114 Stat. 2763A–221;
22 134 Stat. 2718) is amended by striking
23 “\$45,000,000” and inserting “\$100,000,000”.

24 (L) CALUMET REGION, INDIANA.—Section
25 219(f)(12)(A) of the Water Resources Develop-

1 ment Act of 1992 (106 Stat. 4835; 113 Stat.
2 336; 117 Stat. 1843; 121 Stat. 1225) is
3 amended by striking “\$100,000,000” and in-
4 serting “\$125,000,000”.

5 (M) BATON ROUGE, LOUISIANA.—Section
6 219(f)(21) of the Water Resources Development
7 Act of 1992 (106 Stat. 4835; 113 Stat. 336;
8 114 Stat. 2763A–220; 121 Stat. 1226) is
9 amended by striking “\$35,000,000” and insert-
10 ing “\$90,000,000”.

11 (N) SOUTH CENTRAL PLANNING AND DE-
12 VELOPMENT COMMISSION, LOUISIANA.—Section
13 219(f)(153) of the Water Resources Develop-
14 ment Act of 1992 (106 Stat. 4835; 113 Stat.
15 336; 121 Stat. 1262) is amended by striking
16 “\$2,500,000” and inserting “\$12,500,000”.

17 (O) ST. CHARLES, ST. BERNARD,
18 PLAQUEMINES, ST. JOHN THE BAPTIST, ST.
19 JAMES, AND ASSUMPTION PARISHES, LOU-
20 ISIANA.—

21 (i) ST. CHARLES, ST. BERNARD, AND
22 PLAQUEMINES PARISHES, LOUISIANA.—
23 Section 219(e)(33) of the Water Resources
24 Development Act of 1992 (106 Stat. 4835;
25 113 Stat. 334; 114 Stat. 2763A–219) is

1 amended by striking “Water and waste-
2 water infrastructure” and inserting
3 “Water supply and wastewater infrastruc-
4 ture, including stormwater management”.

5 (ii) ST. JOHN THE BAPTIST, ST.
6 JAMES, AND ASSUMPTION PARISHES, LOU-
7 ISIANA.—Section 219(c)(34) of the Water
8 Resources Development Act of 1992 (106
9 Stat. 4835; 113 Stat. 334; 114 Stat.
10 2763A–219) is amended—

11 (I) in the paragraph heading, by
12 striking “BAPTIST AND ST. JAMES”
13 and inserting “BAPTIST, ST. JAMES,
14 AND ASSUMPTION”; and

15 (II) by striking “Baptist and St.
16 James” and inserting “Baptist, St.
17 James, and Assumption”.

18 (iii) AUTHORIZATION OF APPROPRIA-
19 TIONS FOR CONSTRUCTION ASSISTANCE.—
20 Section 219(e) of the Water Resources De-
21 velopment Act of 1992 (106 Stat. 4835;
22 110 Stat. 3757; 113 Stat. 334; 121 Stat.
23 1192) is amended—

24 (I) by striking the “and” at the
25 end of paragraph (16);

1 (II) by striking the period at the
2 end of paragraph (17) and inserting a
3 semicolon; and

4 (III) by adding at the end the
5 following:

6 “(18) \$70,000,000 for the project described in
7 subsection (c)(33); and

8 “(19) \$36,000,000 for the project described in
9 subsection (c)(34).”.

10 (P) MICHIGAN COMBINED SEWER OVER-
11 FLOWS.—Section 219(f)(157) of the Water Re-
12 sources Development Act of 1992 (106 Stat.
13 4835; 113 Stat. 336; 121 Stat. 1262) is
14 amended—

15 (i) by striking “\$35,000,000 for” and
16 inserting the following:

17 “(A) IN GENERAL.—\$85,000,000 for”; and

18 (ii) by adding at the end the fol-
19 lowing:

20 “(B) ADDITIONAL PROJECTS.—Amounts
21 made available under subparagraph (A) may be
22 used for design and construction projects for
23 water-related environmental infrastructure and
24 resource protection and development projects in
25 Michigan, including for projects for wastewater

1 treatment and related facilities, water supply
2 and related facilities, environmental restoration,
3 and surface water resource protection and de-
4 velopment.”.

5 (Q) JACKSON, MISSISSIPPI.—Section
6 219(f)(167) of the Water Resources Develop-
7 ment Act of 1992 (106 Stat. 4835; 113 Stat.
8 336; 121 Stat. 1263) is amended by striking
9 “\$25,000,000 for water and wastewater infra-
10 structure” and inserting “\$125,000,000 for
11 water and wastewater infrastructure, including
12 resilience activities for such infrastructure”.

13 (R) ALLEGHENY COUNTY, PENNSYLVANIA.—Section 219(f)(66)(A) of the Water
14 Resources Development Act of 1992 (106 Stat.
15 4835; 113 Stat. 336; 114 Stat. 2763A–221;
16 121 Stat. 1240) is amended by striking
17 “\$20,000,000 for” and inserting “\$30,000,000
18 for wastewater infrastructure, including
19 stormwater management, and other”.

21 (S) LAKES MARION AND MOULTRIE, SOUTH
22 CAROLINA.—Section 219(f)(25) of the Water
23 Resources Development Act of 1992 (106 Stat.
24 4835; 113 Stat. 336; 114 Stat. 2763A–220;
25 117 Stat. 1838; 130 Stat. 1677; 132 Stat.

1 3818; 134 Stat. 2719) is amended by striking
2 “\$110,000,000” and inserting “\$165,000,000”.

3 (T) MYRTLE BEACH AND VICINITY, SOUTH
4 CAROLINA.—Section 219(f) of the Water Re-
5 sources Development Act of 1992 (106 Stat.
6 4835; 113 Stat. 334; 121 Stat. 1267) is
7 amended by striking paragraph (250) and in-
8 serting the following:

9 “(250) MYRTLE BEACH AND VICINITY, SOUTH
10 CAROLINA.—\$31,000,000 for environmental infra-
11 structure, including ocean outfalls, Myrtle Beach
12 and vicinity, South Carolina.”.

13 (U) NORTH MYRTLE BEACH AND VICINITY,
14 SOUTH CAROLINA.—Section 219(f) of the Water
15 Resources Development Act of 1992 (106 Stat.
16 4835; 113 Stat. 334; 121 Stat. 1267) is
17 amended by striking paragraph (251) and in-
18 serting the following:

19 “(251) NORTH MYRTLE BEACH AND VICINITY,
20 SOUTH CAROLINA.—\$74,000,000 for environmental
21 infrastructure, including ocean outfalls, North Myr-
22 tle Beach and vicinity, South Carolina.”.

23 (V) EASTERN SHORE AND SOUTHWEST
24 VIRGINIA.—Section 219(f)(10)(A) of the Water
25 Resources Development Act of 1992 (106 Stat.

1 4835; 113 Stat. 335; 121 Stat. 1255) is
2 amended—

3 (i) by striking “\$20,000,000” and in-
4 serting “\$52,000,000”; and

5 (ii) by striking “Accomac” and insert-
6 ing “Accomack”.

7 (W) NORTHERN WEST VIRGINIA.—Section
8 219(f)(272) of the Water Resources Develop-
9 ment Act of 1992 (106 Stat. 4835; 113 Stat.
10 334; 121 Stat. 1268) is amended—

11 (i) by striking “\$20,000,000 for water
12 and wastewater” and inserting the fol-
13 lowing:

14 “(A) IN GENERAL.—\$20,000,000 for water
15 and wastewater”; and

16 (ii) by adding at the end the fol-
17 lowing:

18 “(B) LOCAL COOPERATION AGREEMENTS.—Notwithstanding subsection (a), at
19 the request of a non-Federal interest for a
20 project or a separable element of a project that
21 receives assistance under this paragraph, the
22 Secretary may enter into an agreement devel-
23 oped in accordance with section 571(e) of the
24 Water Resources Development Act of 1999
25

1 (113 Stat. 371) for the project or separable ele-
2 ment.”.

3 (3) EFFECT ON AUTHORIZATION.—Notwith-
4 standing the operation of section 6001(e) of the
5 Water Resources Reform and Development Act of
6 2014 (as in effect on the day before the date of en-
7 actment of the Water Resources Development Act of
8 2016), any project included on a list published by
9 the Secretary pursuant to such section the author-
10 ization for which is amended by this subsection re-
11 mains authorized to be carried out by the Secretary.

12 **SEC. 8376. ADDITIONAL ASSISTANCE FOR CRITICAL**
13 **PROJECTS.**

14 (a) CONSISTENCY WITH REPORTS.—Congress finds
15 that the project modifications described in this section are
16 in accordance with the reports submitted to Congress by
17 the Secretary under section 7001 of the Water Resources
18 Reform and Development Act of 2014 (33 U.S.C. 2282d),
19 titled “Report to Congress on Future Water Resources
20 Development”, or have otherwise been reviewed by Con-
21 gress.

22 (b) PROJECTS.—

23 (1) CHESAPEAKE BAY.—Section 510 of the
24 Water Resources Development Act of 1996 (110

1 Stat. 3759; 121 Stat. 1202; 128 Stat. 1317; 134
2 Stat. 3704) is amended—

3 (A) in subsection (a)(2)—

4 (i) by inserting “infrastructure and”
5 before “resource protection”;

6 (ii) in subparagraph (B), by inserting
7 “and streambanks” after “shorelines”;

8 (iii) by redesignating subparagraphs
9 (E) and (F) as subparagraphs (H) and (I),
10 respectively; and

11 (iv) by inserting after subparagraph
12 (D) the following:

13 “(E) wastewater treatment and related fa-
14 cilities;

15 “(F) water supply and related facilities;

16 “(G) stormwater and drainage systems;”;

17 and

18 (B) in subsection (c)(2)(A), by inserting
19 “facilities or” before “a resource protection and
20 restoration plan”.

21 (2) FLORIDA KEYS WATER QUALITY IMPROVE-
22 MENTS, FLORIDA.—Section 109(f) of title I of divi-
23 sion B of the Miscellaneous Appropriations Act,
24 2001 (Public Law 106–554, appendix D, 114 Stat.
25 2763A–222 (as enacted by section 1(a)(4) of the

1 Consolidated Appropriations Act, 2001 (114 Stat.
2 2763)); 121 Stat. 1217) is amended by striking
3 “\$100,000,000” and inserting “\$200,000,000”.

4 (3) NORTHEASTERN MINNESOTA.—Section
5 569(h) of the Water Resources Development Act of
6 1999 (113 Stat. 368; 121 Stat. 1232) is amended
7 by striking “\$54,000,000” and inserting
8 “\$80,000,000”.

9 (4) MISSISSIPPI.—Section 592 of the Water Re-
10 sources Development Act of 1999 (113 Stat. 379;
11 117 Stat. 1837; 121 Stat. 1233; 123 Stat. 2851) is
12 amended—

13 (A) in subsection (b), by striking “and sur-
14 face water resource protection and develop-
15 ment” and inserting “surface water resource
16 protection and development, stormwater man-
17 agement, drainage systems, and water quality
18 enhancement”; and

19 (B) in subsection (g), by striking
20 “\$200,000,000” and inserting “\$300,000,000”.

21 (5) LAKE TAHOE BASIN RESTORATION, NEVADA
22 AND CALIFORNIA.—Section 108(g) of division C of
23 the Consolidated Appropriations Act, 2005 (Public
24 Law 108–447; 118 Stat. 2942) is amended by strik-
25 ing “\$25,000,000” and inserting “\$50,000,000”.

1 (6) CENTRAL NEW MEXICO.—Section 593 of
2 the Water Resources Development Act of 1999 (113
3 Stat. 380; 119 Stat. 2255) is amended—

4 (A) in subsection (a), by inserting
5 “Colfax,” before “Sandoval”;

6 (B) in subsection (c), by inserting “water
7 reuse,” after “conservation,”; and

8 (C) in subsection (h), by striking
9 “\$50,000,000” and inserting “\$100,000,000”.

10 (7) NEW YORK CITY WATERSHED.—Section
11 552(a)(2) of the Water Resources Development Act
12 of 1996 (110 Stat. 3780) is amended—

13 (A) by striking “design and construction
14 assistance” and inserting “design, repair, re-
15 placement, and construction assistance”; and

16 (B) by striking “treatment, and distribu-
17 tion facilities” and inserting “treatment,
18 stormwater management, and water distribution
19 facilities”.

20 (8) OHIO AND NORTH DAKOTA.—Section 594 of
21 the Water Resources Development Act of 1999 (113
22 Stat. 381; 119 Stat. 2261; 121 Stat. 1140; 121
23 Stat. 1944) is amended—

1 (A) in subsection (h), by striking
2 “\$240,000,000” and inserting “\$250,000,000”;
3 and

4 (B) by adding at the end the following:

5 “(i) AUTHORIZATION OF ADDITIONAL APPROPRIA-
6 TIONS.—In addition to amounts authorized under sub-
7 section (h), there is authorized to be appropriated to carry
8 out this section \$100,000,000, to be divided between the
9 States referred to in subsection (a).”.

10 (9) SOUTHEASTERN PENNSYLVANIA.—Section
11 566 of the Water Resources Development Act of
12 1996 (110 Stat. 3786; 113 Stat. 352) is amended—

13 (A) by striking the section heading and in-
14 serting “**SOUTHEASTERN PENNSYLVANIA**
15 **AND LOWER DELAWARE RIVER BASIN.**”;

16 (B) in subsection (a), by inserting “and
17 the Lower Delaware River Basin” after “south-
18 eastern Pennsylvania”;

19 (C) in subsection (b), by striking “south-
20 eastern Pennsylvania, including projects for
21 waste water treatment and related facilities,”
22 and inserting “southeastern Pennsylvania and
23 the Lower Delaware River Basin, including
24 projects for wastewater treatment and related
25 facilities (including sewer overflow infrastruc-

1 ture improvements and other stormwater man-
2 agement),”;

3 (D) by amending subsection (g) to read as
4 follows:

5 “(g) AREAS DEFINED.—In this section:

6 “(1) LOWER DELAWARE RIVER BASIN.—The
7 term ‘Lower Delaware River Basin’ means the
8 Schuylkill Valley, Upper Estuary, Lower Estuary,
9 and Delaware Bay subwatersheds of the Delaware
10 River Basin in the Commonwealth of Pennsylvania
11 and the States of New Jersey and Delaware.

12 “(2) SOUTHEASTERN PENNSYLVANIA.—The
13 term ‘southeastern Pennsylvania’ means Philadel-
14 phia, Bucks, Chester, Delaware, and Montgomery
15 Counties, Pennsylvania.”; and

16 (E) in subsection (h), by striking “to carry
17 out this section \$25,000,000” and inserting
18 “\$50,000,000 to provide assistance under this
19 section to non-Federal interests in southeastern
20 Pennsylvania, and \$20,000,000 to provide as-
21 sistance under this section to non-Federal inter-
22 ests in the Lower Delaware River Basin”.

23 (10) SOUTH CENTRAL PENNSYLVANIA.—Section
24 313(g)(1) of the Water Resources Development Act
25 of 1992 (106 Stat. 4845; 109 Stat. 407; 110 Stat.

1 3723; 113 Stat. 310; 117 Stat. 142; 121 Stat. 1146;
2 134 Stat. 2719) is amended by striking
3 “\$400,000,000” and inserting “\$410,000,000”.

4 (11) TEXAS.—Section 5138 of the Water Re-
5 sources Development Act of 2007 (121 Stat. 1250)
6 is amended—

7 (A) in subsection (b), by striking “, as
8 identified by the Texas Water Development
9 Board”;

10 (B) in subsection (e)(3), by inserting “and
11 construction” after “design work”;

12 (C) by redesignating subsection (g) as sub-
13 section (i);

14 (D) by inserting after subsection (f) the
15 following:

16 “(g) NONPROFIT ENTITIES.—In this section, the
17 term non-Federal interest has the meaning given such
18 term in section 221(b) of the Flood Control Act of 1970
19 (42 U.S.C. 1962d–5b(b)).

20 “(h) CORPS OF ENGINEERS EXPENSES.—Not more
21 than 10 percent of the amounts made available to carry
22 out this section may be used by the Corps of Engineers
23 district offices to administer projects under this section
24 at Federal expense.”; and

1 (E) in subsection (i) (as redesignated), by
2 striking “\$40,000,000” and inserting
3 “\$80,000,000”.

4 (12) LAKE CHAMPLAIN, VERMONT AND NEW
5 YORK.—Section 542 of the Water Resources Devel-
6 opment Act of 2000 (114 Stat. 2671; 121 Stat.
7 1150; 134 Stat. 2652) is amended—

8 (A) in subsection (b)(2)(C), by striking
9 “planning” and inserting “clean water infra-
10 structure planning, design, and construction”;
11 and

12 (B) in subsection (g), by striking
13 “\$32,000,000” and inserting “\$100,000,000”.

14 (13) WESTERN RURAL WATER.—Section 595 of
15 the Water Resources Development Act of 1999 (113
16 Stat. 383; 117 Stat. 139; 117 Stat. 142; 117 Stat.
17 1836; 118 Stat. 440; 121 Stat. 1219; 123 Stat.
18 2851; 128 Stat. 1316; 130 Stat. 1681; 134 Stat.
19 2719) is amended—

20 (A) in subsection (i)(1), by striking
21 “\$435,000,000” and inserting “\$800,000,000”;
22 and

23 (B) in subsection (i)(2), by striking
24 “\$150,000,000” and inserting “\$200,000,000”.

1 (c) EFFECT ON AUTHORIZATION.—Notwithstanding
2 the operation of section 6001(e) of the Water Resources
3 Reform and Development Act of 2014 (as in effect on the
4 day before the date of enactment of the Water Resources
5 Development Act of 2016), any project included on a list
6 published by the Secretary pursuant to such section the
7 authorization for which is amended by this section remains
8 authorized to be carried out by the Secretary.

9 **SEC. 8377. CONVEYANCES.**

10 (a) GENERALLY APPLICABLE PROVISIONS.—

11 (1) SURVEY TO OBTAIN LEGAL DESCRIPTION.—

12 The exact acreage and the legal description of any
13 real property to be conveyed under this section shall
14 be determined by a survey that is satisfactory to the
15 Secretary.

16 (2) APPLICABILITY OF PROPERTY SCREENING

17 PROVISIONS.—Section 2696 of title 10, United
18 States Code, shall not apply to any conveyance
19 under this section.

20 (3) COSTS OF CONVEYANCE.—An entity to

21 which a conveyance is made under this section shall
22 be responsible for all reasonable and necessary costs,
23 including real estate transaction and environmental
24 documentation costs, associated with the conveyance.

1 (4) LIABILITY.—An entity to which a convey-
2 ance is made under this section shall hold the
3 United States harmless from any liability with re-
4 spect to activities carried out, on or after the date
5 of the conveyance, on the real property conveyed.
6 The United States shall remain responsible for any
7 liability with respect to activities carried out, before
8 such date, on the real property conveyed.

9 (5) ADDITIONAL TERMS AND CONDITIONS.—
10 The Secretary may require that any conveyance
11 under this section be subject to such additional
12 terms and conditions as the Secretary considers nec-
13 essary and appropriate to protect the interests of the
14 United States.

15 (b) CITY OF LEWES, DELAWARE.—

16 (1) CONVEYANCE AUTHORIZED.—The Secretary
17 is authorized to convey, without consideration, to the
18 City of Lewes, Delaware, all right, title, and interest
19 of the United States in and to the real property de-
20 scribed in paragraph (2), for the purpose of housing
21 a new municipal campus for Lewes City Hall, a po-
22 lice station, and a board of public works.

23 (2) PROPERTY.—The property to be conveyed
24 under this subsection is the approximately 5.26

1 acres of land, including improvements on that land,
2 located at 1137 Savannah Road, Lewes, Delaware.

3 (3) REVERSION.—

4 (A) IN GENERAL.—If the Secretary deter-
5 mines at any time that the property conveyed
6 under paragraph (1) is not being used in ac-
7 cordance with the purpose specified in such
8 paragraph, all right, title, and interest in and to
9 the property shall revert, at the discretion of
10 the Secretary, to the United States.

11 (B) DETERMINATION.—A determination
12 by the Secretary under subparagraph (A) shall
13 be made on the record after an opportunity for
14 a hearing.

15 (c) ARMY RESERVE FACILITY, BELLEVILLE, ILLI-
16 NOIS.—

17 (1) CONVEYANCE AUTHORIZED.—The Secretary
18 shall convey to the city of Belleville, Illinois, without
19 consideration, all right, title, and interest of the
20 United States in and to the real property described
21 in paragraph (2).

22 (2) PROPERTY.—The property to be conveyed
23 under this subsection is the approximately 5.2 acres
24 of land, including improvements on that land, lo-
25 cated at 500 South Belt East in Belleville, Illinois.

1 (3) DEED.—The Secretary shall convey the
2 property under this subsection by quitclaim deed
3 under such terms and conditions as the Secretary
4 determines appropriate to protect the interests of
5 the United States.

6 (4) REVERSION.—If the Secretary determines
7 that the property conveyed under this subsection is
8 not used for a public purpose, all right, title, and in-
9 terest in and to the property shall revert, at the dis-
10 cretion of the Secretary, to the United States.

11 (d) LAKE BARKLEY, KENTUCKY.—

12 (1) IN GENERAL.—The Secretary is authorized
13 to convey to the Eddyville Riverport and Industrial
14 Development Authority all right, title, and interest
15 of the United States in and to the approximately 3.3
16 acres of land in Lyon County, Kentucky, including
17 the land identified as Tract 1216–2 and a portion
18 of the land identified as Tract 112–2, adjacent to
19 the southwestern boundary of the port facilities of
20 the Authority at the Barkley Dam and Lake Barkley
21 project, Kentucky, authorized by the first section of
22 the Act of July 24, 1946 (chapter 595, 60 Stat.
23 636).

24 (2) RESERVATION OF RIGHTS.—The Secretary
25 shall reserve and retain from the conveyance under

1 this subsection such easements, rights-of-way, and
2 other interests that the Secretary determines to be
3 necessary and appropriate to ensure the continued
4 operation of the project described in paragraph (1).

5 (3) DEED.—The Secretary shall convey the
6 property under this subsection by quitclaim deed
7 under such terms and conditions as the Secretary
8 determines appropriate to protect the interests of
9 the United States.

10 (4) CONSIDERATION.—The Eddyville Riverport
11 and Industrial Development Authority shall pay to
12 the Secretary an amount that is not less than the
13 fair market value of the property conveyed under
14 this subsection, as determined by the Secretary.

15 (e) SARDIS LAKE, PANOLA COUNTY, MISSISSIPPI.—

16 (1) CONVEYANCE AUTHORIZED.—The Secretary
17 is authorized to convey to the City of Sardis, Mis-
18 sissippi, all right, title, and interest of the United
19 States in and to the real property described in para-
20 graph (2).

21 (2) PROPERTY.—The property to be conveyed is
22 the approximately 1,064 acres of lying in the eastern
23 half of Sections 12 and 13, T 8 S, R 6 W and the
24 western half of Section 18 and the western half of
25 Section 7, T 8 S, R 5 W, in Panola County, Mis-

1 Mississippi, and being more particularly described as
2 follows: Begin at the southeast corner of said Sec-
3 tion 13, run thence from said point of beginning,
4 along the south line of said Section 13, run westerly,
5 2,723 feet; thence run N 27°39'53" W, for 1,898
6 feet; thence run north 2,434 feet; thence run east,
7 1,006 feet, more or less, to a point on the easterly
8 edge of Mississippi State Highway No. 315; thence
9 run along said easterly edge of highway, northerly,
10 for 633 feet; thence leaving said easterly edge of
11 highway, run N 62°00' E, for 200 feet; thence N
12 07°00' E, for 1,350 feet; thence N 07°00' W, for
13 800 feet; thence N 37°30'W for 800 feet; thence N
14 10°00' W for 350 feet; thence N 11°00' E, for 350
15 feet; thence N 43°30' E for 250 feet; thence N
16 88°00' E for 200 feet; thence S 64°00' E for 350
17 feet; thence S 25°30' E, for 650 feet, more or less,
18 to the intersection of the east line of the western
19 half of the eastern half of the northwest quarter of
20 the southeast quarter of the aforesaid Section 12, T
21 8 S, R 6 W and the 235-foot contour; thence run
22 along said 235-foot contour, 6,392 feet; thence leav-
23 ing said 235-foot contour, southerly 1,762 feet, more
24 or less, to a point on the south line of Section 7;
25 thence S 00°28'49" E, 2,664.97 feet, more or less,

1 to a point on the south line of the northwest quarter
2 of said Section 18; thence along said south line, easterly
3 for 100 feet, more or less to the northwest corner
4 of the southwest quarter of said Section 18;
5 thence leaving said south line of said northwest
6 quarter, along the east line of said southwest quarter,
7 S 00°06'20" E, run 2,280 feet, more or less, to
8 the southerly edge of an existing power line right-of-
9 way; thence leaving said east line of said southwest
10 quarter, along said southerly edge of said power line
11 right-of-way, northwesterly, 300 feet, more or less,
12 to the easterly edge of the existing 4-H Club Road;
13 thence leaving said southerly edge of said power line
14 right-of-way, along said easterly edge of said road,
15 southeasterly, 420 feet, more or less, to the south
16 line of said southwest quarter; thence leaving said
17 easterly edge of said road, along said south line of
18 southwest quarter, westerly, 2,635 feet, more or less,
19 to the point of beginning, LESS AND EXCEPT the
20 following prescribed parcel: Beginning at a point N
21 00°45'48" W, 302.15 feet and west, 130.14 feet
22 from the southeast corner of said Section 13, T 8
23 S, R 6 W, and running thence S 04°35'58" W,
24 200.00 feet to a point on the north side of a road;
25 running thence with the north side of said road, N

1 83°51' W, for 64.84 feet; thence N 72°26'44" W,
2 59.48 feet; thence N 60°31'37" W, 61.71 feet;
3 thence N 63°35'08" W, 51.07 feet; thence N
4 06°47'17" W, 142.81 feet to a point; running thence
5 S 85°24'02" E, 254.37 feet to the point of begin-
6 ning, containing 1.00 acre, more or less.

7 (3) RESERVATION OF RIGHTS.—

8 (A) IN GENERAL.—The Secretary shall re-
9 serve and retain from the conveyance under this
10 subsection such easements, rights-of-way, and
11 other interests that the Secretary determines to
12 be necessary and appropriate to ensure the con-
13 tinued operation of the Sardis Lake project, au-
14 thorized by section 6 of the Act of May 15,
15 1928 (chapter 569, 45 Stat. 536).

16 (B) FLOODING; LIABILITY.—In addition to
17 any easements, rights-of-way, and other inter-
18 ests reserved an retained under subparagraph
19 (A), the Secretary—

20 (i) shall retain the right to flood land
21 for downstream flood control purposes
22 on—

23 (I) the land located east of
24 Blackjack Road and below 301.0 feet
25 above sea level; and

1 (II) the land located west of
2 Blackjack Road and below 224.0 feet
3 above sea level; and

4 (ii) shall not be liable for any reason-
5 able damage resulting from any flooding of
6 land pursuant to clause (i).

7 (4) DEED.—The Secretary shall—

8 (A) convey the property under this section
9 by quitclaim deed under such terms and condi-
10 tions as the Secretary determines appropriate
11 to protect the interests of the United States;
12 and

13 (B) ensure that such deed includes a per-
14 manent restriction that all future building of
15 above-ground structures on the land conveyed
16 under this subsection shall be restricted to
17 areas lying at or above 301.0 feet above sea
18 level.

19 (5) CONSIDERATION.—The City of Sardis, Mis-
20 sissippi, shall pay to the Secretary an amount that
21 is not less than the fair market value of the property
22 conveyed under this subsection, as determined by the
23 Secretary.

1 (6) NOTICE AND REPORTING.—After conveying
2 property under this subsection, the Secretary shall
3 submit to the City of Sardis, Mississippi—

4 (A) weekly reports describing—

5 (i) the water level of Sardis Lake, as
6 in effect on the date of submission of the
7 report;

8 (ii) any applicable forecasts of that
9 water level; and

10 (iii) any other information that may
11 affect land conveyed under this subsection;
12 and

13 (B) a timely notice of any anticipated
14 flooding of a portion of the land conveyed under
15 this subsection.

16 (f) ROGERS COUNTY, OKLAHOMA.—

17 (1) CONVEYANCE AUTHORIZED.—The Secretary
18 is authorized to convey to the City of Tulsa-Rogers
19 County Port Authority, all right, title, and interest
20 of the United States in and to the real property de-
21 scribed in paragraph (2).

22 (2) PROPERTY.—The property to be conveyed
23 under this subsection is the approximately 176 acres
24 of Federal land located on the following 3 parcels in
25 Rogers County, Oklahoma:

1 (A) Parcel 1 consists of U.S. tract 119
2 (partial), U.S. tract 123, U.S. tract 120, U.S.
3 tract 125, and U.S. tract 118 (partial).

4 (B) Parcel 2 consists of U.S. tract 124
5 (partial) and U.S. tract 128 (partial).

6 (C) Parcel 3 consists of U.S. tract 128
7 (partial).

8 (3) RESERVATION OF RIGHTS.—The Secretary
9 shall reserve and retain from any conveyance under
10 this subsection such easements, rights-of-way, and
11 other interests that the Secretary determines to be
12 necessary and appropriate to ensure the continued
13 operation of the McClellan-Kerr Arkansas River
14 navigation project (including Newt Graham Lock
15 and Dam 18) authorized under the comprehensive
16 plan for the Arkansas River Basin by the Act of
17 June 28, 1938 (chapter 795, 52 Stat. 1218; 60
18 Stat. 634; 60 Stat. 647; 101 Stat. 1329–112; 117
19 Stat. 1842).

20 (4) DEED.—The Secretary shall convey the
21 property under this subsection by quitclaim deed
22 under such terms and conditions as the Secretary
23 determines appropriate to protect the interests of
24 the United States.

1 (5) CONSIDERATION.—The City of Tulsa-Rog-
2 ers County Port Authority shall pay to the Secretary
3 an amount that is not less than the fair market
4 value of the property conveyed under this subsection,
5 as determined by the Secretary.

6 (6) OBSTRUCTIONS TO NAVIGABLE CAPACITY.—
7 A conveyance under this subsection shall not affect
8 the jurisdiction of the Secretary under section 10 of
9 the Act of March 3, 1899 (33 U.S.C. 403) with re-
10 spect to the property conveyed.

11 (g) REGIONAL CORPS OF ENGINEERS OFFICE, COR-
12 PUS CHRISTI, TEXAS.—

13 (1) CONVEYANCE AUTHORIZED.—At such time
14 as new facilities are available to be used as the office
15 for the Galveston District of the Corps of Engineers,
16 the Secretary shall convey to the Port of Corpus
17 Christi, all right, title, and interest of the United
18 States in and to the property described in paragraph
19 (2).

20 (2) DESCRIPTION OF PROPERTY.—The property
21 referred to in paragraph (1) is the land known as
22 Tract 100 and Tract 101, including improvements
23 on that land, in Corpus Christi, Texas, and de-
24 scribed as follows:

1 (A) TRACT 100.—The 1.89 acres, more or
2 less, as conveyed by the Nueces County Naviga-
3 tion District No. 1 of Nueces County, Texas, to
4 the United States by instrument dated October
5 16, 1928, and recorded at Volume 193, pages
6 1 and 2, in the Deed Records of Nueces Coun-
7 ty, Texas.

8 (B) TRACT 101.—The 0.53 acres as con-
9 veyed by the City of Corpus Christi, Nueces
10 County, Texas, to the United States by instru-
11 ment dated September 24, 1971, and recorded
12 at Volume 318, pages 523 and 524, in the
13 Deed Records of Nueces County, Texas.

14 (C) IMPROVEMENTS.—

15 (i) Main Building (RPUID AO-C-
16 3516), constructed January 9, 1974.

17 (ii) Garage, vehicle with 5 bays
18 (RPUID AO-C-3517), constructed Janu-
19 ary 9, 1985.

20 (iii) Bulkhead, Upper (RPUID AO-
21 C-2658), constructed January 1, 1941.

22 (iv) Bulkhead, Lower (RPUID AO-
23 C-3520), constructed January 1, 1933.

24 (v) Bulkhead Fence (RPUID AO-C-
25 3521), constructed January 9, 1985.

1 (vi) Bulkhead Fence (RPUID AO-C-
2 3522), constructed January 9, 1985.

3 (3) DEED.—The Secretary shall convey the
4 property under this subsection by quitclaim deed
5 under such terms and conditions as the Secretary
6 determines appropriate to protect the interests of
7 the United States.

8 (4) CONSIDERATION.—The Port of Corpus
9 Christi shall pay to the Secretary an amount that is
10 not less than the fair market value of the property
11 (including improvements) conveyed under this sub-
12 section, as determined by the Secretary.

13 **SEC. 8378. LAND TRANSFER AND TRUST LAND FOR CHOCTAW**
14 **NATION OF OKLAHOMA.**

15 (a) TRANSFER.—

16 (1) IN GENERAL.—Subject to paragraph (2)
17 and for the consideration described in subsection (c),
18 the Secretary shall transfer to the Secretary of the
19 Interior the land described in subsection (b) to be
20 held in trust for the benefit of the Choctaw Nation.

21 (2) CONDITIONS.—The land transfer under this
22 subsection shall be subject to the following condi-
23 tions:

24 (A) The transfer—

1 (i) shall not interfere with the oper-
2 ation by the Corps of Engineers of the
3 Sardis Lake Project, authorized pursuant
4 to section 203 of the Flood Control Act of
5 1962 (76 Stat. 1187), or any other author-
6 ized civil works project; and

7 (ii) shall be subject to such other
8 terms and conditions as the Secretary de-
9 termines to be necessary and appropriate
10 to ensure the continued operation of the
11 Sardis Lake Project or any other author-
12 ized civil works project.

13 (B) The Secretary shall retain the right to
14 inundate with water the land transferred to the
15 Choctaw Nation under this subsection as nec-
16 essary to carry out an authorized purpose of
17 the Sardis Lake Project or any other civil
18 works project.

19 (C) No gaming activities may be conducted
20 on the land transferred under this subsection.

21 (b) LAND DESCRIPTION.—

22 (1) IN GENERAL.—The land to be transferred
23 under subsection (a) is the approximately 247 acres
24 of land located in Sections 18 and 19 of T2N R18E,
25 and Sections 5 and 8 of T2N R19E, Pushmataha

1 County, Oklahoma, generally depicted as “USACE”
2 on the map entitled “Sardis Lake – Choctaw Nation
3 Proposal” and dated February 22, 2022.

4 (2) SURVEY.—The exact acreage and legal de-
5 scriptions of the land to be transferred under sub-
6 section (a) shall be determined by a survey satisfac-
7 tory to the Secretary and the Secretary of the Inte-
8 rior.

9 (c) CONSIDERATION.—The Choctaw Nation shall pay
10 to the Secretary an amount that is equal to the fair mar-
11 ket value of the land transferred under subsection (a), as
12 determined by the Secretary, which funds may be accepted
13 and expended by the Secretary.

14 (d) COSTS OF TRANSFER.—The Choctaw Nation
15 shall be responsible for all reasonable and necessary costs,
16 including real estate transaction and environmental docu-
17 mentation costs, associated with the transfer of land under
18 subsection (a).

19 **SEC. 8379. JOHN P. MURTHA LOCKS AND DAM.**

20 (a) DESIGNATION.—Locks and Dam 4, Monongahela
21 River, Pennsylvania, authorized by section 101(18) of the
22 Water Resources Development Act of 1992 (106 Stat.
23 4803), and commonly known as the “Charleroi Locks and
24 Dam”, shall be known and designated as the “John P.
25 Murtha Locks and Dam”.

1 (b) REFERENCES.—Any reference in a law, map, reg-
2 ulation, document, paper, or other record of the United
3 States to the locks and dam referred to in subsection (a)
4 shall be deemed to be a reference to the “John P. Murtha
5 Locks and Dam”.

6 **SEC. 8380. TREATMENT OF CERTAIN BENEFITS AND COSTS.**

7 Section 152(a) of the Water Resources Development
8 Act of 2020 (33 U.S.C. 2213a(a)) is amended by striking
9 “a flood risk management project that incidentally gen-
10 erates seismic safety benefits in regions” and inserting “a
11 flood risk management or coastal storm risk management
12 project in a region”.

13 **SEC. 8381. DEBRIS REMOVAL.**

14 Section 3 of the Act of March 2, 1945 (33 U.S.C.
15 603a), is amended by striking “or recreation” and insert-
16 ing “ecosystem restoration, or recreation”.

17 **SEC. 8382. GENERAL REAUTHORIZATIONS.**

18 (a) REHABILITATION OF EXISTING LEVEES.—Sec-
19 tion 3017(e) of the Water Resources Reform and Develop-
20 ment Act of 2014 (33 U.S.C. 3303a note) is amended—

21 (1) by striking “this subsection” and inserting
22 “this section”; and

23 (2) by striking “the date that is 10 years after
24 the date of enactment of this Act” and inserting
25 “December 31, 2028”.

1 (b) INVASIVE SPECIES IN ALPINE LAKES PILOT
2 PROJECT.—Section 507(c) of the Water Resources Devel-
3 opment Act of 2020 (16 U.S.C. 4701 note) is amended
4 by striking “2024” and inserting “2028”.

5 (c) ENVIRONMENTAL BANKS.—Section 309(e) of the
6 Coastal Wetlands Planning, Protection and Restoration
7 Act (16 U.S.C. 3957(e)) is amended by striking “10” and
8 inserting “12”.

9 **SEC. 8383. TRANSFER OF EXCESS CREDIT.**

10 Section 1020 of the Water Resources Reform and De-
11 velopment Act of 2014 (33 U.S.C. 2223) is amended—

12 (1) in subsection (a), by adding at the end the
13 following:

14 “(3) STUDIES AND PROJECTS WITH MULTIPLE
15 NON-FEDERAL INTERESTS.—A credit described in
16 paragraph (1) for a study or project with multiple
17 non-Federal interests may be applied to the required
18 non-Federal cost share for a study or project of any
19 such non-Federal interest, if each such non-Federal
20 interest agrees in writing to such application.”;

21 (2) in subsection (b), by adding at the end the
22 following:

23 “(3) CONDITIONAL APPROVAL OF EXCESS
24 CREDIT.—Notwithstanding paragraph (2)(A)(ii), the
25 Secretary may approve credit in excess of the non-

1 Federal share for a study or project prior to the
2 identification of each authorized study or project to
3 which the excess credit will be applied, subject to the
4 condition that the non-Federal interest agrees to
5 submit for approval by the Secretary an amendment
6 to the comprehensive plan prepared under paragraph
7 (2) that identifies each authorized study or project
8 in advance of execution of the feasibility cost-sharing
9 agreement or project partnership agreement for that
10 authorized study or project.”;

11 (3) in subsection (d), by striking “10 years
12 after the date of enactment of this Act” and insert-
13 ing “on December 31, 2028”; and

14 (4) in subsection (e)(1)(B), by striking “10
15 years after the date of enactment of this Act” and
16 inserting “December 31, 2028”.

17 **SEC. 8384. TREATMENT OF CREDIT BETWEEN PROJECTS.**

18 Section 7007(d) of the Water Resources Development
19 Act of 2007 (121 Stat. 1277; 128 Stat. 1226) is amended
20 by inserting “, or may be applied to reduce the amounts
21 required to be paid by the non-Federal interest under the
22 terms of the deferred payment agreements entered into
23 between the Secretary and the non-Federal interest for the
24 projects authorized by section 7012(a)(1)” before the pe-
25 riod at the end.

1 **SEC. 8385. NON-FEDERAL PAYMENT FLEXIBILITY.**

2 Section 103(l) of the Water Resources Development
3 Act of 1986 (33 U.S.C. 2213(l)) is amended—

4 (1) in the subsection heading, by striking “INI-
5 TIAL”;

6 (2) in the first sentence, by striking “At the re-
7 quest of” and inserting the following:

8 “(1) INITIAL PAYMENT.—At the request of”;

9 and

10 (3) by adding at the end the following:

11 “(2) INTEREST.—

12 “(A) IN GENERAL.—At the request of any
13 non-Federal interest, the Secretary may waive
14 the accrual of interest on any non-Federal cash
15 contribution under this section or section 101
16 for a project for a period of not more than 1
17 year if the Secretary determines that—

18 “(i) the waiver will contribute to the
19 ability of the non-Federal interest to make
20 future contributions; and

21 “(ii) the non-Federal interest is in
22 good standing under terms agreed to under
23 subsection (k)(1).

24 “(B) LIMITATIONS.—The Secretary may
25 grant not more than 1 waiver under subpara-
26 graph (A) for the same project.”.

1 **SEC. 8386. COASTAL COMMUNITY FLOOD CONTROL AND**
2 **OTHER PURPOSES.**

3 Section 103(k)(4) of the Water Resources Develop-
4 ment Act of 1986 (33 U.S.C. 2213(k)(4)) is amended—

5 (1) by redesignating subparagraphs (A) and
6 (B) as clauses (i) and (ii), respectively, and adjust-
7 ing the margins appropriately;

8 (2) in the matter preceding clause (i) (as so re-
9 designated), by striking “Notwithstanding” and in-
10 serting the following:

11 “(A) IN GENERAL.—Notwithstanding”;

12 (3) in clause (i) (as so redesignated)—

13 (A) by striking “\$200 million” and insert-
14 ing “\$200,000,000”; and

15 (B) by striking “and” at the end;

16 (4) in clause (ii) (as so redesignated)—

17 (A) by inserting “an amount equal to $\frac{2}{3}$
18 of” after “repays”; and

19 (B) by striking the period at the end and
20 inserting “; and”; and

21 (C) by adding at the end the following:

22 “(iii) the non-Federal interest re-
23 pays the balance of remaining prin-
24 cipal by June 1, 2032.”; and

25 (5) by adding at the end the following:

1 “(B) REPAYMENT OPTIONS.—Repayment
2 of a non-Federal contribution under subpara-
3 graph (A)(iii) may be satisfied through the pro-
4 vision by the non-Federal interest of fish and
5 wildlife mitigation for one or more projects or
6 separable elements, if the Secretary determines
7 that—

8 “(i) the non-Federal interest has in-
9 curred costs for the provision of mitigation
10 that—

11 “(I) equal or exceed the amount
12 of the required repayment; and

13 “(II) are in excess of any re-
14 quired non-Federal contribution for
15 the project or separable element for
16 which the mitigation is provided; and

17 “(ii) the mitigation is integral to the
18 project for which it is provided.”.

19 **SEC. 8387. NATIONAL LEVEE SAFETY PROGRAM.**

20 (a) DEFINITION OF REHABILITATION.—Section
21 9002(13) of the Water Resources Development Act of
22 2007 (33 U.S.C. 3301(13)) is amended—

23 (1) by striking “The term” and inserting the
24 following:

25 “(A) IN GENERAL.—The term”;

1 (2) by inserting “, increase resiliency to ex-
2 treme weather events,” after “flood risk”; and

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

4 “(B) INCLUSIONS.—The term ‘rehabilita-
5 tion’ includes improvements to a levee in con-
6 junction with any repair, replacement, recon-
7 struction, or reconfiguration.”.

8 (b) LEVEE SAFETY INITIATIVE.—Section
9 9005(g)(2)(E)(i) of the Water Resources Development Act
10 of 2007 (33 U.S.C. 3303a(g)(2)(E)(i)) is amended by
11 striking “2023” and inserting “2028”.

12 (c) LEVEE REHABILITATION ASSISTANCE PRO-
13 GRAM.—Section 9005(h) of the Water Resources Develop-
14 ment Act of 2007 (33 U.S.C. 3303a(h)) is amended—

15 (1) in paragraph (1), by inserting “and levee
16 rehabilitation” after “mitigation”;

17 (2) in paragraph (7), by striking
18 “\$10,000,000” and inserting “\$25,000,000”; and

19 (3) by adding at the end the following:

20 “(11) PRIORITIZATION.—To the maximum ex-
21 tent practicable, the Secretary shall prioritize the
22 provision of assistance under this subsection to eco-
23 nomically disadvantaged communities (as defined by
24 the Secretary under section 160 of the Water Re-
25 sources Development Act of 2020 (33 U.S.C. 2201

1 note)), including economically disadvantaged com-
2 munities located in urban and rural areas.”.

3 **SEC. 8388. SURPLUS WATER CONTRACTS AND WATER STOR-**
4 **AGE AGREEMENTS.**

5 Section 1046(c) of the Water Resources Reform and
6 Development Act of 2014 (128 Stat. 1254; 132 Stat.
7 3784; 134 Stat. 2715) is amended—

8 (1) by striking paragraph (3); and

9 (2) by redesignating paragraph (4) as para-
10 graph (3).

11 **SEC. 8389. WATER SUPPLY STORAGE REPAIR, REHABILITA-**
12 **TION, AND REPLACEMENT COSTS.**

13 Section 301(b) of the Water Supply Act of 1958 (43
14 U.S.C. 390b(b)) is amended, in the fourth proviso, by
15 striking the second sentence and inserting the following:
16 “For Corps of Engineers projects, all annual operation
17 and maintenance costs for municipal and industrial water
18 supply storage under this section shall be reimbursed from
19 State or local interests on an annual basis, and all repair,
20 rehabilitation, and replacement costs for municipal and in-
21 dustrial water supply storage under this section shall be
22 reimbursed from State or local interests (1) without inter-
23 est, during construction of the repair, rehabilitation, or re-
24 placement, (2) with interest, in lump sum on the comple-
25 tion of the repair, rehabilitation, or replacement, or (3)

1 at the request of the State or local interest, with interest,
2 over a period of not more than 25 years beginning on the
3 date of completion of the repair, rehabilitation, or replace-
4 ment, with repayment contracts providing for recalcula-
5 tion of the interest rate at 5-year intervals. At the request
6 of the State or local interest, the Secretary of the Army
7 shall amend a repayment contract entered into under this
8 section on or before the date of enactment of this sentence
9 for the purpose of incorporating the terms and conditions
10 described in paragraph (3) of the preceding sentence.”.

11 **SEC. 8390. ABANDONED AND INACTIVE NONCOAL MINE**
12 **RESTORATION.**

13 Section 560 of the Water Resources Development Act
14 of 1999 (33 U.S.C. 2336) is amended—

15 (1) in subsection (c), by inserting “, on land
16 held in trust by the Secretary of the Interior on be-
17 half of, and for the benefit of, an Indian Tribe, or
18 on restricted land of any Indian Tribe,” after “land
19 owned by the United States”; and

20 (2) in subsection (e)—

21 (A) by striking “Rehabilitation” and in-
22 serting “Restoration”; and

23 (B) by striking “Sacramento” and insert-
24 ing “Albuquerque”; and

1 (3) in subsection (f), by striking “\$30,000,000”
2 and inserting “\$50,000,000”.

3 **SEC. 8391. ASIAN CARP PREVENTION AND CONTROL PILOT**
4 **PROGRAM.**

5 Section 509(a)(2) of the Water Resources Develop-
6 ment Act of 2020 (33 U.S.C. 610 note) is amended—

7 (1) in subparagraph (A), by striking “or Ten-
8 nessee River Watershed” and inserting “, Tennessee
9 River Watershed, or Tombigbee River Watershed”;
10 and

11 (2) in subparagraph (C)(i), by inserting “, of
12 which not fewer than 1 shall be carried out on the
13 Tennessee–Tombigbee Waterway” before the period
14 at the end.

15 **SEC. 8392. ENHANCED DEVELOPMENT PROGRAM.**

16 The Secretary shall fully implement opportunities for
17 enhanced development at lakes located primarily in the
18 State of Oklahoma under the authorities provided in sec-
19 tion 3134 of the Water Resources Development Act of
20 2007 (121 Stat. 1142; 130 Stat. 1671) and section 164
21 of the Water Resources Development Act of 2020 (134
22 Stat. 2668).

23 **SEC. 8393. RECREATIONAL OPPORTUNITIES AT CERTAIN**
24 **PROJECTS.**

25 (a) DEFINITIONS.—In this section:

1 (1) COVERED PROJECT.—The term “covered
2 project” means any of the following projects of the
3 Corps of Engineers:

4 (A) Ball Mountain Lake, Vermont, author-
5 ized by section 203 of the Flood Control Act of
6 1954 (68 Stat. 1257).

7 (B) Townshend Lake, Vermont, authorized
8 by section 203 of the Flood Control Act of
9 1954 (68 Stat. 1257).

10 (2) RECREATION.—The term “recreation” in-
11 cludes downstream whitewater recreation that is de-
12 pendent on operations, recreational fishing, and
13 boating at a covered project.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that the Secretary should—

16 (1) ensure that, to the extent compatible with
17 other project purposes, each covered project is oper-
18 ated in such a manner as to protect and enhance
19 recreation associated with the covered project; and

20 (2) manage land at each covered project to im-
21 prove opportunities for recreation at the covered
22 project.

23 (c) MODIFICATION OF WATER CONTROL PLANS.—
24 The Secretary may modify, or undertake temporary devi-
25 ations from, the water control plan for a covered project

1 in order to enhance recreation, if the Secretary determines
2 the modifications or deviations—

3 (1) will not adversely affect other authorized
4 purposes of the covered project; and

5 (2) will not result in significant adverse impacts
6 to the environment.

7 **SEC. 8394. FEDERAL ASSISTANCE.**

8 Section 1328(c) of the Water Resources Development
9 Act of 2018 (132 Stat. 3826) is amended by striking “4
10 years” and inserting “8 years”.

11 **SEC. 8395. MISSISSIPPI RIVER MAT SINKING UNIT.**

12 The Secretary shall expedite the replacement of the
13 Mississippi River mat sinking unit.

14 **SEC. 8396. SENSE OF CONGRESS ON LEASE AGREEMENT.**

15 It is the sense of Congress that the lease agreement
16 for land and water areas within the Prado Flood Control
17 Basin Project Area entered into between the Secretary
18 and the City of Corona, California, for operations of the
19 Corona Municipal Airport (Recreation Lease No.
20 DACW09–1–67–60), is a valid lease of land at a water
21 resources development project under section 4 of the Act
22 of December 22, 1944 (16 U.S.C. 460d).

1 **SEC. 8397. EXPEDITED COMPLETION OF PROJECTS AND**
2 **STUDIES.**

3 (a) **AUTHORIZED PROJECTS AND STUDIES.**—The
4 Secretary shall, to the maximum extent practicable, expe-
5 dite completion of the following projects and studies:

6 (1) **PROJECTS.**—

7 (A) Project for Juneau and Auke Bay,
8 Floating Wave Attenuator, Alaska, authorized
9 pursuant to section 204 of the Flood Control
10 Act of 1948 (62 Stat. 1181).

11 (B) Project for flood risk management,
12 Little Colorado River at Winslow, Navajo Coun-
13 ty, Arizona, authorized by section 401(2) of the
14 Water Resources Development Act of 2020
15 (134 Stat. 2735).

16 (C) Project for flood damage reduction,
17 Rio de Flag, Flagstaff, Arizona, authorized by
18 section 101(b)(3) of the Water Resources De-
19 velopment Act of 2000 (114 Stat. 2576).

20 (D) Project for navigation, including main-
21 tenance and channel deepening, McClellan–Kerr
22 Arkansas River, authorized under the com-
23 prehensive plan for the Arkansas River Basin
24 by section 3 of the Act of June 28, 1938 (chap-
25 ter 795, 52 Stat. 1218; 60 Stat. 634; 60 Stat.
26 647; 101 Stat. 1329–112; 117 Stat. 1842).

1 (E) Project for environmental restoration,
2 Hamilton Airfield, California, authorized by
3 section 101(b)(3) of the Water Resources De-
4 velopment Act of 1999 (113 Stat. 279; 121
5 Stat. 1110).

6 (F) Project for flood damage reduction and
7 environmental restoration, Middle Creek, Lake
8 County, California, authorized by section
9 1001(11) of the Water Resources Development
10 Act of 2007 (121 Stat. 1051).

11 (G) The San Francisco Bay Beneficial Use
12 Pilot Project, California, being carried out
13 under section 1122 of the Water Resources De-
14 velopment Act of 2016 (130 Stat. 1645).

15 (H) Project for flood risk management,
16 ecosystem restoration, and recreation, South
17 San Francisco Bay Shoreline, California, au-
18 thorized by section 1401(6) of the Water Re-
19 sources Development Act of 2016 (130 Stat.
20 1714).

21 (I) Projects for ecosystem restoration in-
22 cluded in the comprehensive Chesapeake Bay
23 restoration plan developed under the Chesa-
24 peake Bay Environmental Restoration and Pro-
25 tection Program, authorized by section 510 of

1 the Water Resources Development Act of 1996
2 (110 Stat. 3759; 121 Stat. 1202; 128 Stat.
3 1317).

4 (J) Maintenance dredging and other au-
5 thorized activities to address the impacts of
6 shoaling affecting the project for navigation,
7 Branford Harbor and Branford River, Bran-
8 ford, Connecticut, authorized by the first sec-
9 tion of the Act of June 13, 1902 (chapter 1079,
10 32 Stat. 333).

11 (K) Maintenance dredging and other au-
12 thorized activities to address the impacts of
13 shoaling affecting the project for navigation,
14 Guilford Harbor and Sluice Channel, Con-
15 necticut, authorized by section 2 of the Act of
16 March 2, 1945 (chapter 19, 59 Stat. 13).

17 (L) Maintenance dredging and other au-
18 thorized activities to address the impacts of
19 shoaling affecting the project for navigation,
20 Milford Harbor, Connecticut, authorized by the
21 first section of the Act of June 23, 1874 (chap-
22 ter 457, 18 Stat. 241).

23 (M) Project for ecosystem restoration at
24 Bay Point dredge hole, Tampa Bay, Florida.

1 (N) Project for ecosystem restoration, Cen-
2 tral and Southern Florida, Everglades Agricul-
3 tural Area, authorized by section 1308 of the
4 Water Resources Development Act of 2018
5 (132 Stat. 3819; 134 Stat. 2709).

6 (O) An update to the water control manual
7 for Melvin Price Locks and Dam, Illinois, au-
8 thorized by section 102 of Public Law 95–502
9 (92 Stat. 1695; 95 Stat. 1634).

10 (P) Projects for the restoration of the Illi-
11 nois River Basin, carried out pursuant to sec-
12 tion 519 of the Water Resources Development
13 Act of 2000 (114 Stat. 2653; 121 Stat. 1221).

14 (Q) Projects for ecosystem restoration,
15 Upper Mississippi River and Illinois Waterway
16 System, authorized pursuant to title VIII of the
17 Water Resources Development Act of 2007 (33
18 U.S.C. 652 note).

19 (R) Project for navigation, Kentucky Lock
20 Addition, Kentucky, authorized by section
21 101(a)(13) of the Water Resources Develop-
22 ment Act of 1996 (110 Stat. 3664).

23 (S) Project for flood damage reduction,
24 Lower Jefferson Parish, Louisiana, authorized

1 by section 7016 of the Water Resources Devel-
2 opment Act of 2007 (121 Stat. 1282).

3 (T) The portion of the project for flood
4 control and other purposes, Cumberland, Mary-
5 land, consisting of the restoration of the his-
6 toric Chesapeake and Ohio Canal, authorized by
7 section 5 of the Act of June 22, 1936 (chapter
8 6881, 49 Stat. 1574; 113 Stat. 375).

9 (U) Project for flood control, Ecorse
10 Creek, Wayne County, Michigan, authorized by
11 section 101(a)(14) of the Water Resources De-
12 velopment Act of 1990 (104 Stat. 4607).

13 (V) Projects for ecosystem restoration,
14 Salt River Marsh Coastal Habitat, Lake St.
15 Clair, Michigan, authorized pursuant to section
16 506 of the Water Resources Development Act
17 of 2000 (42 U.S.C. 1962d–22).

18 (W) Assistance for ecosystem restoration,
19 Lower Yellowstone Intake Diversion Dam, Mon-
20 tana, authorized pursuant to section 3109 of
21 the Water Resources Development Act of 2007
22 (121 Stat. 1135).

23 (X) Maintenance dredging and other au-
24 thorized activities to address the impacts of
25 shoaling affecting the project for navigation,

1 Portsmouth Harbor and Piscataqua River,
2 Maine and New Hampshire, authorized by sec-
3 tion 101 of the River and Harbor Act of 1962
4 (76 Stat. 1173).

5 (Y) Project for flood risk management,
6 Tulsa and West-Tulsa Levee System, Tulsa
7 County, Oklahoma, authorized by section
8 401(2) of the Water Resources Development
9 Act of 2020 (134 Stat. 2735).

10 (Z) Project for flood risk management, Rio
11 Guayanilla, Puerto Rico, authorized by section
12 401(2) of the Water Resources Development
13 Act of 2020 (134 Stat. 2736).

14 (AA) Projects for critical restoration, Mis-
15 souri River Restoration, South Dakota, included
16 in the plan developed under section 905(e) of
17 the Water Resources Development Act of 2000
18 (114 Stat. 2707).

19 (BB) Project for water quality control,
20 Red River Basin Chloride Control Area VIII,
21 Texas, authorized pursuant to section 203 of
22 the Flood Control Act of 1966 (80 Stat. 1420).

23 (CC) Dredging for projects at Port of Gal-
24 veston for Turning Basin 2 project, Royal Ter-
25 minal, Galveston Bay, Galveston, Texas, au-

1 thorized pursuant to section 1401(1) of the
2 Water Resources Development Act of 2018
3 (132 Stat. 3836).

4 (DD) Project for dam safety modifications,
5 Bluestone Dam, West Virginia, authorized pur-
6 suant to section 5 of the Act of June 22, 1936
7 (chapter 688, 49 Stat. 1586).

8 (EE) The development and implementation
9 of a sediment management plan at Big Horn
10 Lake, Wyoming, pursuant to section 1179(a) of
11 the Water Resources Development Act of 2016
12 (130 Stat. 1675).

13 (FF) Projects authorized by section 219 of
14 the Water Resources Development Act of 1992.

15 (2) STUDIES.—

16 (A) Feasibility study of modifications to
17 the portion of the project for flood control,
18 water conservation, and related purposes, Rus-
19 sian River Basin, California, consisting of the
20 Coyote Valley Dam, authorized by section 204
21 of the Flood Control Act of 1950 (64 Stat. 177;
22 130 Stat. 1682), to add environmental restora-
23 tion as a project purpose and to increase water
24 supply and improve reservoir operations.

1 (B) Feasibility study of modifications to
2 the portion of the project for flood control,
3 Santa Ana River Mainstem, California, con-
4 sisting of Seven Oaks Dam, California, author-
5 ized by section 401(a) of the Water Resources
6 Development Act of 1986 (100 Stat. 4113; 101
7 Stat. 1329–111; 104 Stat. 4611; 110 Stat.
8 3713; 121 Stat. 1115), to include water con-
9 servation as an authorized purpose.

10 (C) Feasibility study of modifications to
11 the project for flood control, Redbank and
12 Fancher Creeks, California, authorized by sec-
13 tion 401(a) of the Water Resources Develop-
14 ment Act of 1986 (100 Stat. 4112).

15 (D) The update of hydrological modeling of
16 the Fox River Basin, Illinois.

17 (E) Feasibility study of modifications to
18 the channel depths and dimensions pursuant to
19 section 5 of the Act of March 4, 1915 (33
20 U.S.C. 562) for the project for navigation,
21 Miami Harbor Channel, Florida, authorized by
22 section 101 of the Water Resources Develop-
23 ment Act of 1990 (104 Stat. 4606).

24 (F) A comprehensive 50-year review of the
25 Kaskaskia River Navigation Project, Illinois,

1 pursuant to section 216 of the Flood Control
2 Act of 1970 (33 U.S.C. 549a).

3 (G) Feasibility study for the Mississippi
4 River and Tributaries project, to include the
5 portion of the Ouachita River Levee System at
6 and below Monroe, Louisiana to Caldwell Par-
7 ish, Louisiana, authorized by section 204(b) of
8 the Water Resources and Development Act of
9 2020 (134 Stat. 2678).

10 (H) Feasibility study for the project for
11 ecosystem restoration and flood risk manage-
12 ment at Coldwater Creek, Missouri, authorized
13 pursuant to section 1202(b) of the Water Re-
14 sources Development Act of 2018 (132 Stat.
15 3803).

16 (I) Feasibility study for the project for eco-
17 system restoration and flood risk management
18 at Maline Creek, Missouri, authorized pursuant
19 to section 1202(b) of the Water Resources De-
20 velopment Act of 2018 (132 Stat. 3803).

21 (J) Feasibility study for the project for
22 flood protection at the Truman Lake Visitor
23 Center, Warsaw, Missouri, authorized by sec-
24 tion 203 of the Flood Control Act of 1954 (68
25 Stat. 1262; 84 Stat. 265).

1 (K) Feasibility study for an updated hydrologic analysis for the town of Estancia, Tarrant County, New Mexico.

2
3
4 (L) Feasibility study for water supply to reduce water consumption from the Arbuckle Simpson Aquifer, Oklahoma, utilizing reserved municipal water supply within the Corps of Engineers-owned lakes, pursuant to section 838 of the Water Resources Development Act of 1986 (100 Stat. 4174).

5
6
7
8
9
10
11 (b) CONTINUING AUTHORITIES PROGRAMS.—The Secretary shall, to the maximum extent practicable, expedite completion of the following projects and studies:

12
13
14 (1) Projects for flood control under section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s) for the following areas:

15
16
17 (A) Lower Santa Cruz River, Arizona.

18 (B) McCormick Wash, Arizona.

19 (C) Rose and Palm Garden Washes, Arizona.

20
21 (D) The Santa Rosa Canal Alternative Conveyance Project, Arizona.

22
23 (E) Southern Maricopa County, in the vicinity of the Ak-Chin Reservation, Arizona.

24
25 (F) Nancy Creek, Georgia.

- 1 (G) Peachtree Creek, Georgia.
- 2 (H) Sugar Creek, Georgia.
- 3 (I) South River Basin, Georgia.
- 4 (J) Passaic River, New Jersey.
- 5 (K) Salt River Marsh Coastal Habitat,
6 Lake St. Clair, Michigan.
- 7 (L) Blind Brook, Rye, New York.
- 8 (M) Aibonito Creek and vicinity, Puerto
9 Rico.
- 10 (N) Canóvanas River, Puerto Rico.
- 11 (O) Municipality of Orocovis, Puerto Rico.
- 12 (P) Municipality of San Sebastian, Puerto
13 Rico.
- 14 (Q) Municipality of Villalba, Puerto Rico.
- 15 (R) Río Inabón, Ponce, Puerto Rico.
- 16 (S) Yauco River and Berrenchin Stream,
17 Puerto Rico.
- 18 (2) Projects for navigation under section 107 of
19 the River and Harbor Act of 1960 (33 U.S.C. 577)
20 for the following areas:
 - 21 (A) Sebewaing River, Port Sanilac Harbor,
22 Lexington Harbor, and Harbor Beach Harbor,
23 Michigan.

1 (B) Portsmouth Back Channels and Saga-
2 more Creek, Portsmouth, New Castle, and Rye,
3 New Hampshire.

4 (C) Sturgeon Point Marina, New York.

5 (D) Davis Creek and Mobjack Bay, Mat-
6 hews County, Virginia.

7 (3) Project for aquatic ecosystem restoration
8 under section 206 of the Water Resources Develop-
9 ment Act of 1996 (33 U.S.C. 2330) for the following
10 areas:

11 (A) El Corazon, Arizona.

12 (B) San Pedro River, Cochise County and
13 vicinity, Arizona, including review of recharge
14 facilities that preserve water flows and habitats.

15 (4) Project modifications for improvement of
16 the environment under section 1135 of the Water
17 Resources Development Act of 1986 (33 U.S.C.
18 2309a) for the towns of Quincy and Braintree, Mas-
19 sachusetts, for fish passage on the Smelt Brook.

20 (5) Project for the removal of obstructions and
21 clearing channels for flood control under section 2 of
22 the Act of August 28, 1937 (33 U.S.C. 701g) for
23 the Passaic River, New Jersey.

24 (6) Project for shoreline erosion protection of
25 public works under section 14 of the Flood Control

1 Act of 1946 (33 U.S.C. 701r) and for beach erosion
2 and storm damage reduction under section 3 of the
3 Act of August 13, 1946 (33 U.S.C. 426g) for Buf-
4 falo, New York.

5 (7) Project for beach erosion and storm damage
6 reduction under section 3 of the Act of August 13,
7 1946 (33 U.S.C. 426g) for West Haven, Con-
8 necticut.

9 **Subtitle D—Water Resources**
10 **Infrastructure**

11 **SEC. 8401. PROJECT AUTHORIZATIONS.**

12 The following projects for water resources develop-
13 ment and conservation and other purposes, as identified
14 in the reports titled “Report to Congress on Future Water
15 Resources Development” submitted to Congress pursuant
16 to section 7001 of the Water Resources Reform and Devel-
17 opment Act of 2014 (33 U.S.C. 2282d) or otherwise re-
18 viewed by Congress, are authorized to be carried out by
19 the Secretary substantially in accordance with the plans,
20 and subject to the conditions, described in the respective
21 reports or decision documents designated in this section:

22 (1) NAVIGATION.—

3547

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AK	Elim Subsistence Harbor Study, Elim	March 12, 2021	Federal: \$99,057,000 Non-Federal: \$2,517,000 Total: \$101,574,000
2. CA	Port of Long Beach Deep Draft Navigation, Los Angeles County	October 14, 2021 and May 31, 2022	Federal: \$87,063,000 Non-Federal: \$88,724,000 Total: \$175,787,000
3. GA	Brunswick Harbor Modifications, Glynn County	March 11, 2022	Federal: \$10,555,500 Non-Federal: \$5,680,500 Total: \$16,236,000
4. NY, NJ	New York — New Jersey Harbor Deepening Channel Improvements	June 3, 2022	Federal: \$2,408,268,000 Non-Federal: \$3,929,279,000 Total: \$6,337,547,000
5. WA	Tacoma Harbor Navigation Improvement Project	May 26, 2022	Federal: \$140,022,000 Non-Federal: \$203,561,000 Total: \$343,583,000

1 (2) FLOOD RISK MANAGEMENT.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. AL	Selma Flood Risk Management and Bank Stabilization	October 7, 2021	Federal: \$16,978,000 Non-Federal: \$9,142,000 Total: \$26,120,000
2. AL	Valley Creek Flood Risk Management, Bessemer and Birmingham	October 29, 2021	Federal: \$21,993,000 Non-Federal: \$11,906,000 Total: \$33,899,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. CA	Lower Cache Creek, Yolo County, Woodland and Vicinity	June 21, 2021	Federal: \$238,151,550 Non-Federal: \$128,235,450 Total: \$366,387,000
4. NE	Papillion Creek and Tributaries Lakes	January 24, 2022	Federal: \$100,618,000 Non-Federal: \$57,359,000 Total: \$157,977,000
5. OR	Portland Metro Levee System	August 20, 2021	Federal: \$89,708,000 Non-Federal: \$48,304,000 Total: \$138,012,000
6. PR	Rio Guanajibo Flood Risk Management, Mayaguez, Hormigueros, and San German	May 24, 2022	Federal: \$184,778,000 Non-Federal: \$0 Total: \$184,778,000

1 (3) HURRICANE AND STORM DAMAGE RISK RE-
2 Duction.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CT	Fairfield and New Haven Counties Coastal Storm Risk Management	January 19, 2021	Federal: \$107,350,000 Non-Federal: \$57,804,000 Total: \$165,154,000
2. FL	Florida Keys, Monroe County, Coastal Storm Risk Management	September 24, 2021	Federal: \$1,774,631,000 Non-Federal: \$955,570,000 Total: \$2,730,201,000

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
3. FL	Miami-Dade County, Main Segment, Coastal Storm Risk Management	September 26, 2022	Initial Federal: \$25,091,000 Initial Non-Federal: \$18,470,000 Total: \$43,561,000 Renourishment Federal: \$143,874,000 Renourishment Non-Federal: \$180,898,000 Renourishment Total: \$324,772,000
4. FL	Okaloosa County, Coastal Storm Risk Management	October 7, 2021	Initial Federal: \$21,274,025 Initial Non-Federal: \$12,379,975 Total: \$33,654,000 Renourishment Federal: \$76,345,000 Renourishment Non-Federal: \$79,292,000 Renourishment Total: \$155,637,000
5. FL	Pinellas County, Treasure Island and Long Key Segments, Coastal Storm Risk Management	October 29, 2021	Initial Federal: \$6,097,000 Initial Non-Federal: \$9,864,000 Total: \$15,961,000 Renourishment Federal: \$115,551,000 Renourishment Non-Federal: \$104,540,000 Renourishment Total: \$220,091,000
6. LA	South Central Coast, Louisiana Hurricane and Storm Damage Risk Reduction	June 23, 2022	Federal: \$809,297,450 Non-Federal: \$435,775,550 Total: \$1,245,073,000
7. LA	Upper Barataria Basin Hurricane and Storm Damage Risk Reduction	January 28, 2022	Federal: \$1,184,472,250 Non-Federal: \$637,792,750 Total: \$1,822,265,000

3550

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
8. NY	South Shore of Staten Island, Fort Wadsworth to Oakwood Beach, Coastal Storm Risk Management	October 27, 2016	Federal: \$1,086,000,000 Non-Federal: \$585,000,000 Total: \$1,671,000,000
9. PR	San Juan Metropolitan Area Coastal Storm Risk Management	September 16, 2021	Federal: \$288,294,000 Non-Federal: \$155,235,000 Total: \$443,529,000
10. SC	Charleston Peninsula, Coastal Storm Risk Management	June 10, 2022	Federal: \$828,657,050 Non-Federal: \$446,199,950 Total: \$1,274,857,000
11. SC	Folly Beach, Coastal Storm Risk Management	October 26, 2021	Initial Federal: \$49,919,000 Initial Non-Federal: \$5,546,000 Total: \$55,465,000 Renourishment Federal: \$180,433,000 Renourishment Non-Federal: \$29,373,000 Renourishment Total: \$209,806,000

1 (4) FLOOD RISK MANAGEMENT AND ECO-
2 SYSTEM RESTORATION.—

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. TX	Coastal Texas Protection and Restoration	September 16, 2021	Federal: \$21,380,214,000 Non-Federal: \$12,999,708,000 Total: \$34,379,922,000

3 (5) ECOSYSTEM RESTORATION.—

3551

A. State	B. Name	C. Date of Report of Chief of Engineers	D. Estimated Costs
1. CA	Prado Basin Eco- system Restora- tion, San Bernardino, Riverside and Orange Coun- ties	April 22, 2021	Federal: \$35,265,100 Non-Federal: \$22,373,900 Total: \$57,639,000
2. KY	Three Forks of Beargrass Creek Eco- system Restora- tion, Louisville	May 24, 2022	Federal: \$77,352,671 Non-Federal: \$52,539,940 Total: \$129,892,611

1

(6) MODIFICATIONS AND OTHER PROJECTS.—

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
1. DC	Washington, D.C. and Vicinity Flood Risk Management	July 22, 2021	Federal: \$19,830,000 Non-Federal: \$0 Total: \$19,830,000
2. FL	Central and Southern Flor- ida, Indian River Lagoon	June 30, 2022	Federal: \$2,707,950,500 Non-Federal: \$2,707,950,500 Total: \$5,415,901,000
3. LA	Lake Pont- chartrain and Vicinity	December 16, 2021	Federal: \$950,303,250 Non-Federal: \$511,701,750 Total: \$1,462,005,000
4. LA	West Bank and Vicinity	December 17, 2021	Federal: \$508,337,700 Non-Federal: \$273,720,300 Total: \$782,058,000
5. MI	New Soo Lock Construction Project, Sault Ste. Marie, Chippewa County	June 6, 2022	Federal: \$3,218,944,000 Non-Federal: \$0 Total: \$3,218,944,000

A. State	B. Name	C. Date of Decision Document	D. Estimated Costs
6. WA	Howard A. Han- son Dam, Water Supply and Ecosystem Restoration	May 19, 2022	Federal: \$878,530,000 Non-Federal: \$43,085,000 Total: \$921,615,000

1 **SEC. 8402. SPECIAL RULES.**

2 (a) SOUTH SHORE OF STATEN ISLAND, NEW
3 YORK.—The Federal share of any portion of the cost to
4 design and construct the project for coastal storm risk
5 management, South Shore of Staten Island, Fort Wads-
6 worth to Oakwood Beach, New York, authorized by this
7 Act, that exceeds the estimated total project cost specified
8 in the project partnership agreement for the project,
9 signed by the Secretary on February 15, 2019, shall be
10 90 percent.

11 (b) CHARLESTON PENINSULA, SOUTH CAROLINA.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the last day of the covered period, the Secretary
14 shall submit to the Committee on Transportation
15 and Infrastructure of the House of Representatives
16 and the Committee on Environment and Public
17 Works of the Senate, a request for deauthorization
18 of the project for hurricane and storm damage risk
19 reduction, Charleston Peninsula, South Carolina, au-
20 thorized by this Act, if the non-Federal interest has

1 not entered into a project partnership agreement for
2 the project, or a separable element of the project,
3 prior to such last day.

4 (2) DEFINITION OF COVERED PERIOD.—In this
5 subsection, the term “covered period” means the pe-
6 riod beginning on the date of enactment of this Act
7 and ending on the date that is—

8 (A) 10 years after the date of enactment
9 of this Act; or

10 (B) 10 years after the date on which a de-
11 sign agreement for the project described in
12 paragraph (1) is executed, if such design agree-
13 ment is executed prior to the date that is 10
14 years after the date of enactment of this Act.

15 **SEC. 8403. FACILITY INVESTMENT.**

16 (a) IN GENERAL.—Subject to subsection (b), using
17 amounts available in the revolving fund established by the
18 first section of the Civil Functions Appropriations Act,
19 1954 (33 U.S.C. 576), and not otherwise obligated, the
20 Secretary may—

21 (1) design and construct the lab and office fa-
22 cility for a Mandatory Center of Expertise in
23 Branson, Missouri, described in the prospectus sub-
24 mitted to the Committee on Transportation and In-
25 frastructure of the House of Representatives and the

1 Committee on Environment and Public Works of the
2 Senate on June 10, 2022, pursuant to subsection (c)
3 of such Act (33 U.S.C. 576(c)), substantially in ac-
4 cordance with such prospectus; and

5 (2) carry out such construction and infrastruc-
6 ture improvements as are required to support such
7 lab and office facility, including any necessary demo-
8 lition of the existing infrastructure.

9 (b) REQUIREMENT.—In carrying out subsection (a),
10 the Secretary shall ensure that the revolving fund estab-
11 lished by the first section of the Civil Functions Appro-
12 priations Act, 1954 (33 U.S.C. 576) is appropriately reim-
13 bursed from funds appropriated for Corps of Engineers
14 programs that benefit from the lab and office facility con-
15 structed under this section.

16 **TITLE LXXXV—CLEAN WATER**

Sec. 8501. Regional water programs.
Sec. 8502. Nonpoint source management programs.
Sec. 8503. Wastewater assistance to colonias.

17 **SEC. 8501. REGIONAL WATER PROGRAMS.**

18 (a) SAN FRANCISCO BAY RESTORATION GRANT PRO-
19 GRAM.—Title I of the Federal Water Pollution Control Act
20 (33 U.S.C. 1251 et seq.) is amended by adding at the end
21 the following:

22 **“SEC. 125. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
23 **GRAM.**

24 **“(a) DEFINITIONS.—In this section:**

1 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
2 tuary Partnership’ means the San Francisco Estu-
3 ary Partnership, designated as the management con-
4 ference for the San Francisco Bay under section
5 320.

6 “(2) SAN FRANCISCO BAY PLAN.—The term
7 ‘San Francisco Bay Plan’ means—

8 “(A) until the date of the completion of the
9 plan developed by the Director under subsection
10 (d), the comprehensive conservation and man-
11 agement plan approved under section 320 for
12 the San Francisco Bay estuary; and

13 “(B) on and after the date of the comple-
14 tion of the plan developed by the Director under
15 subsection (d), the plan developed by the Direc-
16 tor under subsection (d).

17 “(b) PROGRAM OFFICE.—

18 “(1) ESTABLISHMENT.—The Administrator
19 shall establish in the Environmental Protection
20 Agency a San Francisco Bay Program Office. The
21 Office shall be located at the headquarters of Region
22 9 of the Environmental Protection Agency.

23 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
24 ministrator shall appoint a Director of the Office,
25 who shall have management experience and technical

1 expertise relating to the San Francisco Bay and be
2 highly qualified to direct the development and imple-
3 mentation of projects, activities, and studies nec-
4 essary to implement the San Francisco Bay Plan.

5 “(3) DELEGATION OF AUTHORITY; STAFFING.—
6 The Administrator shall delegate to the Director
7 such authority and provide such staff as may be nec-
8 essary to carry out this section.

9 “(c) ANNUAL PRIORITY LIST.—

10 “(1) IN GENERAL.—After providing public no-
11 tice, the Director shall annually compile a priority
12 list, consistent with the San Francisco Bay Plan,
13 identifying and prioritizing the projects, activities,
14 and studies to be carried out with amounts made
15 available under subsection (e).

16 “(2) INCLUSIONS.—The annual priority list
17 compiled under paragraph (1) shall include the fol-
18 lowing:

19 “(A) Projects, activities, and studies, in-
20 cluding restoration projects and habitat im-
21 provement for fish, waterfowl, and wildlife, that
22 advance the goals and objectives of the San
23 Francisco Bay Plan, for—

24 “(i) water quality improvement, in-
25 cluding the reduction of marine litter;

1 “(ii) wetland, riverine, and estuary
2 restoration and protection;

3 “(iii) nearshore and endangered spe-
4 cies recovery; and

5 “(iv) adaptation to climate change.

6 “(B) Information on the projects, activi-
7 ties, and studies specified under subparagraph
8 (A), including—

9 “(i) the identity of each entity receiv-
10 ing assistance pursuant to subsection (e);
11 and

12 “(ii) a description of the communities
13 to be served.

14 “(C) The criteria and methods established
15 by the Director for identification of projects, ac-
16 tivities, and studies to be included on the an-
17 nual priority list.

18 “(3) CONSULTATION.—In compiling the annual
19 priority list under paragraph (1), the Director shall
20 consult with, and consider the recommendations of—

21 “(A) the Estuary Partnership;

22 “(B) the State of California and affected
23 local governments in the San Francisco Bay es-
24 tuary watershed;

1 “(C) the San Francisco Bay Restoration
2 Authority; and

3 “(D) any other relevant stakeholder in-
4 volved with the protection and restoration of
5 the San Francisco Bay estuary that the Direc-
6 tor determines to be appropriate.

7 “(d) SAN FRANCISCO BAY PLAN.—

8 “(1) IN GENERAL.—Not later than 5 years
9 after the date of enactment of this section, the Di-
10 rector, in conjunction with the Estuary Partnership,
11 shall review and revise the comprehensive conserva-
12 tion and management plan approved under section
13 320 for the San Francisco Bay estuary to develop
14 a plan to guide the projects, activities, and studies
15 of the Office to address the restoration and protec-
16 tion of the San Francisco Bay.

17 “(2) REVISION OF SAN FRANCISCO BAY
18 PLAN.—Not less often than once every 5 years after
19 the date of the completion of the plan described in
20 paragraph (1), the Director shall review, and revise
21 as appropriate, the San Francisco Bay Plan.

22 “(3) OUTREACH.—In carrying out this sub-
23 section, the Director shall consult with the Estuary
24 Partnership and Indian tribes and solicit input from
25 other non-Federal stakeholders.

1 “(e) GRANT PROGRAM.—

2 “(1) IN GENERAL.—The Director may provide
3 funding through cooperative agreements, grants, or
4 other means to State and local agencies, special dis-
5 tricts, and public or nonprofit agencies, institutions,
6 and organizations, including the Estuary Partner-
7 ship, for projects, activities, and studies identified on
8 the annual priority list compiled under subsection
9 (c).

10 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
11 ERAL SHARE.—

12 “(A) MAXIMUM AMOUNT OF GRANTS.—
13 Amounts provided to any entity under this sec-
14 tion for a fiscal year shall not exceed an
15 amount equal to 75 percent of the total cost of
16 any projects, activities, and studies that are to
17 be carried out using those amounts.

18 “(B) NON-FEDERAL SHARE.—Not less
19 than 25 percent of the cost of any project, ac-
20 tivity, or study carried out using amounts pro-
21 vided under this section shall be provided from
22 non-Federal sources.

23 “(f) FUNDING.—

24 “(1) ADMINISTRATIVE EXPENSES.—Of the
25 amount made available to carry out this section for

1 a fiscal year, the Director may not use more than
2 5 percent to pay administrative expenses incurred in
3 carrying out this section.

4 “(2) PROHIBITION.—No amounts made avail-
5 able under this section may be used for the adminis-
6 tration of a management conference under section
7 320.”.

8 (b) PUGET SOUND COORDINATED RECOVERY.—Title
9 I of the Federal Water Pollution Control Act (33 U.S.C.
10 1251 et seq.) is further amended by adding at the end
11 the following:

12 **“SEC. 126. PUGET SOUND.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) COASTAL NONPOINT POLLUTION CONTROL
15 PROGRAM.—The term ‘Coastal Nonpoint Pollution
16 Control Program’ means the State of Washington’s
17 Coastal Nonpoint Pollution Control Program ap-
18 proved under section 6217 of the Coastal Zone Act
19 Reauthorization Amendments of 1990.

20 “(2) DIRECTOR.—The term ‘Director’ means
21 the Director of the Program Office.

22 “(3) FEDERAL ACTION PLAN.—The term ‘Fed-
23 eral Action Plan’ means the plan developed under
24 subsection (c)(3)(B).

1 “(4) INTERNATIONAL JOINT COMMISSION.—The
2 term ‘International Joint Commission’ means the
3 International Joint Commission established by the
4 Treaty relating to the boundary waters and ques-
5 tions arising along the boundary between the United
6 States and Canada, signed at Washington January
7 11, 1909, and entered into force May 5, 1910 (36
8 Stat. 2448; TS 548; 12 Bevans 319).

9 “(5) PACIFIC SALMON COMMISSION.—The term
10 ‘Pacific Salmon Commission’ means the Pacific
11 Salmon Commission established by the United
12 States and Canada under the Treaty concerning Pa-
13 cific salmon, with annexes and memorandum of un-
14 derstanding, signed at Ottawa January 28, 1985,
15 and entered into force March 18, 1985 (TIAS
16 11091; 1469 UNTS 357) (commonly known as the
17 ‘Pacific Salmon Treaty’).

18 “(6) PROGRAM OFFICE.—The term ‘Program
19 Office’ means the Puget Sound Recovery National
20 Program Office established by subsection (b).

21 “(7) PUGET SOUND ACTION AGENDA; ACTION
22 AGENDA.—The term ‘Puget Sound Action Agenda’
23 or ‘Action Agenda’ means the most recent plan de-
24 veloped by the Puget Sound National Estuary Pro-
25 gram Management Conference, in consultation with

1 the Puget Sound Tribal Management Conference,
2 and approved by the Administrator as the com-
3 prehensive conservation and management plan for
4 the Puget Sound under section 320.

5 “(8) PUGET SOUND FEDERAL LEADERSHIP
6 TASK FORCE.—The term ‘Puget Sound Federal
7 Leadership Task Force’ means the Puget Sound
8 Federal Leadership Task Force established under
9 subsection (c).

10 “(9) PUGET SOUND FEDERAL TASK FORCE.—
11 The term ‘Puget Sound Federal Task Force’ means
12 the Puget Sound Federal Task Force established in
13 2016 under a memorandum of understanding among
14 9 Federal agencies.

15 “(10) PUGET SOUND NATIONAL ESTUARY PRO-
16 GRAM MANAGEMENT CONFERENCE.—The term
17 ‘Puget Sound National Estuary Program Manage-
18 ment Conference’ means the management conference
19 for the Puget Sound convened pursuant to section
20 320.

21 “(11) PUGET SOUND PARTNERSHIP.—The term
22 ‘Puget Sound Partnership’ means the State agency
23 created under the laws of the State of Washington
24 (section 90.71.210 of the Revised Code of Wash-
25 ington), or its successor agency that has been des-

1 ignated by the Administrator as the lead entity to
2 support the Puget Sound National Estuary Program
3 Management Conference.

4 “(12) PUGET SOUND REGION.—

5 “(A) IN GENERAL.—The term ‘Puget
6 Sound region’ means the land and waters in the
7 northwest corner of the State of Washington
8 from the Canadian border to the north to the
9 Pacific Ocean on the west, including Hood
10 Canal and the Strait of Juan de Fuca.

11 “(B) INCLUSION.—The term ‘Puget Sound
12 region’ includes all watersheds that drain into
13 the Puget Sound.

14 “(13) PUGET SOUND TRIBAL MANAGEMENT
15 CONFERENCE.—The term ‘Puget Sound Tribal Man-
16 agement Conference’ means the 20 treaty Indian
17 tribes of western Washington and the Northwest In-
18 dian Fisheries Commission.

19 “(14) SALISH SEA.—The term ‘Salish Sea’
20 means the network of coastal waterways on the west
21 coast of North America that includes the Puget
22 Sound, the Strait of Georgia, and the Strait of Juan
23 de Fuca.

24 “(15) SALMON RECOVERY PLANS.—The term
25 ‘Salmon Recovery Plans’ means the recovery plans

1 for salmon and steelhead species approved by the
2 Secretary of the Interior under section 4(f) of the
3 Endangered Species Act of 1973 that are applicable
4 to the Puget Sound region.

5 “(16) STATE ADVISORY COMMITTEE.—The
6 term ‘State Advisory Committee’ means the advisory
7 committee established by subsection (d).

8 “(17) TREATY RIGHTS AT RISK INITIATIVE.—
9 The term ‘Treaty Rights at Risk Initiative’ means
10 the report from the treaty Indian tribes of western
11 Washington entitled ‘Treaty Rights At Risk: Ongo-
12 ing Habitat Loss, the Decline of the Salmon Re-
13 source, and Recommendations for Change’ and
14 dated July 14, 2011, or its successor report that
15 outlines issues and offers solutions for the protection
16 of Tribal treaty rights, recovery of salmon habitat,
17 and management of sustainable treaty and nontreaty
18 salmon fisheries, including through Tribal salmon
19 hatchery programs.

20 “(b) PUGET SOUND RECOVERY NATIONAL PROGRAM
21 OFFICE.—

22 “(1) ESTABLISHMENT.—There is established in
23 the Environmental Protection Agency a Puget
24 Sound Recovery National Program Office, to be lo-
25 cated in the State of Washington.

1 “(2) DIRECTOR.—

2 “(A) IN GENERAL.—There shall be a Di-
3 rector of the Program Office, who shall have
4 leadership and project management experience
5 and shall be highly qualified to—

6 “(i) direct the integration of multiple
7 project planning efforts and programs
8 from different agencies and jurisdictions;
9 and

10 “(ii) align numerous, and possibly
11 competing, priorities to accomplish visible
12 and measurable outcomes under the Action
13 Agenda.

14 “(B) POSITION.—The position of Director
15 of the Program Office shall be a career reserved
16 position, as such term is defined in section
17 3132 of title 5, United States Code.

18 “(3) DELEGATION OF AUTHORITY; STAFFING.—
19 Using amounts made available to carry out this sec-
20 tion, the Administrator shall delegate to the Director
21 such authority and provide such staff as may be nec-
22 essary to carry out this section.

23 “(4) DUTIES.—The Director shall—

24 “(A) coordinate and manage the timely
25 execution of the requirements of this section,

1 including the formation and meetings of the
2 Puget Sound Federal Leadership Task Force;

3 “(B) coordinate activities related to the
4 restoration and protection of the Puget Sound
5 across the Environmental Protection Agency;

6 “(C) coordinate and align the activities of
7 the Administrator with the Action Agenda,
8 Salmon Recovery Plans, the Treaty Rights at
9 Risk Initiative, and the Coastal Nonpoint Pollu-
10 tion Control Program;

11 “(D) promote the efficient use of Environ-
12 mental Protection Agency resources in pursuit
13 of the restoration and protection of the Puget
14 Sound;

15 “(E) serve on the Puget Sound Federal
16 Leadership Task Force and collaborate with,
17 help coordinate, and implement activities with
18 other Federal agencies that have responsibilities
19 involving the restoration and protection of the
20 Puget Sound;

21 “(F) provide or procure such other advice,
22 technical assistance, research, assessments,
23 monitoring, or other support as is determined
24 by the Director to be necessary or prudent to
25 most efficiently and effectively fulfill the objec-

1 tives and priorities of the Action Agenda, the
2 Salmon Recovery Plans, the Treaty Rights at
3 Risk Initiative, and the Coastal Nonpoint Pollu-
4 tion Control Program, consistent with the best
5 available science, to ensure the health of the
6 Puget Sound ecosystem;

7 “(G) track the progress of the Environ-
8 mental Protection Agency toward meeting the
9 agency’s specified objectives and priorities with-
10 in the Action Agenda and the Federal Action
11 Plan;

12 “(H) implement the recommendations of
13 the Comptroller General set forth in the report
14 entitled ‘Puget Sound Restoration: Additional
15 Actions Could Improve Assessments of
16 Progress’ and dated July 19, 2018;

17 “(I) serve as liaison and coordinate activi-
18 ties for the restoration and protection of the
19 Salish Sea with Canadian authorities, the Pa-
20 cific Salmon Commission, and the International
21 Joint Commission; and

22 “(J) carry out such additional duties as
23 the Director determines necessary and appro-
24 priate.

1 “(c) PUGET SOUND FEDERAL LEADERSHIP TASK
2 FORCE.—

3 “(1) ESTABLISHMENT.—There is established a
4 Puget Sound Federal Leadership Task Force.

5 “(2) MEMBERSHIP.—

6 “(A) COMPOSITION.—The Puget Sound
7 Federal Leadership Task Force shall be com-
8 posed of the following members:

9 “(i) The following individuals ap-
10 pointed by the Secretary of Agriculture:

11 “(I) A representative of the Na-
12 tional Forest Service.

13 “(II) A representative of the
14 Natural Resources Conservation Serv-
15 ice.

16 “(ii) A representative of the National
17 Oceanic and Atmospheric Administration
18 appointed by the Secretary of Commerce.

19 “(iii) The following individuals ap-
20 pointed by the Secretary of Defense:

21 “(I) A representative of the
22 Corps of Engineers.

23 “(II) A representative of the
24 Joint Base Lewis-McChord.

1 “(III) A representative of the
2 Commander, Navy Region Northwest.

3 “(iv) The Director of the Program Of-
4 fice.

5 “(v) The following individuals ap-
6 pointed by the Secretary of Homeland Se-
7 curity:

8 “(I) A representative of the
9 Coast Guard.

10 “(II) A representative of the
11 Federal Emergency Management
12 Agency.

13 “(vi) The following individuals ap-
14 pointed by the Secretary of the Interior:

15 “(I) A representative of the Bu-
16 reau of Indian Affairs.

17 “(II) A representative of the
18 United States Fish and Wildlife Serv-
19 ice.

20 “(III) A representative of the
21 United States Geological Survey.

22 “(IV) A representative of the Na-
23 tional Park Service.

1 “(vii) The following individuals ap-
2 pointed by the Secretary of Transpor-
3 tation:

4 “(I) A representative of the Fed-
5 eral Highway Administration.

6 “(II) A representative of the
7 Federal Transit Administration.

8 “(viii) Representatives of such other
9 Federal agencies, programs, and initiatives
10 as the other members of the Puget Sound
11 Federal Leadership Task Force determines
12 necessary.

13 “(B) QUALIFICATIONS.—Members ap-
14 pointed under this paragraph shall have experi-
15 ence and expertise in matters of restoration and
16 protection of large watersheds and bodies of
17 water, or related experience that will benefit the
18 restoration and protection of the Puget Sound.

19 “(C) CO-CHAIRS.—

20 “(i) IN GENERAL.—The following
21 members of the Puget Sound Federal
22 Leadership Task Force shall serve as Co-
23 Chairs of the Puget Sound Federal Lead-
24 ership Task Force:

1 “(I) The representative of the
2 National Oceanic and Atmospheric
3 Administration.

4 “(II) The Director of the Pro-
5 gram Office.

6 “(III) The representative of the
7 Corps of Engineers.

8 “(ii) LEADERSHIP.—The Co-Chairs
9 shall ensure the Puget Sound Federal
10 Leadership Task Force completes its du-
11 ties through robust discussion of all rel-
12 evant issues. The Co-Chairs shall share
13 leadership responsibilities equally.

14 “(3) DUTIES.—

15 “(A) GENERAL DUTIES.—The Puget
16 Sound Federal Leadership Task Force shall—

17 “(i) uphold Federal trust responsibil-
18 ities to restore and protect resources cru-
19 cial to Tribal treaty rights, including by
20 carrying out government-to-government
21 consultation with Indian tribes when re-
22 quested by such tribes;

23 “(ii) provide a venue for dialogue and
24 coordination across all Federal agencies
25 represented by a member of the Puget

1 Sound Federal Leadership Task Force to
2 align Federal resources for the purposes of
3 carrying out the requirements of this sec-
4 tion and all other Federal laws that con-
5 tribute to the restoration and protection of
6 the Puget Sound, including by—

7 “(I) enabling and encouraging
8 such agencies to act consistently with
9 the objectives and priorities of the Ac-
10 tion Agenda, the Salmon Recovery
11 Plans, the Treaty Rights at Risk Ini-
12 tiative, and the Coastal Nonpoint Pol-
13 lution Control Program;

14 “(II) facilitating the coordination
15 of Federal activities that impact such
16 restoration and protection;

17 “(III) facilitating the delivery of
18 feedback given by such agencies to the
19 Puget Sound Partnership during the
20 development of the Action Agenda;

21 “(IV) facilitating the resolution
22 of interagency conflicts associated
23 with such restoration and protection
24 among such agencies;

1 “(V) providing a forum for ex-
2 changing information among such
3 agencies regarding activities being
4 conducted, including obstacles or effi-
5 ciencies found, during restoration and
6 protection activities; and

7 “(VI) promoting the efficient use
8 of government resources in pursuit of
9 such restoration and protection
10 through coordination and collabora-
11 tion, including by ensuring that the
12 Federal efforts relating to the science
13 necessary for such restoration and
14 protection are consistent, and not du-
15 plicative, across the Federal Govern-
16 ment;

17 “(iii) catalyze public leaders at all lev-
18 els to work together toward shared goals
19 by demonstrating interagency best prac-
20 tices coming from such agencies;

21 “(iv) provide advice and support on
22 scientific and technical issues and act as a
23 forum for the exchange of scientific infor-
24 mation about the Puget Sound;

1 “(v) identify and inventory Federal
2 environmental research and monitoring
3 programs related to the Puget Sound, and
4 provide such inventory to the Puget Sound
5 National Estuary Program Management
6 Conference;

7 “(vi) ensure that Puget Sound res-
8 toration and protection activities are as
9 consistent as practicable with ongoing res-
10 toration and protection and related efforts
11 in the Salish Sea that are being conducted
12 by Canadian authorities, the Pacific Salm-
13 on Commission, and the International
14 Joint Commission;

15 “(vii) ensure that Puget Sound res-
16 toration and protection activities are con-
17 sistent with national security interests;

18 “(viii) establish any working groups or
19 committees necessary to assist the Puget
20 Sound Federal Leadership Task Force in
21 its duties, including relating to public pol-
22 icy and scientific issues; and

23 “(ix) raise national awareness of the
24 significance of the Puget Sound.

1 “(B) PUGET SOUND FEDERAL ACTION
2 PLAN.—

3 “(i) IN GENERAL.—Not later than 5
4 years after the date of enactment of this
5 section, the Puget Sound Federal Leader-
6 ship Task Force shall develop and approve
7 a Federal Action Plan that leverages Fed-
8 eral programs across agencies and serves
9 to coordinate diverse programs and prior-
10 ities for the restoration and protection of
11 the Puget Sound.

12 “(ii) REVISION OF PUGET SOUND
13 FEDERAL ACTION PLAN.—Not less often
14 than once every 5 years after the date of
15 approval of the Federal Action Plan under
16 clause (i), the Puget Sound Federal Lead-
17 ership Task Force shall review, and revise
18 as appropriate, the Federal Action Plan.

19 “(C) FEEDBACK BY FEDERAL AGEN-
20 CIES.—In facilitating feedback under subpara-
21 graph (A)(ii)(III), the Puget Sound Federal
22 Leadership Task Force shall request Federal
23 agencies to consider, at a minimum, possible
24 Federal actions within the Puget Sound region
25 designed to—

1 “(i) further the goals, targets, and ac-
2 tions of the Action Agenda, the Salmon
3 Recovery Plans, the Treaty Rights at Risk
4 Initiative, and the Coastal Nonpoint Pollu-
5 tion Control Program;

6 “(ii) as applicable, implement and en-
7 force this Act, the Endangered Species Act
8 of 1973, and all other Federal laws that
9 contribute to the restoration and protection
10 of the Puget Sound, including those that
11 protect Tribal treaty rights;

12 “(iii) prevent the introduction and
13 spread of invasive species;

14 “(iv) protect marine and wildlife habi-
15 tats;

16 “(v) protect, restore, and conserve for-
17 ests, wetlands, riparian zones, and near-
18 shore waters;

19 “(vi) promote resilience to climate
20 change and ocean acidification effects;

21 “(vii) restore fisheries so that they are
22 sustainable and productive;

23 “(viii) preserve biodiversity;

24 “(ix) restore and protect ecosystem
25 services that provide clean water, filter

1 toxic chemicals, and increase ecosystem re-
2 silience; and

3 “(x) improve water quality, including
4 by preventing and managing stormwater
5 runoff, incorporating erosion control tech-
6 niques and trash capture devices, using
7 sustainable stormwater practices, and miti-
8 gating and minimizing nonpoint source
9 pollution, including marine litter.

10 “(4) PARTICIPATION OF STATE ADVISORY COM-
11 MITTEE AND PUGET SOUND TRIBAL MANAGEMENT
12 CONFERENCE.—The Puget Sound Federal Leader-
13 ship Task Force shall carry out its duties with input
14 from, and in collaboration with, the State Advisory
15 Committee and the Puget Sound Tribal Manage-
16 ment Conference, including by seeking advice and
17 recommendations on the actions, progress, and
18 issues pertaining to the restoration and protection of
19 the Puget Sound.

20 “(5) MEETINGS.—

21 “(A) INITIAL MEETING.—The Puget
22 Sound Federal Leadership Task Force shall
23 meet not later than 180 days after the date of
24 enactment of this section—

1 “(i) to determine if all Federal agen-
2 cies are properly represented;

3 “(ii) to establish the bylaws of the
4 Puget Sound Federal Leadership Task
5 Force;

6 “(iii) to establish necessary working
7 groups or committees; and

8 “(iv) to determine subsequent meeting
9 times, dates, and logistics.

10 “(B) SUBSEQUENT MEETINGS.—After the
11 initial meeting, the Puget Sound Federal Lead-
12 ership Task Force shall meet, at a minimum,
13 twice per year to carry out the duties of the
14 Puget Sound Federal Leadership Task Force.

15 “(C) WORKING GROUP MEETINGS.—A
16 meeting of any established working group or
17 committee of the Puget Sound Federal Leader-
18 ship Task Force shall not be considered a bian-
19 nual meeting for purposes of subparagraph (B).

20 “(D) JOINT MEETINGS.—The Puget Sound
21 Federal Leadership Task Force—

22 “(i) shall offer to meet jointly with
23 the Puget Sound National Estuary Pro-
24 gram Management Conference and the

1 Puget Sound Tribal Management Con-
2 ference, at a minimum, once per year; and

3 “(ii) may consider such a joint meet-
4 ing to be a biannual meeting of the Puget
5 Sound Federal Leadership Task Force for
6 purposes of subparagraph (B).

7 “(E) QUORUM.—A simple majority of the
8 members of the Puget Sound Federal Leader-
9 ship Task Force shall constitute a quorum.

10 “(F) VOTING.—For the Puget Sound Fed-
11 eral Leadership Task Force to take an official
12 action, a quorum shall be present, and at least
13 a two-thirds majority of the members present
14 shall vote in the affirmative.

15 “(6) PUGET SOUND FEDERAL LEADERSHIP
16 TASK FORCE PROCEDURES AND ADVICE.—

17 “(A) ADVISORS.—The Puget Sound Fed-
18 eral Leadership Task Force may seek advice
19 and input from any interested, knowledgeable,
20 or affected party as the Puget Sound Federal
21 Leadership Task Force determines necessary to
22 perform its duties.

23 “(B) COMPENSATION.—A member of the
24 Puget Sound Federal Leadership Task Force
25 shall receive no additional compensation for

1 service as a member on the Puget Sound Fed-
2 eral Leadership Task Force.

3 “(C) TRAVEL EXPENSES.—Travel expenses
4 incurred by a member of the Puget Sound Fed-
5 eral Leadership Task Force in the performance
6 of service on the Puget Sound Federal Leader-
7 ship Task Force may be paid by the agency
8 that the member represents.

9 “(7) PUGET SOUND FEDERAL TASK FORCE.—

10 “(A) IN GENERAL.—On the date of enact-
11 ment of this section, the 2016 memorandum of
12 understanding establishing the Puget Sound
13 Federal Task Force shall cease to be effective.

14 “(B) USE OF PREVIOUS WORK.—The
15 Puget Sound Federal Leadership Task Force
16 shall, to the extent practicable, use the work
17 product produced, relied upon, and analyzed by
18 the Puget Sound Federal Task Force in order
19 to avoid duplicating the efforts of the Puget
20 Sound Federal Task Force.

21 “(d) STATE ADVISORY COMMITTEE.—

22 “(1) ESTABLISHMENT.—There is established a
23 State Advisory Committee.

24 “(2) MEMBERSHIP.—The State Advisory Com-
25 mittee shall consist of up to seven members des-

1 ignated by the governing body of the Puget Sound
2 Partnership, in consultation with the Governor of
3 Washington, who will represent Washington State
4 agencies that have significant roles and responsibil-
5 ities related to the restoration and protection of the
6 Puget Sound.

7 “(e) PUGET SOUND FEDERAL LEADERSHIP TASK
8 FORCE BIENNIAL REPORT ON PUGET SOUND RESTORA-
9 TION AND PROTECTION ACTIVITIES.—

10 “(1) IN GENERAL.—Not later than 1 year after
11 the date of enactment of this section, and biennially
12 thereafter, the Puget Sound Federal Leadership
13 Task Force, in collaboration with the Puget Sound
14 Tribal Management Conference and the State Advi-
15 sory Committee, shall submit to the President, Con-
16 gress, the Governor of Washington, and the gov-
17 erning body of the Puget Sound Partnership a re-
18 port that summarizes the progress, challenges, and
19 milestones of the Puget Sound Federal Leadership
20 Task Force relating to the restoration and protec-
21 tion of the Puget Sound.

22 “(2) CONTENTS.—The report submitted under
23 paragraph (1) shall include a description of the fol-
24 lowing:

1 “(A) The roles and progress of each State,
2 local government entity, and Federal agency
3 that has jurisdiction in the Puget Sound region
4 relating to meeting the identified objectives and
5 priorities of the Action Agenda, the Salmon Re-
6 covery Plans, the Treaty Rights at Risk Initia-
7 tive, and the Coastal Nonpoint Pollution Con-
8 trol Program.

9 “(B) If available, the roles and progress of
10 Tribal governments that have jurisdiction in the
11 Puget Sound region relating to meeting the
12 identified objectives and priorities of the Action
13 Agenda, the Salmon Recovery Plans, the Treaty
14 Rights at Risk Initiative, and the Coastal
15 Nonpoint Pollution Control Program.

16 “(C) A summary of specific recommenda-
17 tions concerning implementation of the Action
18 Agenda and the Federal Action Plan, including
19 challenges, barriers, and anticipated milestones,
20 targets, and timelines.

21 “(D) A summary of progress made by
22 Federal agencies toward the priorities identified
23 in the Federal Action Plan.

24 “(f) TRIBAL RIGHTS AND CONSULTATION.—

1 “(1) PRESERVATION OF TRIBAL TREATY
2 RIGHTS.—Nothing in this section affects, or is in-
3 tended to affect, any right reserved by treaty be-
4 tween the United States and one or more Indian
5 tribes.

6 “(2) CONSULTATION.—Nothing in this section
7 affects any authorization or obligation of a Federal
8 agency to consult with an Indian tribe under any
9 other provision of law.

10 “(g) CONSISTENCY.—

11 “(1) IN GENERAL.—Actions authorized or im-
12 plemented under this section shall be consistent
13 with—

14 “(A) the Salmon Recovery Plans;

15 “(B) the Coastal Nonpoint Pollution Con-
16 trol Program; and

17 “(C) the water quality standards of the
18 State of Washington approved by the Adminis-
19 trator under section 303.

20 “(2) FEDERAL ACTIONS.—All Federal agencies
21 represented on the Puget Sound Federal Leadership
22 Task Force shall act consistently with the protection
23 of Tribal, treaty-reserved rights and, to the greatest
24 extent practicable given such agencies’ existing obli-
25 gations under Federal law, act consistently with the

1 objectives and priorities of the Action Agenda, the
2 Salmon Recovery Plans, the Treaty Rights at Risk
3 Initiative, and the Coastal Nonpoint Pollution Con-
4 trol Program, when—

5 “(A) conducting Federal agency activities
6 within or outside the Puget Sound that affect
7 any land or water use or natural resources of
8 the Puget Sound region, including activities
9 performed by a contractor for the benefit of a
10 Federal agency;

11 “(B) interpreting and enforcing regulations
12 that impact the restoration and protection of
13 the Puget Sound;

14 “(C) issuing Federal licenses or permits
15 that impact the restoration and protection of
16 the Puget Sound; and

17 “(D) granting Federal assistance to State,
18 local, and Tribal governments for activities re-
19 lated to the restoration and protection of the
20 Puget Sound.”.

21 (c) LAKE PONTCHARTRAIN BASIN RESTORATION
22 PROGRAM.—

23 (1) REVIEW OF COMPREHENSIVE MANAGEMENT
24 PLAN.—Section 121 of the Federal Water Pollution
25 Control Act (33 U.S.C. 1273) is amended—

1 (A) in subsection (c)—

2 (i) in paragraph (5), by striking “;
3 and” and inserting a semicolon;

4 (ii) in paragraph (6), by striking the
5 period and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(7) ensure that the comprehensive conserva-
9 tion and management plan approved for the Basin
10 under section 320 is reviewed and revised in accord-
11 ance with section 320 not less often than once every
12 5 years, beginning on the date of enactment of this
13 paragraph.”; and

14 (B) in subsection (d), by striking “rec-
15 ommended by a management conference con-
16 vened for the Basin under section 320” and in-
17 serting “identified in the comprehensive con-
18 servation and management plan approved for
19 the Basin under section 320”.

20 (2) DEFINITIONS.—Section 121(e)(1) of the
21 Federal Water Pollution Control Act (33 U.S.C.
22 1273(e)(1)) is amended by striking “, a 5,000
23 square mile” and inserting “, a 10,000 square mile”.

24 (3) ADMINISTRATIVE COSTS.—Section 121(f) of
25 the Federal Water Pollution Control Act (33 U.S.C.

1 1273(f) is amended by adding at the end the fol-
2 lowing:

3 “(3) ADMINISTRATIVE EXPENSES.—Not more
4 than 5 percent of the amounts appropriated to carry
5 out this section may be used for administrative ex-
6 penses.”.

7 **SEC. 8502. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

8 Section 319(j) of the Federal Water Pollution Control
9 Act (33 U.S.C. 1329(j)) is amended by striking “sub-
10 sections (h) and (i) not to exceed” and all that follows
11 through “fiscal year 1991” and inserting “subsections (h)
12 and (i) \$200,000,000 for each of fiscal years 2023
13 through 2027”.

14 **SEC. 8503. WASTEWATER ASSISTANCE TO COLONIAS.**

15 Section 307 of the Safe Drinking Water Act Amend-
16 ments of 1996 (33 U.S.C. 1281 note) is amended—

17 (1) in subsection (a)—

18 (A) by redesignating paragraphs (2) and
19 (3) as paragraphs (3) and (4), respectively; and

20 (B) by inserting after paragraph (1) the
21 following:

22 “(2) COVERED ENTITY.—The term ‘covered en-
23 tity’ means each of the following:

24 “(A) A border State.

1 “(B) A local government with jurisdiction
2 over an eligible community.”;

3 (2) in subsection (b), by striking “border
4 State” and inserting “covered entity”;

5 (3) in subsection (d), by striking “shall not ex-
6 ceed 50 percent” and inserting “may not be less
7 than 80 percent”; and

8 (4) in subsection (e)—

9 (A) by striking “\$25,000,000” and insert-
10 ing “\$100,000,000”; and

11 (B) by striking “1997 through 1999” and
12 inserting “2023 through 2027”.

13 **DIVISION I—DEPARTMENT OF**
14 **STATE AUTHORIZATIONS**

15 **SEC. 9001. SHORT TITLE.**

16 This division may be cited as the “Department of
17 State Authorization Act of 2022”.

18 **SEC. 9002. DEFINITIONS.**

19 In this division:

20 (1) **ADMINISTRATOR.**—The term “Adminis-
21 trator” means the Administrator of USAID.

22 (2) **APPROPRIATE CONGRESSIONAL COMMIT-**
23 **TEES.**—The term “appropriate congressional com-
24 mittees” means the Committee on Foreign Relations

1 of the Senate and the Committee on Foreign Affairs
2 of the House of Representatives.

3 (3) DEPARTMENT.—Unless otherwise specified,
4 the term “Department” means the Department of
5 State.

6 (4) SECRETARY.—Unless otherwise specified,
7 the term “Secretary” means the Secretary of State.

8 (5) USAID.—The term “USAID” means the
9 United States Agency for International Develop-
10 ment.

11 **TITLE XCI—ORGANIZATION AND**
12 **OPERATIONS OF THE DE-**
13 **PARTMENT OF STATE**

14 **SEC. 9101. MODERNIZING THE BUREAU OF ARMS CONTROL,**
15 **VERIFICATION, AND COMPLIANCE AND THE**
16 **BUREAU OF INTERNATIONAL SECURITY AND**
17 **NONPROLIFERATION.**

18 It is the sense of Congress that—

19 (1) the Secretary should take steps to address
20 staffing shortfalls in the chemical, biological, and
21 nuclear weapons issue areas in the Bureau of Arms
22 Control, Verification and Compliance and in the Bu-
23 reau of International Security and Nonproliferation;

24 (2) maintaining a fully staffed and resourced
25 Bureau of Arms Control, Verification and Compli-

1 ance and Bureau of International Security and Non-
2 proliferation is necessary to effectively confront the
3 threat of increased global proliferation; and

4 (3) the Secretary, acting through the Bureau of
5 Arms Control, Verification and Compliance and the
6 Bureau of International Security and Nonprolifera-
7 tion, should increase efforts and dedicate resources
8 to combat the dangers posed by the People’s Repub-
9 lic of China’s conventional and nuclear build-up, the
10 Russian Federation’s tactical nuclear weapons and
11 new types of nuclear weapons, bioweapons prolifera-
12 tion, dual use of life sciences research, and chemical
13 weapons.

14 **SEC. 9102. NOTIFICATION TO CONGRESS FOR UNITED**
15 **STATES NATIONALS UNLAWFULLY OR**
16 **WRONGFULLY DETAINED ABROAD.**

17 Section 302 of the Robert Levinson Hostage Recov-
18 ery and Hostage-Taking Accountability Act (22 U.S.C.
19 1741) is amended—

20 (1) in subsection (a), in the matter preceding
21 paragraph (1), by inserting “, as expeditiously as
22 possible,” after “review”; and

23 (2) by amending subsection (b) to read as fol-
24 lows:

1 “(b) REFERRALS TO SPECIAL ENVOY; NOTIFICATION
2 TO CONGRESS.—

3 “(1) IN GENERAL.—Upon a determination by
4 the Secretary of State, based on the totality of the
5 circumstances, that there is credible information
6 that the detention of a United States national
7 abroad is unlawful or wrongful, and regardless of
8 whether the detention is by a foreign government or
9 a nongovernmental actor, the Secretary shall—

10 “(A) expeditiously transfer responsibility
11 for such case from the Bureau of Consular Af-
12 fairs of the Department of State to the Special
13 Presidential Envoy for Hostage Affairs; and

14 “(B) not later than 14 days after such de-
15 termination, notify the Committee on Foreign
16 Relations of the Senate, the Select Committee
17 on Intelligence of the Senate, the Committee on
18 Foreign Affairs of the House of Representa-
19 tives, and the Permanent Select Committee on
20 Intelligence of the House of Representatives of
21 such determination and provide such commit-
22 tees with a summary of the facts that led to
23 such determination.

24 “(2) FORM.—The notification described in
25 paragraph (1)(B) may be classified, if necessary.”.

1 **SEC. 9103. FAMILY ENGAGEMENT COORDINATOR.**

2 Section 303 of the Robert Levinson Hostage Recov-
3 ery and Hostage-Taking Accountability Act (22 U.S.C.
4 1741a) is amended by adding at the end the following:

5 “(d) FAMILY ENGAGEMENT COORDINATOR.—There
6 shall be, in the Office of the Special Presidential Envoy
7 for Hostage Affairs, a Family Engagement Coordinator,
8 who shall ensure—

9 “(1) for a United States national unlawfully or
10 wrongfully detained abroad, that—

11 “(A) any interaction by executive branch
12 officials with any family member of such United
13 States national occurs in a coordinated fashion;

14 “(B) such family member receives con-
15 sistent and accurate information from the
16 United States Government; and

17 “(C) appropriate coordination with the
18 Family Engagement Coordinator described in
19 section 304(c)(2); and

20 “(2) for a United States national held hostage
21 abroad, that any engagement with a family member
22 is coordinated with, consistent with, and not duplica-
23 tive of the efforts of the Family Engagement Coordi-
24 nator described in section 304(c)(2).”.

1 **SEC. 9104. REWARDS FOR JUSTICE.**

2 Section 36(b) of the State Department Basic Au-
3 thorities Act of 1956 (22 U.S.C. 2708(b)) is amended—

4 (1) in paragraph (4), by striking “or (10);” and
5 inserting “(10), or (14);”;

6 (2) in paragraph (12), by striking “or” at the
7 end;

8 (3) in paragraph (13), by striking the period at
9 the end and inserting “; or”; and

10 (4) by adding at the end the following:

11 “(14) the prevention, frustration, or resolution
12 of the hostage taking of a United States person, the
13 identification, location, arrest, or conviction of a per-
14 son responsible for the hostage taking of a United
15 States person, or the location of a United States
16 person who has been taken hostage, in any coun-
17 try.”.

18 **SEC. 9105. ENSURING GEOGRAPHIC DIVERSITY AND ACCES-**
19 **SIBILITY OF PASSPORT AGENCIES.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that Department initiatives to expand passport serv-
22 ices and accessibility, including through online moderniza-
23 tion projects, should include the construction of new phys-
24 ical passport agencies.

1 (b) REVIEW.—The Secretary shall conduct a review
2 of the geographic diversity and accessibility of existing
3 passport agencies to identify—

4 (1) the geographic areas in the continental
5 United States that are farther than 6 hours' driving
6 distance from the nearest passport agency;

7 (2) the per capita demand for passport services
8 in the areas described in paragraph (1); and

9 (3) a plan to ensure that in-person services at
10 physical passport agencies are accessible to all eligi-
11 ble Americans, including Americans living in large
12 population centers, in rural areas, and in States with
13 a high per capita demand for passport services.

14 (c) CONSIDERATIONS.—The Secretary shall consider
15 the metrics identified in paragraphs (1) and (2) of sub-
16 section (b) when determining locations for the establish-
17 ment of new physical passport agencies.

18 (d) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary shall submit
20 a report to the Committee on Foreign Relations of the
21 Senate, the Committee on Appropriations of the Senate,
22 the Committee on Foreign Affairs of the House of Rep-
23 resentatives, and the Committee on Appropriations of the
24 House of Representatives that contains the findings of the
25 review conducted pursuant to subsection (b).

1 **SEC. 9106. CULTURAL ANTIQUITIES TASK FORCE.**

2 The Secretary is authorized to use up to \$1,200,000
3 for grants to carry out the activities of the Cultural Antiq-
4 uities Task Force.

5 **SEC. 9107. OFFICE OF SANCTIONS COORDINATION.**

6 (a) EXTENSION OF AUTHORITIES.—Section 1 of the
7 State Department Basic Authorities Act of 1956 (22
8 U.S.C. 2651a) is amended, in paragraph (4)(B) of sub-
9 section (l), as redesignated by section 9502(a)(2) of this
10 Act, by striking “the date that is two years after the date
11 of the enactment of this subsection” and inserting “De-
12 cember 31, 2024”.

13 (b) BRIEFING.—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary of the Treas-
15 ury, or the Secretary’s designee, shall brief the appro-
16 priate congressional committees with respect to the steps
17 that the Office of Sanctions Coordination has taken to co-
18 ordinate its activities with the Department of the Treasury
19 and humanitarian aid programs, in an effort to help en-
20 sure appropriate flows of humanitarian assistance and
21 goods to countries subject to United States sanctions.

22 **SEC. 9108. SENSE OF CONGRESS AND STRATEGIC PLAN RE-**
23 **GARDING THE DEPARTMENT OF STATE’S**
24 **UNIT FOR SUBNATIONAL DIPLOMACY.**

25 (a) DEFINITIONS.—In this section:

1 (1) MUNICIPAL.—The term “municipal” means
2 the government of a city in the United States with
3 a population of not fewer than 100,000 people.

4 (2) STATE.—The term “State” means the 50
5 States of the United States, the District of Colum-
6 bia, and any territory or possession of the United
7 States.

8 (3) SUBNATIONAL ENGAGEMENT.—The term
9 “subnational engagement” means formal meetings
10 or events between elected officials of a State or mu-
11 nicipal government and their foreign counterparts.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) the growth of subnational cooperation has
15 enabled States and municipalities to play an increas-
16 ingly significant role in foreign policy and com-
17 plement the efforts of the Department;

18 (2) the Department’s recently established Unit
19 for Subnational Diplomacy will play a critical role in
20 leveraging the Department’s resources to support
21 State and municipal governments in conducting sub-
22 national engagement and increasing cooperation with
23 foreign allies and partners; and

24 (3) in facilitating such subnational engage-
25 ments, the Department should engage with a broad

1 array of United States cities without regard to their
2 population size or location;

3 (c) STRATEGIC PLAN.—The Special Representative
4 for Subnational Diplomacy shall submit a strategic plan
5 to the appropriate congressional committees for the oper-
6 ations of the Unit for Subnational Diplomacy, including
7 the Department’s plans for—

8 (1) supporting subnational engagements involv-
9 ing policymakers from urban and rural areas to im-
10 prove United States foreign policy effectiveness;

11 (2) enhancing the awareness, understanding,
12 and involvement of United States citizens, including
13 citizens residing in urban and rural areas, in the for-
14 eign policy process;

15 (3) countering subnational diplomacy efforts
16 from adversarial nations;

17 (4) strengthening engagement with foreign sub-
18 national governments; and

19 (5) any other operations that the Secretary de-
20 termines to be relevant.

21 (d) RULE OF CONSTRUCTION.—Nothing in this sub-
22 section may be construed to preclude—

23 (1) the Unit for Subnational Diplomacy Office
24 from being elevated to a bureau within the Depart-
25 ment; or

1 (2) the Special Representative for Subnational
2 Diplomacy from being elevated to an Assistant Sec-
3 retary if the addition of such Assistant Secretary po-
4 sition does not increase the number of Assistant
5 Secretary positions at the Department above the
6 number of such positions authorized under section
7 1(c)(1) of the State Department Basic Authorities
8 Act of 1956 (22 U.S.C. 2651a(c)(1)).

9 **TITLE XCII—PERSONNEL ISSUES**

10 **SEC. 9201. DEPARTMENT OF STATE PAID STUDENT INTERN-** 11 **SHIP PROGRAM.**

12 (a) IN GENERAL.—The Secretary shall establish the
13 Department of State Student Internship Program (re-
14 ferred to in this section as the “Program”) to offer intern-
15 ship opportunities at the Department to eligible students
16 to raise awareness of the essential role of diplomacy in
17 the conduct of United States foreign policy and the real-
18 ization of United States foreign policy objectives.

19 (b) ELIGIBILITY.—

20 (1) IN GENERAL.—An applicant is eligible to
21 participate in the Program if the applicant is en-
22 rolled at—

23 (A) an institution of higher education (as
24 such term is defined in section 102(a) of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1002(a)); or

3 (B) an institution of higher education
4 based outside the United States, as determined
5 by the Secretary of State.

6 (2) ADDITIONAL ELIGIBILITY CRITERIA.—An
7 applicant in the Program should be—

8 (A) enrolled at least half-time in an insti-
9 tution described in paragraph (1); and

10 (B) eligible to receive and hold an appro-
11 priate security clearance.

12 (c) SELECTION.—The Secretary shall establish selec-
13 tion criteria for students to be admitted into the Program
14 that includes a demonstrated interest in a career in for-
15 eign affairs.

16 (d) OUTREACH.—The Secretary shall—

17 (1) widely advertise the Program, including—

18 (A) on the internet;

19 (B) through the Department’s Diplomats
20 in Residence program; and

21 (C) through other outreach and recruiting
22 initiatives targeting undergraduate and grad-
23 uate students; and

24 (2) conduct targeted outreach to encourage par-
25 ticipation in the Program from—

1 (A) individuals belonging to an underrep-
2 resented group; and

3 (B) students enrolled at minority-serving
4 institutions (which shall include any institution
5 listed in section 371(a) of the Higher Education
6 Act of 1965 (20 U.S.C. 1067q(a)).

7 (e) COMPENSATION.—

8 (1) HOUSING ASSISTANCE.—

9 (A) ABROAD.—The Secretary shall provide
10 housing assistance to any student participating
11 in the Program whose permanent address is
12 within the United States if the location of the
13 internship in which such student is partici-
14 pating is outside of the United States.

15 (B) DOMESTIC.—The Secretary may pro-
16 vide housing assistance to a student partici-
17 pating in the Program whose permanent ad-
18 dress is within the United States if the location
19 of the internship in which such student is par-
20 ticipating is more than 50 miles away from
21 such student's permanent address.

22 (2) TRAVEL ASSISTANCE.—The Secretary shall
23 provide a student participating in the Program
24 whose permanent address is within the United
25 States with financial assistance that is sufficient to

1 cover the travel costs of a single round trip by air,
2 train, bus, or other appropriate transportation be-
3 tween the student's permanent address and the loca-
4 tion of the internship in which such student is par-
5 ticipating if such location is—

6 (A) more than 50 miles from the student's
7 permanent address; or

8 (B) outside of the United States.

9 (f) WORKING WITH INSTITUTIONS OF HIGHER EDU-
10 CATION.—The Secretary, to the maximum extent prac-
11 ticable, shall structure internships to ensure that such in-
12 ternships satisfy criteria for academic credit at the institu-
13 tions of higher education in which participants in such in-
14 ternships are enrolled.

15 (g) TRANSITION PERIOD.—

16 (1) IN GENERAL.—Except as provided in para-
17 graphs (2) and (3), beginning not later than 2 years
18 after the date of the enactment of this Act—

19 (A) the Secretary shall convert unpaid in-
20 ternship programs of the Department, including
21 the Foreign Service Internship Program, to in-
22 ternship programs that offer compensation; and

23 (B) upon selection as a candidate for entry
24 into an internship program of the Department,
25 a participant in such internship program may

1 refuse compensation, including if doing so al-
2 lows such participant to receive college or uni-
3 versity curricular credit.

4 (2) EXCEPTION.—The transition required
5 under paragraph (1) shall not apply to unpaid in-
6 ternship programs of the Department that are part
7 of the Virtual Student Federal Service internship
8 program.

9 (3) WAIVER.—

10 (A) IN GENERAL.—The Secretary may
11 waive the requirement under paragraph (1)(A)
12 with respect to a particular unpaid internship
13 program if the Secretary, not later than 30
14 days after making a determination that the con-
15 version of such internship program to a com-
16 pensated internship program would not be con-
17 sistent with effective management goals, sub-
18 mits a report explaining such determination
19 to—

20 (i) the appropriate congressional com-
21 mittees;

22 (ii) the Committee on Appropriations
23 of the Senate; and

24 (iii) the Committee on Appropriations
25 of the House of Representatives.

1 (B) REPORT.—The report required under
2 subparagraph (A) shall—

3 (i) describe the reasons why con-
4 verting an unpaid internship program of
5 the Department to an internship program
6 that offers compensation would not be con-
7 sistent with effective management goals;
8 and

9 (ii)(I) provide justification for main-
10 taining such unpaid status indefinitely; or

11 (II) identify any additional authorities
12 or resources that would be necessary to
13 convert such unpaid internship program to
14 offer compensation in the future.

15 (h) REPORTS.—Not later than 18 months after the
16 date of the enactment of this Act, the Secretary shall sub-
17 mit a report to the committees referred to in subsection
18 (g)(3)(A) that includes—

19 (1) data, to the extent the collection of such in-
20 formation is permissible by law, regarding the num-
21 ber of students who applied to the Program, were of-
22 fered a position, and participated, respectively,
23 disaggregated by race, ethnicity, sex, institution of
24 higher education, home State, State where each stu-

1 dent graduated from high school, and disability sta-
2 tus;

3 (2) data regarding the number of security clear-
4 ance investigations initiated for the students de-
5 scribed in paragraph (1), including the timeline for
6 such investigations, whether such investigations were
7 completed, and when an interim security clearance
8 was granted;

9 (3) information on Program expenditures;

10 (4) information regarding the Department's
11 compliance with subsection (g); and

12 (5) the number of internship participants subse-
13 quently employed by the Department, if any, fol-
14 lowing their participation in the Program.

15 (i) VOLUNTARY PARTICIPATION.—

16 (1) IN GENERAL.—Nothing in this section may
17 be construed to compel any student who is a partici-
18 pant in an internship program of the Department to
19 participate in the collection of the data or divulge
20 any personal information. Such students shall be in-
21 formed that their participation in the data collection
22 under this section is voluntary.

23 (2) PRIVACY PROTECTION.—Any data collected
24 under this section shall be subject to the relevant

1 privacy protection statutes and regulations applica-
2 ble to Federal employees.

3 (j) SPECIAL HIRING AUTHORITY.—Notwithstanding
4 any other provision of law, the Secretary, in consultation
5 with the Director of the Office of Personnel Management,
6 with respect to the number of interns to be hired each
7 year, may—

8 (1) select, appoint, and employ individuals for
9 up to 1 year through compensated internships in the
10 excepted service; and

11 (2) remove any compensated intern employed
12 pursuant to paragraph (1) without regard to the
13 provisions of law governing appointments in the ex-
14 cepted service.

15 **SEC. 9202. IMPROVEMENTS TO THE PREVENTION OF, AND**
16 **THE RESPONSE TO, HARASSMENT, DISCRIMI-**
17 **NATION, SEXUAL ASSAULT, AND RELATED RE-**
18 **TALIATION.**

19 (a) POLICIES.—The Secretary should develop and
20 strengthen policies regarding harassment, discrimination,
21 sexual assault, and related retaliation, including policies
22 for—

23 (1) addressing, reporting, and providing
24 transitioning support;

1 (2) advocacy, service referrals, and travel ac-
2 commodations; and

3 (3) disciplining personnel that violate Depart-
4 ment policies regarding harassment, discrimination,
5 sexual assault, or related retaliation.

6 (b) DISCIPLINARY ACTION.—

7 (1) SEPARATION FOR CAUSE.—Section
8 610(a)(1) of the Foreign Service Act of 1980 (22
9 U.S.C. 4010(a)(1)), is amended—

10 (A) by striking “decide to”; and

11 (B) by inserting “, including upon receiv-
12 ing notification from the Bureau of Diplomatic
13 Security that such member has engaged in
14 criminal misconduct, such as murder, rape, or
15 other sexual assault” before the period at the
16 end.

17 (2) UPDATE TO MANUAL.—The Director of
18 Global Talent Management shall—

19 (A) update the “Grounds for Disciplinary
20 Action” and “List of Disciplinary Offenses and
21 Penalties” sections of the Foreign Affairs Man-
22 ual to reflect the amendments made under
23 paragraph (1); and

1 (B) communicate such updates to Depart-
2 ment staff through publication in Department
3 Notices.

4 (c) SEXUAL ASSAULT PREVENTION AND RESPONSE
5 VICTIM ADVOCATES.—The Secretary shall ensure that the
6 Diplomatic Security Service’s Victims’ Resource Advocacy
7 Program—

8 (1) is appropriately staffed by advocates who
9 are physically present at—

10 (A) the headquarters of the Department;
11 and

12 (B) major domestic and international fa-
13 cilities and embassies, as determined by the
14 Secretary;

15 (2) considers the logistics that are necessary to
16 allow for the expedient travel of victims from De-
17 partment facilities that do not have advocates; and

18 (3) uses funds available to the Department to
19 provide emergency food, shelter, clothing, and trans-
20 portation for victims involved in matters being inves-
21 tigated by the Diplomatic Security Service.

1 **SEC. 9203. INCREASING THE MAXIMUM AMOUNT AUTHOR-**
2 **IZED FOR SCIENCE AND TECHNOLOGY FEL-**
3 **LOWSHIP GRANTS AND COOPERATIVE**
4 **AGREEMENTS.**

5 Section 504(e)(3) of the Foreign Relations Author-
6 ization Act, Fiscal Year 1979 (22 U.S.C. 2656d(e)(3)) is
7 amended by striking “\$500,000” and inserting
8 “\$2,000,000”.

9 **SEC. 9204. ADDITIONAL PERSONNEL TO ADDRESS BACK-**
10 **LOGS IN HIRING AND INVESTIGATIONS.**

11 (a) IN GENERAL.—The Secretary shall seek to in-
12 crease the number of personnel within the Bureau of Glob-
13 al Talent Management and the Office of Civil Rights to
14 address backlogs in hiring and investigations into com-
15 plaints conducted by the Office of Civil Rights.

16 (b) EMPLOYMENT TARGETS.—The Secretary shall
17 seek to employ—

18 (1) not fewer than 15 additional personnel in
19 the Bureau of Global Talent Management and the
20 Office of Civil Rights (compared to the number of
21 personnel so employed as of the day before the date
22 of the enactment of this Act) by the date that is 180
23 days after such date of enactment; and

24 (2) not fewer than 15 additional personnel in
25 such Bureau and Office (compared to the number of
26 personnel so employed as of the day before the date

1 of the enactment of this Act) by the date that is 1
2 year after such date of enactment.

3 **SEC. 9205. FOREIGN AFFAIRS TRAINING.**

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) Congress has recognized, including in divi-
7 sion E of the National Defense Authorization Act
8 for Fiscal Year 2022 (Public Law 117–81), that the
9 Department is a crucial national security agency,
10 whose employees, both Foreign Service and Civil
11 Service, require the best possible training and pro-
12 fessional development at every stage of their careers
13 to prepare them to promote and defend United
14 States national interests and the health and safety
15 of United States citizens abroad; and

16 (2) the new and evolving challenges of national
17 security in the 21st century necessitate the expan-
18 sion of standardized training and professional devel-
19 opment opportunities linked to equal, accountable,
20 and transparent promotion and leadership practices
21 for Department and other national security agency
22 personnel.

23 (b) DEFINED TERM.—In this section, the term “ap-
24 propriate committees of Congress” means—

1 (1) the Committee on Foreign Relations of the
2 Senate;

3 (2) the Committee on Appropriations of the
4 Senate;

5 (3) the Committee on Foreign Affairs of the
6 House of Representatives; and

7 (4) the Committee on Appropriations of the
8 House of Representatives.

9 (c) TRAINING AND PROFESSIONAL DEVELOPMENT
10 PRIORITIZATION.—Section 5108(c) of division E of the
11 National Defense Authorization Act for Fiscal Year 2022
12 (Public Law 117–81) is amended to read as follows:

13 “(c) TRAINING AND PROFESSIONAL DEVELOPMENT
14 PRIORITIZATION.—In order to provide the Civil Service
15 and the Foreign Service with the level of professional de-
16 velopment and training needed to effectively advance
17 United States interests across the world, the Secretary of
18 State shall—

19 “(1) increase relevant offerings provided by the
20 Department of State—

21 “(A) of interactive virtual instruction to
22 make training and professional development
23 more accessible and useful to personnel de-
24 ployed throughout the world; or

1 “(B) at partner organizations, including
2 universities, industry entities, and nongovern-
3 mental organizations, throughout the United
4 States to provide useful outside perspectives to
5 Department of State personnel by providing
6 such personnel—

7 “(i) a more comprehensive outlook on
8 different sectors of United States society;

9 “(ii) practical experience dealing with
10 commercial corporations, universities, labor
11 unions, and other institutions critical to
12 United States diplomatic success; and

13 “(iii) courses specifically focused on
14 commercial diplomacy that increase the
15 understanding of private sector needs that
16 arise as United States companies enter
17 and compete in the international market;

18 “(2) provide the opportunity to participate in
19 courses using computer-based or computer-assisted
20 simulations, allowing civilian officers to lead decision
21 making in a crisis environment, and encourage offi-
22 cers of the Department of State, and reciprocally,
23 officers of other Federal departments to participate
24 in similar exercises held by the Department of State

1 or other government organizations and the private
2 sector;

3 “(3) increase the duration and expand the focus
4 of certain training and professional development
5 courses, including by extending—

6 “(A) the A-100 entry-level course to as
7 long as 12 weeks, which better matches the
8 length of entry-level training and professional
9 development provided to the officers in other
10 national security departments and agencies; and

11 “(B) the Chief of Mission course to as long
12 as 6 weeks for first time Chiefs of Mission and
13 creating comparable courses for new Assistant
14 Secretaries and Deputy Assistant Secretaries to
15 more accurately reflect the significant respon-
16 sibilities accompanying such roles; and

17 “(4) ensure that Foreign Service officers who
18 are assigned to a country experiencing significant
19 population displacement due to the impacts of cli-
20 matic and non-climatic shocks and stresses, includ-
21 ing rising sea levels and lack of access to affordable
22 and reliable energy and electricity, receive specific
23 instruction on United States policy with respect to
24 resiliency and adaptation to such climatic and non-
25 climatic shocks and stresses.”.

1 (d) FELLOWSHIPS.—The Director General of the
2 Foreign Service shall—

3 (1) expand and establish new fellowship pro-
4 grams for Foreign Service and Civil Service officers
5 that include short- and long-term opportunities at
6 organizations, including—

7 (A) think tanks and nongovernmental or-
8 ganizations;

9 (B) the Department of Defense and other
10 relevant Federal agencies;

11 (C) industry entities, especially such enti-
12 ties related to technology, global operations, fi-
13 nance, and other fields directly relevant to
14 international affairs; and

15 (D) schools of international relations and
16 other relevant programs at universities through-
17 out the United States; and

18 (2) not later than 180 days after the date of
19 the enactment of this Act, submit a report to Con-
20 gress that describes how the Department could ex-
21 pand the Pearson Fellows Program for Foreign
22 Service Officers and the Brookings Fellow Program
23 for Civil Servants to provide fellows in such pro-
24 grams with the opportunity to undertake a follow-on
25 assignment within the Department in an office in

1 which fellows will gain practical knowledge of the
2 people and processes of Congress, including offices
3 other than the Legislative Affairs Bureau, includ-
4 ing—

5 (A) an assessment of the current state of
6 congressional fellowships, including the demand
7 for fellowships, support for applicants to pursue
8 and perform such fellowships, and the value the
9 fellowships provide to both the career of the of-
10 ficer and to the Department; and

11 (B) an assessment of the options for mak-
12 ing congressional fellowships for both the For-
13 eign Service and the Civil Service more career-
14 enhancing.

15 (e) BOARD OF VISITORS OF THE FOREIGN SERVICE
16 INSTITUTE.—

17 (1) ESTABLISHMENT.—The Secretary is au-
18 thorized to establish a Board of Visitors of the For-
19 eign Service Institute (referred to in this subsection
20 as the “Board”). It is the sense of Congress that the
21 Board should be established not later than 1 year
22 after the date of the enactment of this Act.

23 (2) DUTIES.—The Board authorized by this
24 subsection shall be comprised of 12 members, who
25 shall be appointed by the Secretary and shall provide

1 the Secretary with independent advice and rec-
2 ommendations regarding organizational manage-
3 ment, strategic planning, resource management, cur-
4 riculum development, and other matters of interest
5 to the Foreign Service Institute, including regular
6 observations about how well the Department is inte-
7 grating training and professional development into
8 the work of the Bureau for Global Talent Manage-
9 ment.

10 (3) MEMBERSHIP.—

11 (A) QUALIFICATIONS.—Members of the
12 Board shall be appointed from among individ-
13 uals who—

14 (i) are not officers or employees of the
15 Federal Government; and

16 (ii) are eminent authorities in the
17 fields of diplomacy, national security, man-
18 agement, leadership, economics, trade,
19 technology, or advanced international rela-
20 tions education.

21 (B) OUTSIDE EXPERTISE.—

22 (i) IN GENERAL.—Not fewer than 6
23 members of the Board shall have a min-
24 imum of 10 years of relevant expertise out-
25 side the field of diplomacy.

1 (ii) PRIOR SENIOR SERVICE AT THE
2 DEPARTMENT.—Not more than 6 members
3 of the Board may be persons who pre-
4 viously served in the Senior Foreign Serv-
5 ice or the Senior Executive Service at the
6 Department.

7 (4) TERMS.—Each member of the Board shall
8 be appointed for a term of 3 years, except that of
9 the members first appointed—

10 (A) 4 members shall be appointed for a
11 term of 3 years;

12 (B) 4 members shall be appointed for a
13 term of 2 years; and

14 (C) 4 members shall be appointed for a
15 term of 1 year.

16 (5) CHAIRPERSON; VICE CHAIRPERSON.—

17 (A) APPROVAL.—The Chairperson and
18 Vice Chairperson of the Board shall be ap-
19 proved by the Secretary of State based upon a
20 recommendation from the members of the
21 Board.

22 (B) SERVICE.—The Chairperson and Vice
23 Chairperson shall serve at the discretion of the
24 Secretary.

25 (6) MEETINGS.—The Board shall meet—

1 (A) at the call of the Director of the For-
2 eign Service Institute and the Chairperson; and

3 (B) not fewer than 2 times per year.

4 (7) COMPENSATION.—Each member of the
5 Board shall serve without compensation, except that
6 a member of the Board shall be allowed travel ex-
7 penses, including per diem in lieu of subsistence, at
8 rates authorized for employees of agencies under
9 subchapter I of chapter 57 of title 5, United States
10 Code, while away from their homes or regular places
11 of business in the performance of service for the
12 Board. Notwithstanding section 1342 of title 31,
13 United States Code, the Secretary may accept the
14 voluntary and uncompensated service of members of
15 the Board.

16 (8) APPLICABILITY OF FEDERAL ADVISORY
17 COMMITTEE ACT.—The Federal Advisory Committee
18 Act (5 U.S.C. App.) shall apply to the Board estab-
19 lished under this subsection.

20 (f) ESTABLISHMENT OF PROVOST OF THE FOREIGN
21 SERVICE INSTITUTE.—

22 (1) ESTABLISHMENT.—There is established in
23 the Foreign Service Institute the position of Provost.

24 (2) APPOINTMENT; REPORTING.—The Provost
25 shall—

1 (A) be appointed by the Secretary; and

2 (B) report to the Director of the Foreign
3 Service Institute.

4 (3) QUALIFICATIONS.—The Provost, who
5 should be a member of the Senior Executive Service,
6 shall have—

7 (A) experience in the field of diplomacy,
8 national security, education, management, lead-
9 ership, economics, history, trade, adult edu-
10 cation, or technology; and

11 (B) significant experience outside the De-
12 partment, whether in other national security
13 agencies or in the private sector, and preferably
14 in positions of authority in educational institu-
15 tions or the field of professional development
16 and mid-career training with oversight for the
17 evaluation of academic programs.

18 (4) DUTIES.—The Provost shall—

19 (A) oversee, review, evaluate, and coordi-
20 nate the academic curriculum for all courses
21 taught and administered by the Foreign Service
22 Institute; and

23 (B) coordinate the development of an eval-
24 uation system to ascertain the utility of the in-
25 formation and skills imparted by each such

1 course, such that, to the extent practicable, per-
2 formance assessments can be included in the
3 personnel records maintained by the Bureau of
4 Global Talent Management and utilized in For-
5 eign Service Selection Boards.

6 (5) COMPENSATION.—The Provost shall receive
7 a salary commensurate with the rank and experience
8 of a member of the Senior Executive Service, as de-
9 termined by the Secretary.

10 (g) OTHER AGENCY RESPONSIBILITIES AND OPPOR-
11 TUNITIES FOR CONGRESSIONAL STAFF.—

12 (1) OTHER AGENCIES.—National security agen-
13 cies other than the Department should be afforded
14 the ability to increase the enrollment of their per-
15 sonnel in courses at the Foreign Service Institute
16 and other training and professional development fa-
17 cilities of the Department to promote a whole-of-gov-
18 ernment approach to mitigating national security
19 challenges.

20 (2) CONGRESSIONAL STAFF.—Not later than
21 180 days after the date of the enactment of this Act,
22 the Secretary shall submit a report to the appro-
23 priate committees of Congress that describes—

24 (A) the training and professional develop-
25 ment opportunities at the Foreign Service Insti-

1 tute and other Department facilities available to
2 congressional staff;

3 (B) the budget impacts of offering such
4 opportunities to congressional staff; and

5 (C) potential course offerings.

6 (h) STRATEGY FOR ADAPTING TRAINING REQUIRE-
7 MENTS FOR MODERN DIPLOMATIC NEEDS.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of the enactment of this Act, the Secretary
10 shall develop and submit to the appropriate commit-
11 tees of Congress a strategy for adapting and evol-
12 ving training requirements to better meet the Depart-
13 ment’s current and future needs for 21st century di-
14 plomacy.

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

17 (A) Integrating training requirements into
18 the Department’s promotion policies, including
19 establishing educational and professional devel-
20 opment standards for training and attainment
21 to be used as a part of tenure and promotion
22 guidelines.

23 (B) Addressing multiple existing and
24 emerging national security challenges, includ-
25 ing—

1 (i) democratic backsliding and
2 authoritarianism;

3 (ii) countering, and assisting United
4 States allies to address, state-sponsored
5 disinformation, including through the
6 Global Engagement Center;

7 (iii) cyber threats;

8 (iv) the aggression and malign influ-
9 ence of Russia, Cuba, Iran, North Korea,
10 the Maduro Regime, and the Chinese Com-
11 munist Party's multi-faceted and com-
12 prehensive challenge to the rules-based
13 order;

14 (v) the implications of climate change
15 for United States diplomacy; and

16 (vi) nuclear threats.

17 (C) An examination of the likely advan-
18 tages and disadvantages of establishing residen-
19 tial training for the A-100 orientation course
20 administered by the Foreign Service Institute
21 and evaluating the feasibility of residential
22 training for other long-term training opportuni-
23 ties.

24 (D) An examination of the likely advan-
25 tages and disadvantages of establishing a press

1 freedom curriculum for the National Foreign
2 Affairs Training Center that enables Foreign
3 Service officers to better understand issues of
4 press freedom and the tools that are available
5 to help protect journalists and promote freedom
6 of the press norms, which may include—

7 (i) the historic and current issues fac-
8 ing press freedom, including countries of
9 specific concern;

10 (ii) the Department's role in pro-
11 moting press freedom as an American
12 value, a human rights issue, and a national
13 security imperative;

14 (iii) ways to incorporate press freedom
15 promotion into other aspects of diplomacy;
16 and

17 (iv) existing tools to assist journalists
18 in distress and methods for engaging for-
19 eign governments and institutions on be-
20 half of individuals engaged in journalistic
21 activity who are at risk of harm.

22 (E) The expansion of external courses of-
23 fered by the Foreign Service Institute at aca-
24 demic institutions or professional associations
25 on specific topics, including in-person and vir-

1 tual courses on monitoring and evaluation, au-
2 dience analysis, and the use of emerging tech-
3 nologies in diplomacy.

4 (3) UTILIZATION OF EXISTING RESOURCES.—In
5 examining the advantages and disadvantages of es-
6 tablishing a residential training program pursuant to
7 paragraph (2)(C), the Secretary shall—

8 (A) collaborate with other national security
9 departments and agencies that employ residen-
10 tial training for their orientation courses; and

11 (B) consider using the Department’s For-
12 eign Affairs Security Training Center in Black-
13 stone, Virginia.

14 (i) REPORT AND BRIEFING REQUIREMENTS.—

15 (1) REPORT.—Not later than 1 year after the
16 date of the enactment of this Act, the Secretary
17 shall submit a report to the appropriate committees
18 of Congress that includes—

19 (A) a strategy for broadening and deep-
20 ening professional development and training at
21 the Department, including assessing current
22 and future needs for 21st century diplomacy;

23 (B) the process used and resources needed
24 to implement the strategy referred to in sub-
25 paragraph (A) throughout the Department; and

1 (C) the results and impact of the strategy
2 on the workforce of the Department, particu-
3 larly the relationship between professional de-
4 velopment and training and promotions for De-
5 partment personnel, and the measurement and
6 evaluation methods used to evaluate such re-
7 sults.

8 (2) BRIEFING.—Not later than 1 year after the
9 date on which the Secretary submits the report re-
10 quired under paragraph (1), and annually thereafter
11 for 2 years, the Secretary shall provide to the appro-
12 priate committees of Congress a briefing on the in-
13 formation required to be included in the report.

14 (j) FOREIGN LANGUAGE MAINTENANCE INCENTIVE
15 PROGRAM.—

16 (1) AUTHORIZATION.—The Secretary is author-
17 ized to establish and implement an incentive pro-
18 gram, with a similar structure as the Foreign Lan-
19 guage Proficiency Bonus offered by the Department
20 of Defense, to encourage members of the Foreign
21 Service who possess language proficiency in any of
22 the languages that qualify for additional incentive
23 pay, as determined by the Secretary, to maintain
24 critical foreign language skills.

1 (2) REPORT.—Not later than 90 days after the
2 date of the enactment of this Act, the Secretary
3 shall submit a report to the appropriate committees
4 of Congress that includes a detailed plan for imple-
5 menting the program authorized under paragraph
6 (1), including anticipated resource requirements to
7 carry out such program.

8 **SEC. 9206. FACILITATION AND ENCOURAGEMENT OF TRAIN-**
9 **ING AND PROFESSIONAL DEVELOPMENT FOR**
10 **FOREIGN SERVICE AND CIVIL SERVICE PER-**
11 **SONNEL.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that recognition throughout the Department of the
14 value and importance of training and professional develop-
15 ment for Foreign Service and Civil Service personnel is
16 vital to the development and maintenance by such per-
17 sonnel of the skills and expertise required for the Depart-
18 ment to contribute fully and effectively to the conduct of
19 the foreign affairs of the United States.

20 (b) STUDY AND REPORT.—

21 (1) IN GENERAL.—The Secretary, in consulta-
22 tion with the heads of relevant Federal agencies,
23 shall conduct a study of the feasibility and cost of
24 establishing a diplomatic officers' reserve corps or
25 similar mechanism to augment the Department's

1 personnel needs at any level on a temporary or per-
2 manent basis.

3 (2) ELEMENTS.—In conducting the study re-
4 quired under paragraph (1), the Secretary shall con-
5 sider whether the diplomatic officers' reserve corps
6 should be modeled on the Senior Reserve Officers'
7 Training Corps established under chapter 103 of
8 title 10, United States Code, to encourage the re-
9 cruitment and retention of personnel who have the
10 critical language skills necessary to meet the require-
11 ments of the Foreign Service by providing financial
12 assistance to students studying critical languages at
13 institutions of higher education.

14 (3) REPORT.—Not later than 1 year after the
15 date of the enactment of this Act, the Secretary
16 shall submit a report to the appropriate congress-
17 sional committees that contains the results of the
18 study conducted pursuant to paragraph (1).

19 (c) TRAINING AND DEVELOPMENT IN PROMOTION
20 PRECEPTS AND EVALUATION CRITERIA.—

21 (1) FOREIGN SERVICE.—The Secretary shall
22 take appropriate action to ensure accountability and
23 transparency in the evaluation of the precepts de-
24 scribed in section 603 of the Foreign Service Act of
25 1980 (22 U.S.C. 4003) upon which the selection

1 boards established pursuant to section 602 of such
2 Act (22 U.S.C. 4002) make recommendations for
3 the promotion of members of the Foreign Service
4 under section 601 of such Act (22 U.S.C. 4001) by
5 affording equal consideration to the undertaking of
6 training, professional development, and foreign lan-
7 guage acquisition and retention among any other ob-
8 jective criteria considered by selection boards in
9 making such recommendations.

10 (2) CIVIL SERVICE.—The Secretary shall take
11 appropriate action to ensure that the performance
12 standards for any job performance appraisal system
13 for Civil Service personnel of the Department afford
14 equal consideration to the undertaking of training,
15 professional development, and foreign language ac-
16 quisition and retention among any other objective
17 criteria in the evaluation of the job performance of
18 such personnel.

19 (d) RESPONSE TO SUBORDINATE TRAINING AND DE-
20 VELOPMENT NEEDS IN EVALUATION OF SUPERVISOR
21 PERFORMANCE.—

22 (1) FOREIGN SERVICE.—The Secretary shall
23 take appropriate action to ensure that the evaluation
24 of precepts for recommendations for promotion de-
25 scribed in subsection (c)(1) for members of the For-

1 eign Service in supervisory positions incorporates the
2 extent to which such members appropriately address
3 the training and professional development needs of
4 the personnel under their supervision.

5 (2) CIVIL SERVICE.—The Secretary shall take
6 appropriate action to ensure that the performance
7 standards described in subsection (e)(2) for Civil
8 Service personnel of the Department in supervisory
9 positions afford appropriate weight to addressing the
10 training and professional development needs of the
11 personnel under their supervision.

12 **SEC. 9207. SECURITY CLEARANCE APPROVAL PROCESS.**

13 (a) RECOMMENDATIONS.—Not later than 270 days
14 after the date of the enactment of this Act, the Secretary,
15 in coordination with the Director of National Intelligence,
16 shall submit recommendations to the appropriate congress-
17 sional committees for streamlining the security clearance
18 approval process within the Bureau of Diplomatic Security
19 so that the security clearance approval process for Civil
20 Service and Foreign Service applicants is completed within
21 6 months, on average, and within 1 year, in the vast ma-
22 jority of cases.

23 (b) REPORT.—Not later than 90 days after the rec-
24 ommendations are submitted pursuant to subsection (a),
25 the Secretary shall submit a report to the Committee on

1 Foreign Relations of the Senate, the Select Committee on
2 Intelligence of the Senate, the Committee on Foreign Af-
3 fairs of the House of Representatives, and the Permanent
4 Select Committee on Intelligence of the House of Rep-
5 resentatives that—

6 (1) describes the status of the efforts of the De-
7 partment to streamline the security clearance ap-
8 proval process; and

9 (2) identifies any remaining obstacles pre-
10 venting security clearances from being completed
11 within the time frames set forth in subsection (a),
12 including lack of cooperation or other actions by
13 other Federal departments and agencies.

14 **SEC. 9208. ADDENDUM FOR STUDY ON FOREIGN SERVICE**
15 **ALLOWANCES.**

16 (a) IN GENERAL.—Not later than 180 days after the
17 date of the enactment of this Act, the Secretary shall sub-
18 mit to the appropriate congressional committees an adden-
19 dum to the report required under section 5302 of the De-
20 partment of State Authorization Act of 2021 (division E
21 of Public Law 117–81), which shall be entitled the “Re-
22 port on Bidding for Domestic and Overseas Posts and
23 Filling Unfilled Positions”. The addendum shall be pre-
24 pared using input from the same federally funded research

1 and development center that prepared the analysis con-
2 ducted for the purposes of such report.

3 (b) ELEMENTS.—The addendum required under sub-
4 section (a) shall include—

5 (1) the total number of domestic and overseas
6 positions open during the most recent summer bid-
7 ding cycle;

8 (2) the total number of bids each position re-
9 ceived;

10 (3) the number of unfilled positions at the con-
11 clusion of the most recent summer bidding cycle,
12 disaggregated by bureau; and

13 (4) detailed recommendations and a timeline
14 for—

15 (A) increasing the number of qualified bid-
16 ders for underbid positions; and

17 (B) minimizing the number of unfilled po-
18 sitions at the end of the bidding season.

19 **SEC. 9209. CURTAILMENTS, REMOVALS FROM POST, AND**
20 **WAIVERS OF PRIVILEGES AND IMMUNITIES.**

21 (a) CURTAILMENTS REPORT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, and
24 every 180 days thereafter, the Secretary shall sub-
25 mit a report to the appropriate congressional com-

1 mittees regarding curtailments of Department per-
2 sonnel from overseas posts.

3 (2) CONTENTS.—The Secretary shall include in
4 the report required under paragraph (1)—

5 (A) relevant information about any post
6 that, during the 6-month period preceding the
7 report—

8 (i) had more than 5 curtailments; or

9 (ii) had curtailments representing
10 more than 5 percent of Department per-
11 sonnel at such post; and

12 (B) for each post referred to in subpara-
13 graph (A), the number of curtailments,
14 disaggregated by month of occurrence.

15 (C) ADDITIONAL CONTENTS FOR INITIAL
16 REPORT.—The initial report submitted pursu-
17 ant to paragraph (1) shall identify—

18 (i) the number of curtailments at the
19 Deputy Chief of Mission or Principal Offi-
20 cer level for each of the previous 5 years;
21 and

22 (ii) to the extent practicable—

23 (I) the number of such curtail-
24 ments that were voluntary and the

1 number of such curtailments that
2 were involuntary; and

3 (II) the number of those cur-
4 tailed who left the service within 1
5 year after such curtailment.

6 (b) REMOVAL OF DIPLOMATS.—Not later than 20
7 days after the date on which any United States personnel
8 under Chief of Mission authority is declared *persona non*
9 *grata* by a host government, the Secretary shall—

10 (1) notify the Committee on Foreign Relations
11 of the Senate, the Select Committee on Intelligence
12 of the Senate, the Committee on Foreign Affairs of
13 the House of Representatives, and the Permanent
14 Select Committee on Intelligence of the House of
15 Representatives of such declaration; and

16 (2) include with such notification—

17 (A) the official reason for such declaration
18 (if provided by the host government);

19 (B) the date of the declaration; and

20 (C) whether the Department responded by
21 declaring a host government's diplomat in the
22 United States *persona non grata*.

23 (c) WAIVER OF PRIVILEGES AND IMMUNITIES.—Not
24 later than 15 days after any waiver of privileges and im-
25 munities pursuant to the Vienna Convention on Diplo-

1 matic Relations, done at Vienna April 18, 1961, that is
2 applicable to an entire diplomatic post or to the majority
3 of United States personnel under Chief of Mission author-
4 ity, the Secretary shall notify the appropriate congres-
5 sional committees of such waiver and the reason for such
6 waiver.

7 (d) TERMINATION.—This section shall terminate on
8 the date that is 5 years after the date of the enactment
9 of this Act.

10 **SEC. 9210. REPORT ON WORLDWIDE AVAILABILITY.**

11 (a) IN GENERAL.—Not later than 270 days after the
12 date of the enactment of this Act, the Secretary shall sub-
13 mit a report to the appropriate congressional committees
14 on the feasibility of requiring that each member of the
15 Foreign Service, at the time of entry into the Foreign
16 Service and thereafter, be worldwide available, as deter-
17 mined by the Secretary.

18 (b) CONTENTS.—The report required under sub-
19 section (a) shall include—

20 (1) the feasibility of a worldwide availability re-
21 quirement for all members of the Foreign Service;

22 (2) considerations if such a requirement were to
23 be implemented, including the potential effect on re-
24 cruitment and retention; and

1 (3) recommendations for exclusions and limita-
2 tions, including exemptions for medical reasons, dis-
3 ability, and other circumstances.

4 **SEC. 9211. PROFESSIONAL DEVELOPMENT.**

5 (a) REQUIREMENTS.—The Secretary shall strongly
6 encourage that Foreign Service officers seeking entry into
7 the Senior Foreign Service participate in professional de-
8 velopment described in subsection (c).

9 (b) REQUIREMENTS.—Not later than 180 days after
10 the date of the enactment of this Act, the Secretary shall
11 submit recommendations on requiring that Foreign Serv-
12 ice officers complete professional development described in
13 subsection (c) to be eligible for entry into the Senior For-
14 eign Service.

15 (c) PROFESSIONAL DEVELOPMENT DESCRIBED.—
16 Professional development described in this subsection is
17 not less than 6 months of training or experience outside
18 of the Department, including time spent—

19 (1) as a detailee to another government agency,
20 including Congress or a State, Tribal, or local gov-
21 ernment; or

22 (2) in Department-sponsored and -funded uni-
23 versity training that results in an advanced degree,
24 excluding time spent at a university that is fully
25 funded or operated by the Federal Government.

1 (d) PROMOTION PRECEPTS.—The Secretary shall in-
2 struct promotion boards to consider positively long-term
3 training and out-of-agency detail assignments as described
4 in this section.

5 **SEC. 9212. MANAGEMENT ASSESSMENTS AT DIPLOMATIC**
6 **AND CONSULAR POSTS.**

7 (a) IN GENERAL.—Beginning not later than 1 year
8 after the date of the enactment of this Act, the Secretary
9 shall annually conduct, at each diplomatic and consular
10 post, a voluntary survey, which shall be offered to all staff
11 assigned to that post who are citizens of the United States
12 (excluding the Chief of Mission) to assess the management
13 and leadership of that post by the Chief of Mission, the
14 Deputy Chief of Mission, and the Charge d’Affaires.

15 (b) ANONYMITY.—All responses to the survey shall
16 be—

17 (1) fully anonymized; and

18 (2) made available to the Director General of
19 the Foreign Service.

20 (c) SURVEY.—The survey shall seek to assess—

21 (1) the general morale at post;

22 (2) the presence of any hostile work environ-
23 ment;

24 (3) the presence of any harassment, discrimina-
25 tion, retaliation, or other mistreatment; and

1 (4) effective leadership and collegial work envi-
2 ronment.

3 (d) DIRECTOR GENERAL RECOMMENDATIONS.—

4 Upon compilation and review of the surveys, the Director
5 General of the Foreign Service shall issue recommenda-
6 tions to posts, as appropriate, based on the findings of
7 the surveys.

8 (e) REFERRAL.—If the surveys reveal any action that
9 is grounds for referral to the Inspector General of the De-
10 partment of State and the Foreign Service, the Director
11 General of the Foreign Service may refer the matter to
12 the Inspector General of the Department of State and the
13 Foreign Service, who shall, as the Inspector General con-
14 siders appropriate, conduct an inspection of the post in
15 accordance with section 209(b) of the Foreign Service Act
16 of 1980 (22 U.S.C. 3929(b)).

17 (f) ANNUAL REPORT.—The Director General of the
18 Foreign Service shall submit an annual report to the ap-
19 propriate congressional committees that includes—

20 (1) any trends or summaries from the surveys;

21 (2) the posts where corrective action was rec-
22 ommended or taken in response to any issues identi-
23 fied by the surveys; and

1 (3) the number of referrals to the Inspector
2 General of the Department of State and the Foreign
3 Service, as applicable.

4 (g) INITIAL BASIS.—The surveys and reports re-
5 quired under this section shall be carried out on an initial
6 basis for the 5-year period beginning on the date of the
7 enactment of this Act.

8 **SEC. 9213. INDEPENDENT REVIEW OF PROMOTION POLI-**
9 **CIES.**

10 Not later than 18 months after the date of the enact-
11 ment of this Act, the Comptroller General of the United
12 States shall conduct a comprehensive review of the poli-
13 cies, personnel, organization, and processes related to pro-
14 motions within the Department, including—

15 (1) a review of—

16 (A) the selection and oversight of Foreign
17 Service promotion panels; and

18 (B) the use of quantitative data and
19 metrics in such panels;

20 (2) an assessment of the promotion practices of
21 the Department, including how promotion processes
22 are communicated to the workforce and appeals
23 processes; and

24 (3) recommendations for improving promotion
25 panels and promotion practices.

1 **SEC. 9214. THIRD PARTY VERIFICATION OF PERMANENT**
2 **CHANGE OF STATION (PCS) ORDERS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Secretary shall establish a mecha-
5 nism for third parties to verify the employment of, and
6 the validity of permanent change of station (PCS) orders
7 received by, members of the Foreign Service, in a manner
8 that protects the safety, security, and privacy of sensitive
9 employee information.

10 **SEC. 9215. POST-EMPLOYMENT RESTRICTIONS ON SENATE-**
11 **CONFIRMED OFFICIALS AT THE DEPART-**
12 **MENT OF STATE.**

13 (a) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) Congress and the executive branch have rec-
16 ognized the importance of preventing and mitigating
17 the potential for conflicts of interest following gov-
18 ernment service, including with respect to senior
19 United States officials working on behalf of foreign
20 governments; and

21 (2) Congress and the executive branch should
22 jointly evaluate the status and scope of post-employ-
23 ment restrictions.

24 (b) RESTRICTIONS.—Section 1 of the State Depart-
25 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a)
26 is amended by adding at the end the following:

1 “(m) EXTENDED POST-EMPLOYMENT RESTRICTIONS
2 FOR CERTAIN SENATE-CONFIRMED OFFICIALS.—

3 “(1) DEFINITIONS.—In this subsection:

4 “(A) COUNTRY OF CONCERN.—The term
5 ‘country of concern’ means—

6 “(i) the People’s Republic of China;

7 “(ii) the Russian Federation;

8 “(iii) the Islamic Republic of Iran;

9 “(iv) the Democratic People’s Repub-
10 lic of Korea;

11 “(v) the Republic of Cuba; and

12 “(vi) the Syrian Arab Republic.

13 “(B) FOREIGN GOVERNMENT ENTITY.—

14 The term ‘foreign governmental entity’ in-
15 cludes—

16 “(i) any person employed by—

17 “(I) any department, agency, or
18 other entity of a foreign government
19 at the national, regional, or local level;

20 “(II) any governing party or coa-
21 lition of a foreign government at the
22 national, regional, or local level; or

23 “(III) any entity majority-owned
24 or majority-controlled by a foreign

1 government at the national, regional,
2 or local level; and

3 “(ii) in the case of a country of con-
4 cern, any company, economic project, cul-
5 tural organization, exchange program, or
6 nongovernmental organization that is more
7 than 33 percent owned or controlled by the
8 government of such country.

9 “(C) REPRESENTATION.—The term ‘rep-
10 resentation’ does not include representation by
11 an attorney, who is duly licensed and author-
12 ized to provide legal advice in a United States
13 jurisdiction, of a person or entity in a legal ca-
14 pacity or for the purposes of rendering legal ad-
15 vice.

16 “(2) SECRETARY OF STATE AND DEPUTY SEC-
17 RETARY OF STATE.—With respect to a person serv-
18 ing as the Secretary of State or the Deputy Sec-
19 retary of State, the restrictions described in section
20 207(f)(1) of title 18, United States Code, shall apply
21 to any such person who knowingly represents, aids,
22 or advises a foreign governmental entity before an
23 officer or employee of the executive branch of the
24 United States with the intent to influence a decision
25 of such officer or employee in carrying out his or her

1 official duties at any time after the termination of
2 such person's service as Secretary or Deputy Sec-
3 retary.

4 “(3) UNDER SECRETARIES, ASSISTANT SECRE-
5 TARIES, AND AMBASSADORS.—With respect to a per-
6 son serving as an Under Secretary, Assistant Sec-
7 retary, or Ambassador at the Department of State
8 or as the United States Permanent Representative
9 to the United Nations, the restrictions described in
10 section 207(f)(1) of title 18, United States Code,
11 shall apply to any such person who knowingly rep-
12 resents, aids, or advises—

13 “(A) a foreign governmental entity before
14 an officer or employee of the executive branch
15 of the United States with the intent to influ-
16 ence a decision of such officer or employee in
17 carrying out his or her official duties for 3
18 years after the termination of such person's
19 service in a position described in this para-
20 graph, or the duration of the term or terms of
21 the President who appointed that person to
22 their position, whichever is longer; or

23 “(B) a foreign governmental entity of a
24 country of concern before an officer or employee
25 of the executive branch of the United States

1 with the intent to influence a decision of such
2 officer or employee in carrying out his or her
3 official duties at any time after the termination
4 of such person's service in a position described
5 in this paragraph.

6 “(4) PENALTIES AND INJUNCTIONS.—Any vio-
7 lations of the restrictions under paragraphs (2) or
8 (3) shall be subject to the penalties and injunctions
9 provided for under section 216 of title 18, United
10 States Code.

11 “(5) NOTICE OF RESTRICTIONS.—Any person
12 subject to the restrictions under this subsection shall
13 be provided notice of these restrictions by the De-
14 partment of State—

15 “(A) upon appointment by the President;
16 and

17 “(B) upon termination of service with the
18 Department of State.

19 “(6) EFFECTIVE DATE.—The restrictions under
20 this subsection shall apply only to persons who are
21 appointed by the President to the positions ref-
22 erenced in this subsection on or after 120 days after
23 the date of the enactment of the Department of
24 State Authorization Act of 2022.

1 “(7) SUNSET.—The restrictions under this sub-
2 section shall expire on the date that is 5 years after
3 the date of the enactment of the Department of
4 State Authorization Act of 2022.”.

5 **SEC. 9216. EXPANSION OF AUTHORITIES REGARDING SPE-**
6 **CIAL RULES FOR CERTAIN MONTHLY WORK-**
7 **ERS’ COMPENSATION PAYMENTS AND OTHER**
8 **PAYMENTS.**

9 Section 901 of division J of the Further Consolidated
10 Appropriations Act, 2020 (22 U.S.C. 2680b) is amended
11 by adding at the end the following:

12 “(j) EXPANSION OF AUTHORITIES.—The head of any
13 Federal agency may exercise the authorities of this sec-
14 tion, including to designate an incident, whether the inci-
15 dent occurred in the United States or abroad, for purposes
16 of subparagraphs (A)(ii) and (B)(ii) of subsection (e)(4)
17 when the incident affects United States Government em-
18 ployees of the agency or their dependents who are not
19 under the security responsibility of the Secretary of State
20 as set forth in section 103 of the Omnibus Diplomatic Se-
21 curity and Antiterrorism Act of 1986 (22 U.S.C. 4802)
22 or when operational control of overseas security responsi-
23 bility for such employees or dependents has been delegated
24 to the head of the agency.”.

1 **SEC. 9217. REPORT ON PILOT PROGRAM FOR LATERAL**
2 **ENTRY INTO THE FOREIGN SERVICE.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of the enactment of this Act, the Under Secretary
5 of State for Management shall submit a report to the ap-
6 propriate congressional committees describing the imple-
7 mentation of the pilot program for lateral entry into the
8 Foreign Service required under section 404(b) of the De-
9 partment of State Authorities Act, Fiscal Year 2017 (Pub-
10 lic Law 114–323; 130 Stat. 1928).

11 (b) MATTERS TO BE INCLUDED.—The report re-
12 quired under subsection (a) shall include—

13 (1) the current status of implementation of the
14 pilot program, including a summary of concrete
15 steps taken by the Department to implement the
16 pilot program;

17 (2) an explanation of any delays in implementa-
18 tion of the pilot program;

19 (3) the number of mid-career individuals from
20 the Civil Service of the Department and the private
21 sector who are expected to participate in the pilot
22 program during fiscal year 2023, disaggregated, to
23 the extent practicable and to the maximum extent
24 that the collection of such data is permissible by law,
25 by sex, age, race and ethnicity, geographic origin,
26 and past occupation;

1 (4) an analysis of the skills gap identified by
2 the Department for the use of the pilot program's
3 flexible-hiring mechanism;

4 (5) any legal justification provided by the Office
5 of the Legal Adviser of the Department if the De-
6 partment did not implement the pilot program; and

7 (6) the estimated date by which the Depart-
8 ment is expected to implement the pilot program.

9 **SEC. 9218. REPORT ON CHANGES TO THE FOREIGN SERV-**
10 **ICE OFFICER TEST.**

11 Not later than December 1, 2023, the Secretary shall
12 submit a report to the appropriate congressional commit-
13 tees describing and justifying any changes made during
14 fiscal years 2022 and 2023 to the Foreign Service entry
15 process, including—

16 (1) the use of artificial intelligence, including
17 deep textual analysis, in any portion of the entry
18 process and its impacts on recruitment into the For-
19 eign Service;

20 (2) the use of virtual formats for any portion
21 of the entry process and its impacts on recruitment
22 into the Foreign Service; and

23 (3) the entities, groups, or individuals informed
24 of or consulted on any changes to the Foreign Serv-
25 ice entry process during the 1-year period imme-

1 diately preceding the implementation of such
2 changes.

3 **SEC. 9219. DIGNITY FOR PEOPLE WITH DISABILITIES SERV-**
4 **ING IN THE FOREIGN SERVICE.**

5 The Foreign Service Act of 1980 (22 U.S.C. 3901
6 et seq.) is amended—

7 (1) in section 101(b)(2) (22 U.S.C.
8 3901(b)(2)), by striking “handicapping condition”
9 and inserting “disability”;

10 (2) in section 105 (22 U.S.C. 3905), by striking
11 “handicapping condition” each place such term ap-
12 pears and inserting “disability”;

13 (3) in section 1002(11)(A) (22 U.S.C.
14 4102(11)(A)), by striking “handicapping condition”
15 and inserting “disability”; and

16 (4) in section 1015(b)(4) (22 U.S.C.
17 4115(b)(4)), by striking “handicapping condition”
18 and inserting “disability”.

19 **SEC. 9220. EXPANDING SCOPE OF FELLOWSHIP PROGRAMS**
20 **TO INCLUDE CIVIL SERVANTS.**

21 (a) IN GENERAL.—Section 47 of the State Depart-
22 ment Basic Authorities Act of 1956 (22 U.S.C. 2719) is
23 amended—

24 (1) in the first sentence—

1 (A) by inserting “or the Civil Service”
2 after “with the Foreign Service”; and

3 (B) by striking “Foreign service Act of
4 1980” and inserting “Foreign Service Act of
5 1980”; and

6 (2) in the second sentence, by inserting “or the
7 Civil Service” after “Foreign Service”.

8 (b) INITIAL REPORT.—Not later than 30 days before
9 expanding participation to include civil servants in any fel-
10 lowship program of the Department, the Secretary shall
11 submit a report to the appropriate congressional commit-
12 tees that—

13 (1) identifies the affected fellowship program;
14 and

15 (2) justifies expanding participation in such
16 program.

17 (c) FOLLOW-UP REPORT.—Not later than 1 year
18 after the expansion of any fellowship program authorized
19 under this section, the Secretary shall submit a follow-up
20 report to the appropriate congressional committees that
21 describes how the expansion of participation in such pro-
22 gram has impacted the effectiveness of the program.

1 **TITLE XCIII—EMBASSY**
2 **SECURITY AND CONSTRUCTION**
3 **SEC. 9301. AMENDMENTS TO SECURE EMBASSY CONSTRUC-**
4 **TION AND COUNTERTERRORISM ACT OF 1999.**

5 (a) **SHORT TITLE.**—This section may be cited as the
6 “Secure Embassy Construction and Counterterrorism Act
7 of 2022”.

8 (b) **FINDINGS.**—Congress makes the following find-
9 ings:

10 (1) The Secure Embassy Construction and
11 Counterterrorism Act of 1999 (title VI of division A
12 of appendix G of Public Law 106–113) was a nec-
13 essary response to bombings on August 7, 1998, at
14 the United States embassies in Nairobi, Kenya, and
15 in Dar es Salaam, Tanzania, that were destroyed by
16 simultaneously exploding bombs. The resulting ex-
17 plosions killed 220 persons and injured more than
18 4,000 others. Twelve Americans and 40 Kenyan and
19 Tanzanian employees of the United States Foreign
20 Service were killed in the attacks.

21 (2) Those bombings, followed by the expedi-
22 tionary diplomatic efforts in Iraq and Afghanistan,
23 demonstrated the need to prioritize the security of
24 United States posts and personnel abroad above
25 other considerations.

1 (3) Between 1999 and 2022, the risk calculus
2 of the Department impacted the ability of United
3 States diplomats around the world to advance the
4 interests of the United States through access to local
5 populations, leaders, and places.

6 (4) America's competitors and adversaries do
7 not have the same restrictions that United States
8 diplomats have, especially in critically important me-
9 dium-threat and high-threat posts.

10 (5) The Department's 2021 Overseas Security
11 Panel report states that—

12 (A) the requirement for setback and col-
13 location of diplomatic posts under paragraphs
14 (2) and (3) of section 606(a) of the Secure Em-
15 bassy Construction and Counterterrorism Act of
16 1999 (22 U.S.C. 4865(a)) has led to sky-
17 rocketing costs of new embassies and con-
18 sulates; and

19 (B) the locations of such posts have be-
20 come less desirable, creating an extremely sub-
21 optimal nexus that further hinders United
22 States diplomats who are willing to accept more
23 risk in order to advance United States inter-
24 ests.

1 (c) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) the setback and collocation requirements re-
4 ferred to in subsection (b)(5)(A), even with available
5 waivers, no longer provide the security such require-
6 ments used to provide because of advancement in
7 technologies, such as remote controlled drones, that
8 can evade walls and other such static barriers;

9 (2) the Department should focus on creating
10 performance security standards that—

11 (A) attempt to keep the setback require-
12 ments of diplomatic posts as limited as possible;
13 and

14 (B) provide diplomats access to local popu-
15 lations as much as possible, while still providing
16 a necessary level of security;

17 (3) collocation of diplomatic facilities is often
18 not feasible or advisable, particularly for public di-
19 plomacy spaces whose mission is to reach and be ac-
20 cessible to wide sectors of the public, including in
21 countries with repressive governments, since such
22 spaces are required to permit the foreign public to
23 enter and exit the space easily and openly;

24 (4) the Bureau of Diplomatic Security should—

1 (A) fully utilize the waiver process pro-
2 vided under paragraphs (2)(B) and (3)(B) of
3 section 606(a) of the Secure Embassy Con-
4 struction and Counterterrorism Act of 1999 (22
5 U.S.C. 4865(a)); and

6 (B) appropriately exercise such waiver
7 process as a tool to right-size the appropriate
8 security footing at each diplomatic post rather
9 than only approving waivers in extreme cir-
10 cumstances;

11 (5) the return of great power competition re-
12 quires—

13 (A) United States diplomats to do all they
14 can to outperform our adversaries; and

15 (B) the Department to better optimize use
16 of taxpayer funding to advance United States
17 national interests; and

18 (6) this section will better enable United States
19 diplomats to compete in the 21st century, while sav-
20 ing United States taxpayers millions in reduced
21 property and maintenance costs at embassies and
22 consulates abroad.

23 (d) DEFINITION OF UNITED STATES DIPLOMATIC
24 FACILITY.—Section 603 of the Secure Embassy Construc-
25 tion and Counterterrorism Act of 1999 (title VI of division

1 A of appendix G of Public Law 106–113) is amended to
2 read as follows:

3 **“SEC. 603. UNITED STATES DIPLOMATIC FACILITY DE-**
4 **FINED.**

5 “In this title, the terms ‘United States diplomatic fa-
6 cility’ and ‘diplomatic facility’ mean any chancery, con-
7 sulate, or other office that—

8 “(1) is considered by the Secretary of State to
9 be diplomatic or consular premises, consistent with
10 the Vienna Convention on Diplomatic Relations,
11 done at Vienna April 18, 1961, and the Vienna Con-
12 vention on Consular Relations, done at Vienna April
13 24, 1963, and was notified to the host government
14 as such; or

15 “(2) is otherwise subject to a publicly available
16 bilateral agreement with the host government (con-
17 tained in the records of the United States Depart-
18 ment of State) that recognizes the official status of
19 the United States Government personnel present at
20 the facility.”.

21 (e) **GUIDANCE AND REQUIREMENTS FOR DIPLO-**
22 **MATIC FACILITIES.—**

23 (1) **GUIDANCE FOR CLOSURE OF PUBLIC DIPLO-**
24 **MACY FACILITIES.—**Section 5606(a) of the Public
25 Diplomacy Modernization Act of 2021 (Public Law

1 117–81; 22 U.S.C. 1475g note) is amended to read
2 as follows:

3 “(a) IN GENERAL.—In order to preserve public diplo-
4 macy facilities that are accessible to the publics of foreign
5 countries, not later than 180 days after the date of the
6 enactment of the Secure Embassy Construction and
7 Counterterrorism Act of 2022, the Secretary of State shall
8 adopt guidelines to collect and utilize information from
9 each diplomatic post at which the construction of a new
10 embassy compound or new consulate compound could re-
11 sult in the closure or co-location of an American Space
12 that is owned and operated by the United States Govern-
13 ment, generally known as an American Center, or any
14 other public diplomacy facility under the Secure Embassy
15 Construction and Counterterrorism Act of 1999 (22
16 U.S.C. 4865 et seq.).”.

17 (2) SECURITY REQUIREMENTS FOR UNITED
18 STATES DIPLOMATIC FACILITIES.—Section 606(a) of
19 the Secure Embassy Construction and Counterter-
20 rorism Act of 1999 (22 U.S.C. 4865(a)) is amend-
21 ed—

22 (A) in paragraph (1)(A), by striking “the
23 threat” and inserting “a range of threats, in-
24 cluding that”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) by inserting “in a location
3 that has certain minimum ratings
4 under the Security Environment
5 Threat List as determined by the Sec-
6 retary in his or her discretion” after
7 “abroad”; and

8 (II) by inserting “, personnel of
9 the Peace Corps, and personnel of any
10 other type or category of facility that
11 the Secretary may identify” after
12 “military commander”; and

13 (ii) in subparagraph (B)—

14 (I) by amending clause (i) to
15 read as follows:

16 “(i) IN GENERAL.—Subject to clause
17 (ii), the Secretary of State may waive sub-
18 paragraph (A) if the Secretary, in con-
19 sultation with, as appropriate, the head of
20 each agency employing personnel that
21 would not be located at the site, if applica-
22 ble, determines that it is in the national in-
23 terest of the United States after taking ac-
24 count of any considerations the Secretary
25 in his or her discretion considers relevant,

1 which may include security conditions.”;
2 and

3 (II) in clause (ii), by striking
4 “(ii) CHANCERY OR CONSULATE
5 BUILDING.—” and all that follows
6 through “15 days prior” and inserting
7 the following:

8 “(ii) CHANCERY OR CONSULATE
9 BUILDING.—Prior”; and
10 (C) in paragraph (3)—

11 (i) by amending subparagraph (A) to
12 read as follows:

13 “(A) REQUIREMENT.—

14 “(i) IN GENERAL.—Each newly ac-
15 quired United States diplomatic facility in
16 a location that has certain minimum rat-
17 ings under the Security Environment
18 Threat List as determined by the Sec-
19 retary of State in his or her discretion
20 shall—

21 “(I) be constructed or modified
22 to meet the measured building blast
23 performance standard applicable to a
24 diplomatic facility sited not less than
25 100 feet from the perimeter of the

1 property on which the facility is situ-
2 ated; or

3 “(II) fulfill the criteria described
4 in clause (ii).

5 “(ii) ALTERNATIVE ENGINEERING
6 EQUIVALENCY STANDARD REQUIRE-
7 MENT.—Each facility referred to in clause
8 (i) may, instead of meeting the require-
9 ment under such clause, fulfill such other
10 criteria as the Secretary is authorized to
11 employ to achieve an engineering standard
12 of security and degree of protection that is
13 equivalent to the numerical perimeter dis-
14 tance setback described in such clause
15 seeks to achieve.”; and

16 (ii) in subparagraph (B)—

17 (I) in clause (i)—

18 (aa) by striking “security
19 considerations permit and”; and

20 (bb) by inserting “after tak-
21 ing account of any considerations
22 the Secretary in his or her discre-
23 tion considers relevant, which
24 may include security conditions”

3656

1 after “national interest of the
2 United States”;

3 (II) in clause (ii), by striking
4 “(ii) CHANCERY OR CONSULATE
5 BUILDING.—” and all that follows
6 through “15 days prior” and inserting
7 the following:

8 “(ii) CHANCERY OR CONSULATE
9 BUILDING.—Prior”; and

10 (III) in clause (iii), by striking
11 “an annual” and inserting “a quar-
12 terly”.

13 **SEC. 9302. DIPLOMATIC SUPPORT AND SECURITY.**

14 (a) **SHORT TITLE.**—This section may be cited as the
15 “Diplomatic Support and Security Act of 2022”.

16 (b) **FINDINGS.**—Congress makes the following find-
17 ings:

18 (1) A robust overseas diplomatic presence is
19 part of an effective foreign policy, particularly in
20 volatile environments where a flexible and timely
21 diplomatic response can be decisive in preventing
22 and addressing conflict.

23 (2) Diplomats routinely put themselves and
24 their families at great personal risk to serve their
25 country overseas where they face threats related to

1 international terrorism, violent conflict, and public
2 health.

3 (3) The Department has a remarkable record of
4 protecting personnel while enabling an enormous
5 amount of global diplomatic activity, often in unse-
6 cure and remote places and facing a variety of evol-
7 ving risks and threats. With support from Congress,
8 the Department has revised policy, improved phys-
9 ical security through retrofitting and replacing old
10 facilities, deployed additional security personnel and
11 armored vehicles, and greatly enhanced training re-
12 quirements and training facilities, including the new
13 Foreign Affairs Security Training Center in Black-
14 stone, Virginia.

15 (4) Diplomatic missions rely on robust staffing
16 and ambitious external engagement to advance
17 United States interests as diverse as competing with
18 China's malign influence around the world, fighting
19 terrorism and transnational organized crime, pre-
20 venting and addressing violent conflict and humani-
21 tarian disasters, promoting United States businesses
22 and trade, protecting the rights of marginalized
23 groups, addressing climate change, and preventing
24 pandemic disease.

1 (5) Efforts to protect personnel overseas have
2 often resulted in inhibiting diplomatic activity and
3 limiting engagement between embassy personnel and
4 local governments and populations.

5 (6) Given that Congress currently provides an-
6 nual appropriations in excess of \$1,900,000,000 for
7 embassy security, construction, and maintenance,
8 the Department should be able to ensure a robust
9 overseas presence without inhibiting the ability of
10 diplomats to—

11 (A) meet outside United States secured fa-
12 cilities with foreign leaders to explain, defend,
13 and advance United States priorities;

14 (B) understand and report on foreign po-
15 litical, social, and economic conditions through
16 meeting and interacting with community offi-
17 cials outside of United States facilities;

18 (C) provide United States citizen services;
19 and

20 (D) collaborate and, at times, compete
21 with other diplomatic missions, particularly
22 those, such as that of the People's Republic of
23 China, that do not have restrictions on meeting
24 locations.

1 (7) Given these stakes, Congress has a respon-
2 sibility to empower, support, and hold the Depart-
3 ment accountable for implementing an aggressive
4 strategy to ensure a robust overseas presence that
5 mitigates potential risks and adequately considers
6 the myriad direct and indirect consequences of a
7 lack of diplomatic presence.

8 (c) ENCOURAGING EXPEDITIONARY DIPLOMACY.—

9 (1) PURPOSE.—Section 102(b) of the Diplo-
10 matic Security Act of 1986 (22 U.S.C. 4801(b)) is
11 amended—

12 (A) by amending paragraph (3) to read as
13 follows:

14 “(3) to promote strengthened security meas-
15 ures, institutionalize a culture of learning, and, in
16 the case of apparent gross negligence or breach of
17 duty, recommend that the Secretary investigate ac-
18 countability for United States Government personnel
19 with security-related responsibilities under chief of
20 mission authority;”;

21 (B) by redesignating paragraphs (4) and
22 (5) as paragraphs (5) and (6), respectively; and

23 (C) by inserting after paragraph (3) the
24 following:

1 “(4) to support a culture of risk management,
2 instead of risk avoidance, that enables the Depart-
3 ment of State to pursue its vital goals with full
4 knowledge that it is neither desirable nor possible
5 for the Department to avoid all risks;”.

6 (2) BRIEFINGS ON EMBASSY SECURITY.—Sec-
7 tion 105(a)(1) of the Diplomatic Security Act (22
8 U.S.C. 4804(a)) is amended—

9 (A) by striking “any plans to open or re-
10 open a high risk, high threat post” and insert-
11 ing “progress towards opening or reopening a
12 high risk, high threat post, and the risk to na-
13 tional security of the continued closure or any
14 suspension of operations and remaining barriers
15 to doing so”;

16 (B) in subparagraph (A), by inserting “the
17 risk to United States national security of the
18 post’s continued closure or suspension of oper-
19 ations,” after “national security of the United
20 States,”; and

21 (C) in subparagraph (C), by inserting “the
22 type and level of security threats such post
23 could encounter, and” before “security
24 ‘tripwires’”.

1 (d) SECURITY REVIEW COMMITTEES.—Section 301
2 of the Diplomatic Security Act (22 U.S.C. 4831) is
3 amended—

4 (1) in the section heading, by striking “**AC-**
5 **COUNTABILITY REVIEW BOARDS**” and inserting
6 “**SECURITY REVIEW COMMITTEES**”;

7 (2) in subsection (a)—

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

10 “(1) CONVENING THE SECURITY REVIEW COM-
11 MITTEE.—In any case of a serious security incident
12 involving loss of life, serious injury, or significant
13 destruction of property at, or related to, a United
14 States Government diplomatic mission abroad (re-
15 ferred to in this title as a ‘Serious Security Inci-
16 dent’), and in any case of a serious breach of secu-
17 rity involving intelligence activities of a foreign gov-
18 ernment directed at a United States Government
19 mission abroad, the Secretary of State shall convene
20 a Security Review Committee, which shall issue a re-
21 port providing a full account of what occurred, con-
22 sistent with section 304.”;

23 (B) by redesignating paragraphs (2) and
24 (3) as paragraphs (3) and (4), respectively;

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) COMMITTEE COMPOSITION.—The Sec-
4 retary shall designate a Chairperson and may des-
5 ignate additional personnel of commensurate senior-
6 ity to serve on the Security Review Committee,
7 which shall include—

8 “(A) the Director of the Office of Manage-
9 ment Strategy and Solutions;

10 “(B) the Assistant Secretary responsible
11 for the region where the incident occurred;

12 “(C) the Assistant Secretary of State for
13 Diplomatic Security;

14 “(D) the Assistant Secretary of State for
15 Intelligence and Research;

16 “(E) an Assistant Secretary-level rep-
17 resentative from any involved United States
18 Government department or agency; and

19 “(F) other personnel determined to be nec-
20 essary or appropriate.”;

21 (D) in paragraph (3), as redesignated by
22 subclause (B)—

23 (i) in the paragraph heading, by strik-
24 ing “DEPARTMENT OF DEFENSE FACILI-
25 TIES AND PERSONNEL” and inserting “EX-

1 CEPTIONS TO CONVENING A SECURITY RE-
2 VIEW COMMITTEE”;

3 (ii) by striking “The Secretary of
4 State is not required to convene a Board
5 in the case” and inserting the following:

6 “(A) IN GENERAL.—The Secretary of
7 State is not required to convene a Security Re-
8 view Committee—

9 “(i) if the Secretary determines that
10 the incident involves only causes unrelated
11 to security, such as when the security at
12 issue is outside of the scope of the Sec-
13 retary of State’s security responsibilities
14 under section 103;

15 “(ii) if operational control of overseas
16 security functions has been delegated to
17 another agency in accordance with section
18 106;

19 “(iii) if the incident is a cybersecurity
20 incident and is covered by other review
21 mechanisms; or

22 “(iv) in the case”; and

23 (iii) by striking “In any such case”
24 and inserting the following:

1 “(B) DEPARTMENT OF DEFENSE INVES-
2 TIGATIONS.—In the case of an incident de-
3 scribed in subparagraph (A)(iv)”;

4 (E) by adding at the end the following:

5 “(5) RULEMAKING.—The Secretary of State
6 shall promulgate regulations defining the member-
7 ship and operating procedures for the Security Re-
8 view Committee and provide such guidance to the
9 Chair and ranking members of the Committee on
10 Foreign Relations of the Senate and the Committee
11 on Foreign Affairs of the House of Representa-
12 tives.”;

13 (3) in subsection (b)—

14 (A) in the subsection heading, by striking
15 “BOARDS” and inserting “SECURITY REVIEW
16 COMMITTEES”;

17 (B) by amending paragraph (1) to read as
18 follows:

19 “(1) IN GENERAL.—The Secretary of State
20 shall convene a Security Review Committee not later
21 than 60 days after the occurrence of an incident de-
22 scribed in subsection (a)(1), or 60 days after the De-
23 partment first becomes aware of such an incident,
24 whichever is earlier, except that the 60-day period
25 for convening a Security Review Committee may be

1 extended for one additional 60-day period if the Sec-
2 retary determines that the additional period is nec-
3 essary.”; and

4 (4) by amending subsection (c) to read as fol-
5 lows:

6 “(c) CONGRESSIONAL NOTIFICATION.—Whenever the
7 Secretary of State convenes a Security Review Committee,
8 the Secretary shall promptly inform the chair and ranking
9 member of—

10 “(1) the Committee on Foreign Relations of the
11 Senate;

12 “(2) the Select Committee on Intelligence of the
13 Senate;

14 “(3) the Committee on Appropriations of the
15 Senate;

16 “(4) the Committee on Foreign Affairs of the
17 House of Representatives;

18 “(5) the Permanent Select Committee on Intel-
19 ligence of the House of Representatives; and

20 “(6) the Committee on Appropriations of the
21 House of Representatives.”.

22 (e) TECHNICAL AND CONFORMING AMENDMENTS.—
23 Section 302 of the Diplomatic Security Act of 1986 (22
24 U.S.C. 4832) is amended—

1 (1) in the section heading, by striking “**AC-**
2 **COUNTABILITY REVIEW BOARD**” and inserting
3 “**SECURITY REVIEW COMMITTEE**”; and

4 (2) by striking “a Board” each place such term
5 appears and inserting “a Security Review Com-
6 mittee”.

7 (f) **SERIOUS SECURITY INCIDENT INVESTIGATION**
8 **PROCESS.**—Section 303 of the Diplomatic Security Act of
9 1986 (22 U.S.C. 4833) is amended to read as follows:

10 “**SEC. 303. SERIOUS SECURITY INCIDENT INVESTIGATION**
11 **PROCESS.**

12 “(a) **INVESTIGATION PROCESS.**—

13 “(1) **INITIATION UPON REPORTED INCIDENT.**—
14 A United States mission shall submit an initial re-
15 port of a Serious Security Incident not later than 3
16 days after such incident occurs, whenever feasible, at
17 which time an investigation of the incident shall be
18 initiated.

19 “(2) **INVESTIGATION.**—Not later than 10 days
20 after the submission of a report pursuant to para-
21 graph (1), the Secretary shall direct the Diplomatic
22 Security Service to assemble an investigative team to
23 investigate the incident and independently establish
24 what occurred. Each investigation under this sub-
25 section shall cover—

1 “(A) an assessment of what occurred, who
2 perpetrated or is suspected of having per-
3 petrated the Serious Security Incident, and
4 whether applicable security procedures were fol-
5 lowed;

6 “(B) in the event the Serious Security In-
7 cident involved a United States diplomatic com-
8 pound, motorcade, residence, or other facility,
9 an assessment of whether adequate security
10 countermeasures were in effect based on a
11 known threat at the time of the incident;

12 “(C) if the incident involved an individual
13 or group of officers, employees, or family mem-
14 bers under Chief of Mission security responsi-
15 bility conducting approved operations or move-
16 ments outside the United States mission, an as-
17 sessment of whether proper security briefings
18 and procedures were in place and whether
19 weighing of risk of the operation or movement
20 took place; and

21 “(D) an assessment of whether the failure
22 of any officials or employees to follow proce-
23 dures or perform their duties contributed to the
24 security incident.

1 “(3) INVESTIGATIVE TEAM.—The investigative
2 team assembled pursuant to paragraph (2) shall
3 consist of individuals from the Diplomatic Security
4 Service who shall provide an independent examina-
5 tion of the facts surrounding the incident and what
6 occurred. The Secretary, or the Secretary’s designee,
7 shall review the makeup of the investigative team for
8 a conflict, appearance of conflict, or lack of inde-
9 pendence that could undermine the results of the in-
10 vestigation and may remove or replace any members
11 of the team to avoid such an outcome.

12 “(b) REPORT OF INVESTIGATION.—Not later than 90
13 days after the occurrence of a Serious Security Incident,
14 the investigative team investigating the incident shall pre-
15 pare and submit a Report of Investigation to the Security
16 Review Committee that includes—

17 “(1) a detailed description of the matters set
18 forth in subparagraphs (A) through (D) of sub-
19 section (a)(2), including all related findings;

20 “(2) a complete and accurate account of the
21 casualties, injuries, and damage resulting from the
22 incident; and

23 “(3) a review of security procedures and direc-
24 tives in place at the time of the incident.

1 “(c) CONFIDENTIALITY.—The investigative team in-
2 vestigating a Serious Security Incident shall adopt such
3 procedures with respect to confidentiality as determined
4 necessary, including procedures relating to the conduct of
5 closed proceedings or the submission and use of evidence
6 in camera, to ensure in particular the protection of classi-
7 fied information relating to national defense, foreign pol-
8 icy, or intelligence matters. The Director of National In-
9 telligence shall establish the level of protection required
10 for intelligence information and for information relating
11 to intelligence personnel included in the report required
12 under subsection (b). The Security Review Committee
13 shall determine the level of classification of the final report
14 prepared pursuant to section 304(b), and shall incorporate
15 the same confidentiality measures in such report to the
16 maximum extent practicable.”.

17 (g) FINDINGS AND RECOMMENDATIONS OF THE SE-
18 CURITY REVIEW COMMITTEE.—Section 304 of the Diplo-
19 matic Security Act of 1986 (22 U.S.C. 4834) is amended
20 to read as follows:

21 **“SEC. 304. SECURITY REVIEW COMMITTEE FINDINGS AND**
22 **REPORT.**

23 “(a) FINDINGS.—The Security Review Committee
24 shall—

1 “(1) review the Report of Investigation pre-
2 pared pursuant to section 303(b), and all other evi-
3 dence, reporting, and relevant information relating
4 to a Serious Security Incident at a United States
5 mission abroad, including an examination of the
6 facts and circumstances surrounding any serious in-
7 juries, loss of life, or significant destruction of prop-
8 erty resulting from the incident; and

9 “(2) determine, in writing—

10 “(A) whether the incident was security re-
11 lated and constituted a Serious Security Inci-
12 dent;

13 “(B) if the incident involved a diplomatic
14 compound, motorcade, residence, or other mis-
15 sion facility—

16 “(i) whether the security systems, se-
17 curity countermeasures, and security pro-
18 cedures operated as intended; and

19 “(ii) whether such systems worked to
20 materially mitigate the attack or were
21 found to be inadequate to mitigate the
22 threat and attack;

23 “(C) if the incident involved an individual
24 or group of officers conducting an approved op-
25 eration outside the mission, whether a valid

1 process was followed in evaluating the requested
2 operation and weighing the risk of the oper-
3 ation, which determination shall not seek to as-
4 sign accountability for the incident unless the
5 Security Review Committee determines that an
6 official breached his or her duty;

7 “(D) the impact of intelligence and infor-
8 mation availability, and whether the mission
9 was aware of the general operating threat envi-
10 ronment or any more specific threat intelligence
11 or information and took that into account in
12 ongoing and specific operations; and

13 “(E) any other facts and circumstances
14 that may be relevant to the appropriate security
15 management of United States missions abroad.

16 “(b) REPORT.—

17 “(1) SUBMISSION TO SECRETARY OF STATE.—
18 Not later than 60 days after receiving the Report of
19 Investigation prepared pursuant to section 303(b),
20 the Security Review Committee shall submit a report
21 to the Secretary of State that includes—

22 “(A) the findings described in subsection
23 (a); and

24 “(B) any related recommendations.

1 “(2) SUBMISSION TO CONGRESS.—Not later
2 than 90 days after receiving the report pursuant to
3 paragraph (1), the Secretary of State shall submit
4 a copy of the report to—

5 “(A) the Committee on Foreign Relations
6 of the Senate;

7 “(B) the Select Committee on Intelligence
8 of the Senate;

9 “(C) the Committee on Appropriations of
10 the Senate;

11 “(D) the Committee on Foreign Affairs of
12 the House of Representatives;

13 “(E) the Permanent Select Committee on
14 Intelligence of the House of Representatives;
15 and

16 “(F) the Committee on Appropriations of
17 the House of Representatives.

18 “(c) PERSONNEL RECOMMENDATIONS.—If in the
19 course of conducting an investigation under section 303,
20 the investigative team finds reasonable cause to believe
21 any individual described in section 303(a)(2)(D) has
22 breached the duty of that individual or finds lesser failures
23 on the part of an individual in the performance of his or
24 her duties related to the incident, it shall be reported to
25 the Security Review Committee. If the Security Review

1 Committee finds reasonable cause to support the deter-
2 mination, it shall be reported to the Secretary for appro-
3 priate action.”.

4 (h) RELATION TO OTHER PROCEEDINGS.—Section
5 305 of the Diplomatic Security Act of 1986 (22 U.S.C.
6 4835) is amended—

7 (1) by inserting “(a) NO EFFECT ON EXISTING
8 REMEDIES OR DEFENSES.—” before “Nothing in
9 this title”; and

10 (2) by adding at the end the following:

11 “(b) FUTURE INQUIRIES.—Nothing in this title may
12 be construed to preclude the Secretary of State from con-
13 vening a follow-up public board of inquiry to investigate
14 any security incident if the incident was of such magnitude
15 or significance that an internal process is deemed insuffi-
16 cient to understand and investigate the incident. All mate-
17 rials gathered during the procedures provided under this
18 title shall be provided to any related board of inquiry con-
19 vened by the Secretary.”.

20 (i) TRAINING FOR FOREIGN SERVICE PERSONNEL ON
21 RISK MANAGEMENT PRACTICES.—Not later than 120
22 days after the date of the enactment of this Act, the Sec-
23 retary shall develop and submit a strategy to the appro-
24 priate congressional committees for training and edu-
25 cating Foreign Service personnel regarding appropriate

1 risk management practices while conducting their duties
2 in high risk, high threat environments that includes—

3 (1) plans to continue to develop and offer addi-
4 tional training courses, or augment existing courses,
5 for Department personnel regarding the conduct of
6 their duties in high risk, high threat environments
7 outside of diplomatic compounds, including for diplo-
8 matic personnel, such as political officers, economic
9 officers, and consular officers;

10 (2) plans to educate Senior Foreign Service
11 personnel serving abroad, including ambassadors,
12 chiefs of mission, deputy chiefs of missions, and re-
13 gional security officers, regarding appropriate risk
14 management practices to employ while evaluating re-
15 quests for diplomatic operations in high risk, high
16 threat environments outside of diplomatic com-
17 pounds; and

18 (3) plans and strategies for effectively balancing
19 safety risks with the need for in-person engagement
20 with local governments and populations.

21 (j) SENSE OF CONGRESS REGARDING THE ESTAB-
22 LISHMENT OF THE EXPEDITIONARY DIPLOMACY
23 AWARD.—It is the sense of Congress that the Secretary
24 should—

1 (1) encourage expeditionary diplomacy, proper
2 risk management practices, and regular and mean-
3 ingful engagement with civil society at the Depart-
4 ment by establishing an annual award, which shall
5 be known as the “Expeditionary Diplomacy Award”,
6 to be awarded to deserving officers and employees of
7 the Department; and

8 (2) establish procedures for selecting the recipi-
9 ents of the Expeditionary Diplomacy Award, includ-
10 ing any financial terms associated with such award.

11 (k) PROMOTION IN THE FOREIGN SERVICE.—Section
12 603(b) of the Foreign Service Act of 1980 (22 U.S.C.
13 4003(b)) is amended—

14 (1) in the third sentence of the matter pre-
15 ceding paragraph (1), by inserting “and when occu-
16 pying positions for which the following is, to any de-
17 gree, an element of the member’s duties,” after “as
18 the case may be,”;

19 (2) in paragraph (1), by striking “when occu-
20 pying positions for which such willingness and ability
21 is, to any degree, an element of the member’s duties,
22 or” and inserting a semicolon;

23 (3) by striking paragraph (2) and inserting the
24 following:

1 “(3) other demonstrated experience in public di-
2 plomacy; or”;

3 (4) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) a willingness and ability to regularly and
6 meaningfully engage with civil society and other
7 local actors in country;”;

8 (5) by inserting after paragraph (3), as redesign-
9 nated, the following:

10 “(4) the ability to effectively manage and assess
11 risk associated with the conduct of diplomatic oper-
12 ations.”.

13 (1) REPORTING REQUIREMENT.—Not later than 180
14 days after the date of the enactment of this Act and every
15 180 days thereafter for the following 2 years, the Sec-
16 retary shall submit a report to the appropriate congres-
17 sional committees describing the Department’s risk man-
18 agement efforts, including information relating to—

19 (1) implementing this section and section
20 102(b) of the Diplomatic Security Act (22 U.S.C.
21 4801), as amended by subsection (c);

22 (2) encouraging and incentivizing appropriate
23 Foreign Service personnel to regularly and meaning-
24 fully engage with civil society and other local actors
25 in-country;

1 (3) promoting a more effective culture of risk
2 management and greater risk tolerance among all
3 Foreign Service personnel, including through addi-
4 tional risk management training and education op-
5 portunities; and

6 (4) incorporating the provisions of this section
7 into the Foreign Affairs Manual regulations and im-
8 plementing the Serious Security Incident Investiga-
9 tion Permanent Coordinating Committee established
10 and convened pursuant to section 302(b) of the Dip-
11 lomatic Security Act (22 U.S.C. 4832(b)) to more
12 closely align Department procedures with the proce-
13 dures used by other Federal departments and agen-
14 cies to analyze, weigh, and manage risk.

15 **SEC. 9303. ESTABLISHMENT OF UNITED STATES EMBASSIES**
16 **IN SOLOMON ISLANDS, KIRIBATI, AND TONGA**
17 **AND A DIPLOMATIC PRESENCE IN VANUATU.**

18 (a) FINDINGS.—Congress makes the following find-
19 ings:

20 (1) The Pacific Islands are vital to United
21 States national security and national interests in the
22 Indo-Pacific region and globally.

23 (2) The Pacific Islands region spans 15 percent
24 of the world's surface area and controls access to
25 open waters in the Central Pacific, sea lanes to the

1 Western Hemisphere, supply lines to United States
2 forward-deployed forces in East Asia, and economi-
3 cally important fisheries.

4 (3) The Pacific Islands region is home to the
5 State of Hawaii, 11 United States territories, United
6 States Naval Base Guam, and United States Ander-
7 sen Air Force Base.

8 (4) Pacific Island countries cooperate with the
9 United States and United States partners on mari-
10 time security and efforts to stop illegal, unreported,
11 and destructive fishing.

12 (5) The Pacific Islands are rich in biodiversity
13 and are on the frontlines of environmental chal-
14 lenges and climate issues.

15 (6) The People's Republic of China seeks to in-
16 crease its influence in the Pacific Islands region, in-
17 cluding through infrastructure development under
18 the People's Republic of China's One Belt, One
19 Road Initiative and its new security agreement with
20 the Solomon Islands.

21 (7) The United States closed its embassy in the
22 Solomon Islands in 1993.

23 (8) The United States Embassy in Papua New
24 Guinea manages the diplomatic affairs of the United
25 States to the Republic of Vanuatu and the Solomon

1 Islands, and the United States Embassy in Fiji
2 manages the diplomatic affairs of the United States
3 to the Republic of Kiribati and the Kingdom of
4 Tonga.

5 (9) The United States requires a physical and
6 more robust diplomatic presence in the Republic of
7 Vanuatu, the Republic of Kiribati, the Solomon Is-
8 lands, and the Kingdom of Tonga, to ensure the
9 physical and operational security of our efforts in
10 those countries to deepen relations, protect United
11 States national security, and pursue United States
12 national interests.

13 (10) Increasing the number of United States
14 embassies dedicated solely to a Pacific Island coun-
15 try demonstrates the United States' ongoing com-
16 mitment to the region and to the Pacific Island
17 countries.

18 (b) ESTABLISHMENT OF EMBASSIES.—

19 (1) IN GENERAL.—As soon as possible, the Sec-
20 retary should—

21 (A) establish physical United States em-
22 bassies in the Republic of Kiribati and in the
23 Kingdom of Tonga;

1 (B) upgrade the United States consular
2 agency in the Solomon Islands to an embassy;
3 and

4 (C) establish a physical United States Gov-
5 ernment presence in the Republic of Vanuatu.

6 (2) OTHER STRATEGIES.—

7 (A) PHYSICAL INFRASTRUCTURE.—In es-
8 tablishing embassies pursuant to paragraph (1)
9 and creating the physical infrastructure to en-
10 sure the physical and operational safety of em-
11 bassy personnel, the Secretary may pursue rent
12 or purchase existing buildings or co-locate per-
13 sonnel in embassies of like-minded partners,
14 such as Australia and New Zealand.

15 (B) PERSONNEL.—In establishing a phys-
16 ical presence in the Republic of Vanuatu pursu-
17 ant to paragraph (1), the Secretary may assign
18 1 or more United States Government personnel
19 to the Republic of Vanuatu as part of the
20 United States mission in Papua New Guinea.

21 (3) WAIVER AUTHORITY.—The President may
22 waive the requirements under paragraph (1) for a
23 period of one year if the President determines and
24 reports to Congress in advance that such waiver is

1 necessary to protect the national security interests of
2 the United States.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—Of the
4 amounts authorized to be appropriated to the Department
5 of State for Embassy Security, Construction, and Maintenance—
6 nance—

7 (1) \$40,200,000 is authorized to be appropriated for fiscal year 2023—

9 (A) to establish and maintain the 3 embassies authorized to be established under subsection (b); and
10 (B) to establish a physical United States
11 Government presence in the Republic of
12 Vanuatu;

13 (2) \$3,000,000 is authorized to be appropriated
14 for fiscal year 2024—

15 (A) to maintain such embassies; and
16 (B) to establish a physical United States
17 Government presence in the Republic of
18 Vanuatu;

19 (2) \$3,000,000 is authorized to be appropriated
20 for fiscal year 2024—

21 (d) REPORT.—

22 (1) DEFINED TERM.—In this subsection, the
23 term “appropriate committees of Congress”
24 means—

1 (A) the Committee on Foreign Relations of
2 the Senate;

3 (B) the Committee on Appropriations of
4 the Senate;

5 (C) the Committee on Foreign Affairs of
6 the House of Representatives; and

7 (D) the Committee on Appropriations of
8 the House of Representatives.

9 (2) PROGRESS REPORT.—Not later than 180
10 days following the date of the enactment of this Act,
11 the Secretary shall submit to the appropriate com-
12 mittees of Congress a report that includes—

13 (A) a description of the status of activities
14 carried out to achieve the objectives described
15 in this section;

16 (B) an estimate of when embassies and a
17 physical presence will be fully established pur-
18 suant to subsection (b)(1); and

19 (C) an update on events in the Pacific Is-
20 lands region relevant to the establishment of
21 United States embassies, including activities by
22 the People's Republic of China.

23 (3) REPORT ON FINAL DISPOSITION.—Not later
24 than 2 years after the date of the enactment of this

1 Act, the Secretary shall submit a report to the ap-
2 propriate committees of Congress that—

3 (A) confirms the establishment of the 3
4 embassies and the physical presence required
5 under subsection (b)(1); or

6 (B) if the embassies and physical presence
7 required in subsection (b)(1) have not been es-
8 tablished, a justification for such failure to
9 comply with such requirement.

10 **TITLE XCIV—A DIVERSE WORK-**
11 **FORCE: RECRUITMENT, RE-**
12 **TENTION, AND PROMOTION**

13 **SEC. 9401. REPORT ON BARRIERS TO APPLYING FOR EM-**
14 **PLOYMENT WITH THE DEPARTMENT OF**
15 **STATE.**

16 Not later than 120 days after the date of the enact-
17 ment of this Act, the Secretary shall submit a report to
18 the appropriate congressional committees that—

19 (1) identifies any barriers for applicants apply-
20 ing for employment with the Department;

21 (2) provides demographic data of online appli-
22 cants during the most recent 3 years disaggregated
23 by race, ethnicity, sex, age, veteran status, disability,
24 geographic region;

1 (3) assesses any barriers that exist for applying
2 online for employment with the Department,
3 disaggregated by race, ethnicity, sex, age, veteran
4 status, disability, geographic region; and

5 (4) includes recommendations for addressing
6 any disparities identified in the online application
7 process.

8 **SEC. 9402. COLLECTION, ANALYSIS, AND DISSEMINATION**
9 **OF WORKFORCE DATA.**

10 (a) INITIAL REPORT.—Not later than 180 days after
11 the date of the enactment of this Act, the Secretary shall
12 submit a report to the appropriate congressional commit-
13 tees that includes disaggregated demographic data and
14 other information regarding the diversity of the workforce
15 of the Department.

16 (b) DATA.—The report required under subsection (a)
17 shall include, to the maximum extent that the collection
18 and dissemination of such data can be done in a way that
19 protects the confidentiality of individuals and is otherwise
20 permissible by law—

21 (1) demographic data on each element of the
22 workforce of the Department during the 3-year pe-
23 riod ending on the date of the enactment of this Act,
24 disaggregated by rank and grade or grade-equa-
25 lent, with respect to—

1 (A) individuals hired to join the workforce;

2 (B) individuals promoted, including pro-
3 motions to and within the Senior Executive
4 Service or the Senior Foreign Service;

5 (C) individuals serving as special assistants
6 in any of the offices of the Secretary of State,
7 the Deputy Secretary of State, the Counselor of
8 the Department of State, the Secretary's Policy
9 Planning Staff, the Under Secretary of State
10 for Arms Control and International Security,
11 the Under Secretary of State for Civilian Secu-
12 rity, Democracy, and Human Rights, the Under
13 Secretary of State for Economic Growth, En-
14 ergy, and the Environment, the Under Sec-
15 retary of State for Management, the Under
16 Secretary of State for Political Affairs, and the
17 Under Secretary of State for Public Diplomacy
18 and Public Affairs;

19 (D) individuals serving in each bureau's
20 front office;

21 (E) individuals serving as detailees to the
22 National Security Council;

23 (F) individuals serving on applicable selec-
24 tion boards;

1 (G) members of any external advisory com-
2 mittee or board who are subject to appointment
3 by individuals at senior positions in the Depart-
4 ment;

5 (H) individuals participating in profes-
6 sional development programs of the Department
7 and the extent to which such participants have
8 been placed into senior positions within the De-
9 partment after such participation;

10 (I) individuals participating in mentorship
11 or retention programs; and

12 (J) individuals who separated from the
13 agency, including individuals in the Senior Ex-
14 ecutive Service or the Senior Foreign Service;

15 (2) an assessment of agency compliance with
16 the essential elements identified in Equal Employ-
17 ment Opportunity Commission Management Direc-
18 tive 715, effective October 1, 2003;

19 (3) data on the overall number of individuals
20 who are part of the workforce, the percentages of
21 such workforce corresponding to each element speci-
22 fied in paragraph (1), and the percentages cor-
23 responding to each rank, grade, or grade equivalent;
24 and

1 (4) the total amount of funds spent by the De-
2 partment for the purposes of advancing diversity, eq-
3 uity, inclusion, and accessibility during each of the
4 4 previous fiscal years, disaggregated, to the extent
5 practicable, by bureau and activity, including, as
6 outlined in the Department's 2022 Diversity, Eq-
7 uity, Inclusion and Accessibility Strategic Plan—

8 (A) workforce pay and compensation;

9 (B) recruitment, hiring, promotions, and
10 retention;

11 (C) reasonable accommodations for dis-
12 ability and religion;

13 (D) safe workplaces; and

14 (E) addressing sexual harassment and dis-
15 crimination.

16 (c) EFFECTIVENESS OF DEPARTMENT EFFORTS.—

17 The report required under subsection (a) shall describe
18 and assess the effectiveness of the efforts of the Depart-
19 ment—

20 (1) to propagate fairness, impartiality, and in-
21 clusion in the work environment, both domestically
22 and abroad;

23 (2) to enforce anti-harassment and anti-dis-
24 crimination policies, both domestically and at posts
25 overseas;

1 (3) to refrain from engaging in unlawful dis-
2 crimination in any phase of the employment process,
3 including recruitment, hiring, evaluation, assign-
4 ments, promotion, retention, and training;

5 (4) to prevent retaliation against employees for
6 participating in a protected equal employment op-
7 portunity activity or for reporting sexual harassment
8 or sexual assault;

9 (5) to provide reasonable accommodation for
10 qualified employees and applicants with disabilities;

11 (6) to recruit a representative workforce by—

12 (A) recruiting women, persons with disabil-
13 ities, and minorities;

14 (B) recruiting at women’s colleges, histori-
15 cally Black colleges and universities, minority-
16 serving institutions, and other institutions serv-
17 ing a significant percentage of minority stu-
18 dents;

19 (C) placing job advertisements in news-
20 papers, magazines, and job sites oriented to-
21 ward women and minorities;

22 (D) sponsoring and recruiting at job fairs
23 in urban and rural communities and at land-
24 grant colleges or universities;

1 (E) providing opportunities through the
2 Foreign Service Internship Program under
3 chapter 12 of the Foreign Service Act of 1980
4 (22 U.S.C. 4141 et seq.), and other hiring ini-
5 tiatives;

6 (F) recruiting mid-level and senior-level
7 professionals through programs designed to in-
8 crease representation in international affairs of
9 people belonging to traditionally underrep-
10 resented groups;

11 (G) offering the Foreign Service written
12 and oral assessment examinations in several lo-
13 cations throughout the United States or via on-
14 line platforms to reduce the burden of appli-
15 cants having to travel at their own expense to
16 take either or both such examinations;

17 (H) expanding the use of paid internships;
18 and

19 (I) supporting recruiting and hiring oppor-
20 tunities through—

21 (i) the Charles B. Rangel Inter-
22 national Affairs Fellowship Program;

23 (ii) the Thomas R. Pickering Foreign
24 Affairs Fellowship Program; and

1 (iii) other initiatives, including agen-
2 cy-wide policy initiatives; and

3 (7) to ensure transparency and accountability
4 in the work of the Chief Diversity and Inclusion Of-
5 ficer and the Secretary's Office of Diversity and In-
6 clusion, particularly by—

7 (A) avoiding any duplication of existing di-
8 versity, equity, inclusion, and accessibility ef-
9 forts, including with the Bureau of Global Tal-
10 ent Management, the Office of Civil Rights, and
11 other Department offices; and

12 (B) requiring measurable impacts in hir-
13 ing, retention, and other aspects of the Diver-
14 sity, Equity, Inclusion and Accessibility Stra-
15 tegic Plan.

16 (d) ANNUAL REPORT.—

17 (1) IN GENERAL.—Not later than 1 year after
18 the publication of the report required under sub-
19 section (a), and annually thereafter for the following
20 5 years, the Secretary shall submit a report to the
21 appropriate congressional committees, and make
22 such report available on the Department's website,
23 that includes, without compromising the confiden-
24 tiality of individuals and to the extent otherwise con-
25 sistent with law—

1 (A) disaggregated demographic data, to
2 the maximum extent that collection of such
3 data is permissible by law, relating to the work-
4 force and information on the status of diversity
5 and inclusion efforts of the Department;

6 (B) an analysis of applicant flow data, to
7 the maximum extent that collection of such
8 data is permissible by law; and

9 (C) disaggregated demographic data relat-
10 ing to participants in professional development
11 programs of the Department and the rate of
12 placement into senior positions for participants
13 in such programs.

14 (2) COMBINATION WITH OTHER ANNUAL RE-
15 PORT.—The report required under paragraph (1)
16 may be combined with another annual report re-
17 quired by law, to the extent practicable.

18 **SEC. 9403. CENTERS OF EXCELLENCE IN FOREIGN AFFAIRS**
19 **AND ASSISTANCE.**

20 (a) PURPOSE.—The purposes of this section are—

21 (1) to advance the values and interests of the
22 United States overseas through programs that foster
23 innovation, competitiveness, and a plethora of back-
24 grounds, views, and experience in the formulation

1 and implementation of United States foreign policy
2 and assistance; and

3 (2) to create opportunities for specialized re-
4 search, education, training, professional develop-
5 ment, and leadership opportunities for individuals
6 belonging to an underrepresented group within the
7 Department and USAID.

8 (b) STUDY.—

9 (1) IN GENERAL.—The Secretary and the Ad-
10 ministrator of USAID shall conduct a study on the
11 feasibility of establishing Centers of Excellence in
12 Foreign Affairs and Assistance (referred to in this
13 section as the “Centers of Excellence”) within insti-
14 tutions that serve individuals belonging to an under-
15 represented group to focus on 1 or more of the areas
16 described in paragraph (2).

17 (2) ELEMENTS.—In conducting the study re-
18 quired under paragraph (1), the Secretary and the
19 Administrator, respectively, shall consider—

20 (A) opportunities to enter into public-pri-
21 vate partnerships that will—

22 (i) increase interest in foreign affairs
23 and foreign assistance Federal careers;

24 (ii) prepare an assorted cadre of stu-
25 dents (including nontraditional, mid-career,

1 part-time, and heritage students) and non-
2 profit or business professionals with the
3 skills and education needed to meaning-
4 fully contribute to the formulation and exe-
5 cution of United States foreign policy and
6 assistance;

7 (iii) support the conduct of research,
8 education, and extension programs that re-
9 flect a wide range of perspectives and
10 views of world regions and international af-
11 fairs—

12 (I) to assist in the development
13 of regional and functional foreign pol-
14 icy skills;

15 (II) to strengthen international
16 development and humanitarian assist-
17 ance programs; and

18 (III) to strengthen democratic in-
19 stitutions and processes in policy-
20 making, including in education,
21 health, wealth, justice, and other sec-
22 tors;

23 (iv) enable domestic and international
24 educational, internship, fellowship, faculty
25 exchange, training, employment or other

1 innovative programs to acquire or
2 strengthen knowledge of foreign languages,
3 cultures, societies, and international skills
4 and perspectives;

5 (v) support collaboration among insti-
6 tutions of higher education, including com-
7 munity colleges, nonprofit organizations,
8 and corporations, to strengthen the en-
9 gagement between experts and practi-
10 tioners in the foreign affairs and foreign
11 assistance fields; and

12 (vi) leverage additional public-private
13 partnerships with nonprofit organizations,
14 foundations, corporations, institutions of
15 higher education, and the Federal Govern-
16 ment; and

17 (B) budget and staffing requirements, in-
18 cluding appropriate sources of funding, for the
19 establishment and conduct of operations of such
20 Centers of Excellence.

21 (c) REPORT.—Not later than 120 days after the date
22 of the enactment of this Act, the Secretary shall submit
23 a report to the appropriate congressional committees that
24 contains the findings of the study conducted pursuant to
25 subsection (b).

1 **SEC. 9404. PROMOTING TRANSPARENCY AND ACCOUNT-**
2 **ABILITY IN THE DEPARTMENT OF STATE**
3 **WORKFORCE.**

4 (a) **IN GENERAL.**—The Secretary should establish a
5 mechanism to ensure that appointments or details of De-
6 partment career employees to staff positions in the Office
7 of the Secretary, the Office of the Deputy Secretary of
8 State, the Office of the Counselor of the Department, any
9 office of the Secretary’s Policy Planning Staff, and any
10 office of an Under Secretary of State, and details to the
11 National Security Council, are transparent, competitive,
12 inclusive, and merit-based.

13 (b) **REPORT.**—Not later than 90 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 a report to the appropriate congressional committees re-
16 garding the mechanism established pursuant to subsection
17 (a).

18 (c) **AVAILABILITY.**—The Secretary shall—

19 (1) use transparent, competitive, inclusive, and
20 merit-based processes for appointments and details
21 to the staff positions specified in subsection (a); and

22 (2) ensure that such positions are equally avail-
23 able to all employees of the Civil Service and the
24 Foreign Service of the Department.

1 **SEC. 9405. RULE OF CONSTRUCTION.**

2 Nothing in this title may be construed as altering ex-
3 isting law regarding merit system principles.

4 **TITLE XCV—INFORMATION SE-**
5 **CURITY AND CYBER DIPLO-**
6 **MACY**

7 **SEC. 9501. UNITED STATES INTERNATIONAL CYBERSPACE**
8 **POLICY.**

9 (a) IN GENERAL.—It is the policy of the United
10 States—

11 (1) to work internationally to promote an open,
12 interoperable, reliable, and secure internet governed
13 by the multi-stakeholder model, which—

14 (A) promotes democracy, the rule of law,
15 and human rights, including freedom of expres-
16 sion;

17 (B) supports the ability to innovate, com-
18 municate, and promote economic prosperity;
19 and

20 (C) is designed to protect privacy and
21 guard against deception, malign influence, in-
22 citement to violence, harassment and abuse,
23 fraud, and theft;

24 (2) to encourage and aid United States allies
25 and partners in improving their own technological
26 capabilities and resiliency to pursue, defend, and

1 protect shared interests and values, free from coer-
2 cion and external pressure; and

3 (3) in furtherance of the efforts described in
4 paragraphs (1) and (2)—

5 (A) to provide incentives to the private sec-
6 tor to accelerate the development of the tech-
7 nologies referred to in such paragraphs;

8 (B) to modernize and harmonize with allies
9 and partners export controls and investment
10 screening regimes and associated policies and
11 regulations; and

12 (C) to enhance United States leadership in
13 technical standards-setting bodies and avenues
14 for developing norms regarding the use of dig-
15 ital tools.

16 (b) IMPLEMENTATION.—In implementing the policy
17 described in subsection (a), the President, in consultation
18 with outside actors, as appropriate, including private sec-
19 tor companies, nongovernmental organizations, security
20 researchers, and other relevant stakeholders, in the con-
21 duct of bilateral and multilateral relations, shall strive—

22 (1) to clarify the applicability of international
23 laws and norms to the use of information and com-
24 munications technology (referred to in this sub-
25 section as “ICT”);

1 (2) to reduce and limit the risk of escalation
2 and retaliation in cyberspace, damage to critical in-
3 frastructure, and other malicious cyber activity that
4 impairs the use and operation of critical infrastruc-
5 ture that provides services to the public;

6 (3) to cooperate with like-minded countries that
7 share common values and cyberspace policies with
8 the United States, including respect for human
9 rights, democracy, and the rule of law, to advance
10 such values and policies internationally;

11 (4) to encourage the responsible development of
12 new, innovative technologies and ICT products that
13 strengthen a secure internet architecture that is ac-
14 cessible to all;

15 (5) to secure and implement commitments on
16 responsible country behavior in cyberspace, including
17 commitments by countries—

18 (A) not to conduct, or knowingly support,
19 cyber-enabled theft of intellectual property, in-
20 cluding trade secrets or other confidential busi-
21 ness information, with the intent of providing
22 competitive advantages to companies or com-
23 mercial sectors;

24 (B) to take all appropriate and reasonable
25 efforts to keep their territories clear of inten-

1 tionally wrongful acts using ICT in violation of
2 international commitments;

3 (C) not to conduct or knowingly support
4 ICT activity that intentionally damages or oth-
5 erwise impairs the use and operation of critical
6 infrastructure providing services to the public,
7 in violation of international law;

8 (D) to take appropriate measures to pro-
9 tect the country's critical infrastructure from
10 ICT threats;

11 (E) not to conduct or knowingly support
12 malicious international activity that harms the
13 information systems of authorized international
14 emergency response teams (also known as
15 “computer emergency response teams” or “cy-
16 bersecurity incident response teams”) of an-
17 other country or authorize emergency response
18 teams to engage in malicious international ac-
19 tivity, in violation of international law;

20 (F) to respond to appropriate requests for
21 assistance to mitigate malicious ICT activity
22 emanating from their territory and aimed at the
23 critical infrastructure of another country;

1 (G) not to restrict cross-border data flows
2 or require local storage or processing of data;
3 and

4 (H) to protect the exercise of human rights
5 and fundamental freedoms on the internet,
6 while recognizing that the human rights that
7 people have offline also need to be protected on-
8 line; and

9 (6) to advance, encourage, and support the de-
10 velopment and adoption of internationally recognized
11 technical standards and best practices.

12 **SEC. 9502. BUREAU OF CYBERSPACE AND DIGITAL POLICY.**

13 (a) IN GENERAL.—Section 1 of the State Depart-
14 ment Basic Authorities Act of 1956 (22 U.S.C. 2651a),
15 is amended—

16 (1) by redesignating subsections (i) and (j) as
17 subsection (j) and (k), respectively;

18 (2) by redesignating subsection (h) (as added
19 by section 361(a)(1) of division FF of the Consoli-
20 dated Appropriations Act, 2021 (Public Law 116–
21 260)) as subsection (l); and

22 (3) by inserting after subsection (h) the fol-
23 lowing:

24 “(i) BUREAU OF CYBERSPACE AND DIGITAL POL-
25 ICY.—

1 “(1) IN GENERAL.—There is established, within
2 the Department of State, the Bureau of Cyberspace
3 and Digital Policy (referred to in this subsection as
4 the ‘Bureau’). The head of the Bureau shall have
5 the rank and status of ambassador and shall be ap-
6 pointed by the President, by and with the advice and
7 consent of the Senate.

8 “(2) DUTIES.—

9 “(A) IN GENERAL.—The head of the Bu-
10 reau shall perform such duties and exercise
11 such powers as the Secretary of State shall pre-
12 scribe, including implementing the diplomatic
13 and foreign policy aspects of the policy de-
14 scribed in section 9501(a) of the Department of
15 State Authorization Act of 2022.

16 “(B) DUTIES DESCRIBED.—The principal
17 duties and responsibilities of the head of the
18 Bureau shall, in furtherance of the diplomatic
19 and foreign policy mission of the Department of
20 State, be—

21 “(i) to serve as the principal cyber-
22 space policy official within the senior man-
23 agement of the Department of State and
24 as the advisor to the Secretary of State for
25 cyberspace and digital issues;

1 “(ii) to lead, coordinate, and execute,
2 in coordination with other relevant bureaus
3 and offices, the Department of State’s dip-
4 lomatic cyberspace, and cybersecurity ef-
5 forts (including efforts related to data pri-
6 vacy, data flows, internet governance, in-
7 formation and communications technology
8 standards, and other issues that the Sec-
9 retary has assigned to the Bureau);

10 “(iii) to coordinate with relevant Fed-
11 eral agencies and the Office of the Na-
12 tional Cyber Director to ensure the diplo-
13 matic and foreign policy aspects of the
14 cyber strategy in section 9501 of the De-
15 partment of State Authorization Act of
16 2022 and any other subsequent strategy
17 are implemented in a manner that is fully
18 integrated with the broader strategy;

19 “(iv) to promote an open, interoper-
20 able, reliable, and secure information and
21 communications technology infrastructure
22 globally;

23 “(v) to represent the Secretary of
24 State in interagency efforts to develop and
25 advance Federal Government cyber prior-

1 ities and activities, including efforts to de-
2 velop credible national capabilities, strate-
3 gies, and policies to deter and counter
4 cyber adversaries, and carry out the pur-
5 poses of title V of the Department of State
6 Authorization Act of 2022;

7 “(vi) to engage civil society, the pri-
8 vate sector, academia, and other public and
9 private entities on relevant international
10 cyberspace and international information
11 and communications technology issues;

12 “(vii) to support United States Gov-
13 ernment efforts to uphold and further de-
14 velop global deterrence frameworks for ma-
15 licious cyber activity;

16 “(viii) to advise the Secretary of State
17 and coordinate with foreign governments
18 regarding responses to national security-
19 level cyber incidents, including coordina-
20 tion on diplomatic response efforts to sup-
21 port allies and partners threatened by ma-
22 licious cyber activity, in conjunction with
23 members of the North Atlantic Treaty Or-
24 ganization and like-minded countries;

1 “(ix) to promote the building of for-
2 eign capacity relating to cyberspace policy
3 priorities;

4 “(x) to promote an open, interoper-
5 able, reliable, and secure information and
6 communications technology infrastructure
7 globally and an open, interoperable, secure,
8 and reliable internet governed by the
9 multi-stakeholder model;

10 “(xi) to promote an international envi-
11 ronment for technology investments and
12 the internet that benefits United States
13 economic and national security interests;

14 “(xii) to promote cross-border flow of
15 data and combat international initiatives
16 seeking to impose unreasonable require-
17 ments on United States businesses;

18 “(xiii) to promote international poli-
19 cies to protect the integrity of United
20 States and international telecommuni-
21 cations infrastructure from foreign-based
22 threats, including cyber-enabled threats;

23 “(xiv) to lead engagement, in coordi-
24 nation with relevant executive branch agen-
25 cies, with foreign governments on relevant

1 international cyberspace, cybersecurity,
2 cybercrime, and digital economy issues de-
3 scribed in title V of the Department of
4 State Authorization Act of 2022;

5 “(xv) to promote international poli-
6 cies, in coordination with the Department
7 of Commerce, to secure radio frequency
8 spectrum in the best interests of the
9 United States;

10 “(xvi) to promote and protect the ex-
11 ercise of human rights, including freedom
12 of speech and religion, through the inter-
13 net;

14 “(xvii) to build capacity of United
15 States diplomatic officials to engage on
16 cyberspace issues;

17 “(xviii) to encourage the development
18 and adoption by foreign countries of inter-
19 nationally recognized standards, policies,
20 and best practices;

21 “(xix) to support efforts by the Global
22 Engagement Center to counter cyber-en-
23 abled information operations against the
24 United States or its allies and partners;
25 and

1 “(xx) to conduct such other matters
2 as the Secretary of State may assign.

3 “(3) QUALIFICATIONS.—The head of the Bu-
4 reau should be an individual of demonstrated com-
5 petency in the fields of—

6 “(A) cybersecurity and other relevant
7 cyberspace and information and communica-
8 tions technology policy issues; and

9 “(B) international diplomacy.

10 “(4) ORGANIZATIONAL PLACEMENT.—

11 “(A) INITIAL PLACEMENT.—Except as
12 provided in subparagraph (B), the head of the
13 Bureau shall report to the Deputy Secretary of
14 State.

15 “(B) SUBSEQUENT PLACEMENT.—The
16 head of the Bureau may report to an Under
17 Secretary of State or to an official holding a
18 higher position than Under Secretary if, not
19 later than 15 days before any change in such
20 reporting structure, the Secretary of State—

21 “(i) consults with the Committee on
22 Foreign Relations of the Senate and the
23 Committee on Foreign Affairs of the
24 House of Representatives; and

1 “(ii) submits a report to such commit-
2 tees that—

3 “(I) indicates that the Secretary,
4 with respect to the reporting structure
5 of the Bureau, has consulted with and
6 solicited feedback from—

7 “(aa) other relevant Federal
8 entities with a role in inter-
9 national aspects of cyber policy;
10 and

11 “(bb) the elements of the
12 Department of State with respon-
13 sibility for aspects of cyber pol-
14 icy, including the elements re-
15 porting to—

16 “(AA) the Under Sec-
17 retary of State for Political
18 Affairs;

19 “(BB) the Under Sec-
20 retary of State for Civilian
21 Security, Democracy, and
22 Human Rights;

23 “(CC) the Under Sec-
24 retary of State for Economic

1 Growth, Energy, and the
2 Environment;

3 “(DD) the Under Sec-
4 retary of State for Arms
5 Control and International
6 Security Affairs;

7 “(EE) the Under Sec-
8 retary of State for Manage-
9 ment; and

10 “(FF) the Under Sec-
11 retary of State for Public
12 Diplomacy and Public Af-
13 fairs;

14 “(II) describes the new reporting
15 structure for the head of the Bureau
16 and the justification for such new
17 structure; and

18 “(III) includes a plan describing
19 how the new reporting structure will
20 better enable the head of the Bureau
21 to carry out the duties described in
22 paragraph (2), including the security,
23 economic, and human rights aspects
24 of cyber diplomacy.

1 “(5) SPECIAL HIRING AUTHORITIES.—The Sec-
2 retary of State may—

3 “(A) appoint up to 25 employees to cyber
4 positions in the Bureau without regard to the
5 provisions of subchapter I of chapter 33 of title
6 5, United States Code, regarding appointments
7 in the competitive service; and

8 “(B) fix the rates of basic pay of such em-
9 ployees without regard to chapter 51 and sub-
10 chapter III of chapter 53 of such title regarding
11 classification and General Schedule pay rates,
12 provided that the rates for such positions do
13 not exceed the annual rate of basic pay in effect
14 for a position at level IV of the Executive
15 Schedule under section 5315 of title 5, United
16 States Code.

17 “(6) COORDINATION.—In implementing the du-
18 ties prescribed under paragraph (2), the head of the
19 Bureau shall coordinate with the heads of other
20 Federal agencies, including the Department of Com-
21 merce, the Department of Homeland Security, and
22 other Federal agencies that the National Cyber Di-
23 rector deems appropriate.

24 “(7) RULE OF CONSTRUCTION.—Nothing in
25 this subsection may be construed—

1 “(A) to preclude the head of the Bureau
2 from being designated as an Assistant Sec-
3 retary, if such an Assistant Secretary position
4 does not increase the number of Assistant Sec-
5 retary positions at the Department above the
6 number authorized under subsection (c)(1); or

7 “(B) to alter or modify the existing au-
8 thorities of any other Federal agency or offi-
9 cial.”.

10 (b) SENSE OF CONGRESS.—It is the sense of Con-
11 gress that the Bureau established under section 1(i) of
12 the State Department Basic Authorities Act of 1956, as
13 added by subsection (a), should have a diverse workforce
14 composed of qualified individuals, including individuals be-
15 longing to an underrepresented group.

16 (c) UNITED NATIONS.—The Permanent Representa-
17 tive of the United States to the United Nations should
18 use the voice, vote, and influence of the United States to
19 oppose any measure that is inconsistent with the policy
20 described in section 9501(a).

21 **SEC. 9503. INTERNATIONAL CYBERSPACE AND DIGITAL**
22 **POLICY STRATEGY.**

23 (a) STRATEGY REQUIRED.—Not later than 1 year
24 after the date of the enactment of this Act, the President,
25 acting through the Secretary, and in coordination with the

1 heads of other relevant Federal departments and agencies,
2 shall develop an international cyberspace and digital policy
3 strategy.

4 (b) ELEMENTS.—The strategy required under sub-
5 section (a) shall include—

6 (1) a review of actions and activities under-
7 taken to support the policy described in section
8 9501(a);

9 (2) a plan of action to guide the diplomacy of
10 the Department with regard to foreign countries, in-
11 cluding—

12 (A) conducting bilateral and multilateral
13 activities—

14 (i) to develop and support the imple-
15 mentation of norms of responsible country
16 behavior in cyberspace consistent with the
17 commitments listed in section 9501(b)(5);

18 (ii) to reduce the frequency and sever-
19 ity of cyberattacks on United States indi-
20 viduals, businesses, governmental agencies,
21 and other organizations;

22 (iii) to reduce cybersecurity risks to
23 United States and allied critical infrastruc-
24 ture;

1 (iv) to improve allies' and partners'
2 collaboration with the United States on cy-
3 bersecurity issues, including information
4 sharing, regulatory coordination and im-
5 provement, and joint investigatory and law
6 enforcement operations related to
7 cybercrime; and

8 (v) to share best practices and ad-
9 vance proposals to strengthen civilian and
10 private sector resiliency to threats and ac-
11 cess to opportunities in cyberspace; and

12 (B) reviewing the status of existing efforts
13 in relevant multilateral fora, as appropriate, to
14 obtain commitments on international norms re-
15 garding cyberspace;

16 (3) a review of alternative concepts for inter-
17 national norms regarding cyberspace offered by for-
18 eign countries;

19 (4) a detailed description, in consultation with
20 the Office of the National Cyber Director and rel-
21 evant Federal agencies, of new and evolving threats
22 regarding cyberspace from foreign adversaries, state-
23 sponsored actors, and non-state actors to—

24 (A) United States national security;

1 (B) the Federal and private sector cyber-
2 space infrastructure of the United States;

3 (C) intellectual property in the United
4 States; and

5 (D) the privacy and security of citizens of
6 the United States;

7 (5) a review of the policy tools available to the
8 President to deter and de-escalate tensions with for-
9 eign countries, state-sponsored actors, and private
10 actors regarding—

11 (A) threats in cyberspace;

12 (B) the degree to which such tools have
13 been used; and

14 (C) whether such tools have been effective
15 deterrents;

16 (6) a review of resources required to conduct
17 activities to build responsible norms of international
18 cyber behavior;

19 (7) a review, in coordination with the Office of
20 the National Cyber Director and the Office of Man-
21 agement and Budget, to determine whether the
22 budgetary resources, technical expertise, legal au-
23 thorities, and personnel available to the Department
24 are adequate to achieve the actions and activities un-

1 dertaken by the Department to support the policy
2 described in section 9501(a);

3 (8) a review to determine whether the Depart-
4 ment is properly organized and coordinated with
5 other Federal agencies to achieve the objectives de-
6 scribed in section 9501(b); and

7 (9) a plan of action, developed in coordination
8 with the Department of Defense and in consultation
9 with other relevant Federal departments and agen-
10 cies as the President may direct, with respect to the
11 inclusion of cyber issues in mutual defense agree-
12 ments.

13 (c) FORM OF STRATEGY.—

14 (1) PUBLIC AVAILABILITY.—The strategy re-
15 quired under subsection (a) shall be available to the
16 public in unclassified form, including through publi-
17 cation in the Federal Register.

18 (2) CLASSIFIED ANNEX.—The strategy required
19 under subsection (a) may include a classified annex.

20 (d) BRIEFING.—Not later than 30 days after the
21 completion of the strategy required under subsection (a),
22 the Secretary shall brief the Committee on Foreign Rela-
23 tions of the Senate, the Select Committee on Intelligence
24 of the Senate, the Committee on Armed Services of the
25 Senate, the Committee on Foreign Affairs of the House

1 of Representatives, the Permanent Select Committee on
2 Intelligence of the House of Representatives, and the
3 Committee on Armed Services of the House of Represent-
4 atives regarding the strategy, including any material con-
5 tained in a classified annex.

6 (e) UPDATES.—The strategy required under sub-
7 section (a) shall be updated—

8 (1) not later than 90 days after any material
9 change to United States policy described in such
10 strategy; and

11 (2) not later than 1 year after the inauguration
12 of each new President.

13 **SEC. 9504. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
14 **PORT ON CYBER DIPLOMACY.**

15 Not later than 18 months after the date of the enact-
16 ment of this Act, the Comptroller General of the United
17 States shall submit a report and provide a briefing to the
18 appropriate congressional committees that includes—

19 (1) an assessment of the extent to which United
20 States diplomatic processes and other efforts with
21 foreign countries, including through multilateral
22 fora, bilateral engagements, and negotiated cyber-
23 space agreements, advance the full range of United
24 States interests regarding cyberspace, including the
25 policy described in section 9501(a);

1 (2) an assessment of the Department’s organi-
2 zational structure and approach to managing its dip-
3 lomatic efforts to advance the full range of United
4 States interests regarding cyberspace, including a
5 review of—

6 (A) the establishment of a Bureau within
7 the Department to lead the Department’s inter-
8 national cyber mission;

9 (B) the current or proposed diplomatic
10 mission, structure, staffing, funding, and activi-
11 ties of such Bureau;

12 (C) how the establishment of such Bureau
13 has impacted or is likely to impact the structure
14 and organization of the Department; and

15 (D) what challenges, if any, the Depart-
16 ment has faced or will face in establishing such
17 Bureau; and

18 (3) any other matters that the Comptroller
19 General determines to be relevant.

20 **SEC. 9505. REPORT ON DIPLOMATIC PROGRAMS TO DETECT**
21 **AND RESPOND TO CYBER THREATS AGAINST**
22 **ALLIES AND PARTNERS.**

23 Not later than 180 days after the date of the enact-
24 ment of this Act, the Secretary, in coordination with the
25 heads of other relevant Federal agencies, shall submit a

1 report to the appropriate congressional committees that
2 assesses the capabilities of the Department to provide ci-
3 vilian-led support for acute cyber incident response in ally
4 and partner countries that includes—

5 (1) a description and assessment of the Depart-
6 ment's coordination with cyber programs and oper-
7 ations of the Department of Defense and the De-
8 partment of Homeland Security;

9 (2) recommendations on how to improve coordi-
10 nation and executive of Department involvement in
11 programs or operations to support allies and part-
12 ners in responding to acute cyber incidents; and

13 (3) the budgetary resources, technical expertise,
14 legal authorities, and personnel needed for the De-
15 partment to formulate and implement the programs
16 described in this section.

17 **SEC. 9506. CYBERSECURITY RECRUITMENT AND RETEN-**
18 **TION.**

19 (a) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that improving computer programming language
21 proficiency will improve—

22 (1) the cybersecurity effectiveness of the De-
23 partment; and

1 (2) the ability of foreign service officers to en-
2 gage with foreign audiences on cybersecurity mat-
3 ters.

4 (b) TECHNOLOGY TALENT ACQUISITION.—

5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish positions within the Bureau of Global Talent
7 Management that are solely dedicated to the recruit-
8 ment and retention of Department personnel with
9 backgrounds in cybersecurity, engineering, data
10 science, application development, artificial intel-
11 ligence, critical and emerging technology, and tech-
12 nology and digital policy.

13 (2) GOALS.—The goals of the positions de-
14 scribed in paragraph (1) shall be—

15 (A) to fulfill the critical need of the De-
16 partment to recruit and retain employees for
17 cybersecurity, digital, and technology positions;

18 (B) to actively recruit relevant candidates
19 from academic institutions, the private sector,
20 and related industries;

21 (C) to work with the Office of Personnel
22 Management and the United States Digital
23 Service to develop and implement best strate-
24 gies for recruiting and retaining technology tal-
25 ent; and

1 (D) to inform and train supervisors at the
2 Department on the use of the authorities listed
3 in subsection (c)(1).

4 (3) IMPLEMENTATION PLAN.—Not later than
5 180 days after the date of the enactment of this Act,
6 the Secretary shall submit a plan to the appropriate
7 congressional committees that describes how the ob-
8 jectives and goals set forth in paragraphs (1) and
9 (2) will be implemented.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—
11 There is authorized to be appropriated \$750,000 for
12 each of the fiscal years 2023 through 2027 to carry
13 out this subsection.

14 (c) ANNUAL REPORT ON HIRING AUTHORITIES.—
15 Not later than 1 year after the date of the enactment of
16 this Act, and annually thereafter for the following 5 years,
17 the Secretary shall submit a report to the appropriate con-
18 gressional committees that includes—

19 (1) a list of the hiring authorities available to
20 the Department to recruit and retain personnel with
21 backgrounds in cybersecurity, engineering, data
22 science, application development, artificial intel-
23 ligence, critical and emerging technology, and tech-
24 nology and digital policy;

1 (2) a list of which hiring authorities described
2 in paragraph (1) have been used during the previous
3 5 years;

4 (3) the number of employees in qualified posi-
5 tions hired, aggregated by position and grade level
6 or pay band;

7 (4) the number of employees who have been
8 placed in qualified positions, aggregated by bureau
9 and offices within the Department;

10 (5) the rate of attrition of individuals who begin
11 the hiring process and do not complete the process
12 and a description of the reasons for such attrition;

13 (6) the number of individuals who are inter-
14 viewed by subject matter experts and the number of
15 individuals who are not interviewed by subject mat-
16 ter experts; and

17 (7) recommendations for—

18 (A) reducing the attrition rate referred to
19 in paragraph (5) by 5 percent each year;

20 (B) additional hiring authorities needed to
21 acquire needed technology talent;

22 (C) hiring personnel to hold public trust
23 positions until such personnel can obtain the
24 necessary security clearance; and

1 (D) informing and training supervisors
2 within the Department on the use of the au-
3 thorities listed in paragraph (1).

4 (d) INCENTIVE PAY FOR CYBERSECURITY PROFES-
5 SIONALS.—To increase the number of qualified candidates
6 available to fulfill the cybersecurity needs of the Depart-
7 ment, the Secretary shall—

8 (1) include computer programming languages
9 within the Recruitment Language Program; and

10 (2) provide appropriate language incentive pay.

11 (e) REPORT.—Not later than 1 year after the date
12 of the enactment of this Act, and annually thereafter for
13 the following 5 years, the Secretary shall provide a list
14 to the appropriate congressional committees that identi-
15 fies—

16 (1) the computer programming languages in-
17 cluded within the Recruitment Language Program
18 and the language incentive pay rate; and

19 (2) the number of individuals benefitting from
20 the inclusion of such computer programming lan-
21 guages in the Recruitment Language Program and
22 language incentive pay.

1 **SEC. 9507. SHORT COURSE ON EMERGING TECHNOLOGIES**
2 **FOR SENIOR OFFICIALS.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of the enactment of this Act, the Secretary shall de-
5 velop and begin providing, for senior officials of the De-
6 partment, a course addressing how the most recent and
7 relevant technologies affect the activities of the Depart-
8 ment.

9 (b) THROUGHPUT OBJECTIVES.—The Secretary
10 should ensure that—

11 (1) during the first year that the course devel-
12 oped pursuant to subsection (a) is offered, not fewer
13 than 20 percent of senior officials are certified as
14 having passed such course; and

15 (2) in each subsequent year, until the date on
16 which 80 percent of senior officials are certified as
17 having passed such course, an additional 10 percent
18 of senior officials are certified as having passed such
19 course.

20 **SEC. 9508. ESTABLISHMENT AND EXPANSION OF REGIONAL**
21 **TECHNOLOGY OFFICER PROGRAM.**

22 (a) REGIONAL TECHNOLOGY OFFICER PROGRAM.—

23 (1) ESTABLISHMENT.—The Secretary shall es-
24 tablish a program, which shall be known as the “Re-
25 gional Technology Officer Program” (referred to in
26 this section as the “Program”).

1 (2) GOALS.—The goals of the Program shall in-
2 clude the following:

3 (A) Promoting United States leadership in
4 technology abroad.

5 (B) Working with partners to increase the
6 deployment of critical and emerging technology
7 in support of democratic values.

8 (C) Shaping diplomatic agreements in re-
9 gional and international fora with respect to
10 critical and emerging technologies.

11 (D) Building diplomatic capacity for han-
12 dling critical and emerging technology issues.

13 (E) Facilitating the role of critical and
14 emerging technology in advancing the foreign
15 policy objectives of the United States through
16 engagement with research labs, incubators, and
17 venture capitalists.

18 (F) Maintaining the advantages of the
19 United States with respect to critical and
20 emerging technologies.

21 (b) IMPLEMENTATION PLAN.—Not later than 180
22 days after the date of the enactment of this Act, the Sec-
23 retary shall submit an implementation plan to the appro-
24 priate congressional committees that outlines strategies
25 for—

1 (1) advancing the goals described in subsection
2 (a)(2);

3 (2) hiring Regional Technology Officers and in-
4 creasing the competitiveness of the Program within
5 the Foreign Service bidding process;

6 (3) expanding the Program to include a min-
7 imum of 15 Regional Technology Officers; and

8 (4) assigning not fewer than 2 Regional Tech-
9 nology Officers to posts within—

10 (A) each regional bureau of the Depart-
11 ment; and

12 (B) the Bureau of International Organiza-
13 tion Affairs.

14 (c) ANNUAL BRIEFING REQUIREMENT.—Not later
15 than 180 days after the date of the enactment of this Act,
16 and annually thereafter for the following 5 years, the Sec-
17 retary shall brief the appropriate congressional committees
18 regarding the status of the implementation plan required
19 under subsection (b).

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
21 authorized to be appropriated up to \$25,000,000 for each
22 of the fiscal years 2023 through 2027 to carry out this
23 section.

1 **SEC. 9509. VULNERABILITY DISCLOSURE POLICY AND BUG**
2 **BOUNTY PROGRAM REPORT.**

3 (a) DEFINITIONS.—In this section:

4 (1) BUG BOUNTY PROGRAM.—The term “bug
5 bounty program” means a program under which an
6 approved individual, organization, or company is
7 temporarily authorized to identify and report
8 vulnerabilities of internet-facing information tech-
9 nology of the Department in exchange for compensa-
10 tion.

11 (2) INFORMATION TECHNOLOGY.—The term
12 “information technology” has the meaning given
13 such term in section 11101 of title 40, United
14 States Code.

15 (b) VULNERABILITY DISCLOSURE POLICY.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary shall design, establish, and make publicly
19 known a Vulnerability Disclosure Policy (referred to
20 in this section as the “VDP”) to improve Depart-
21 ment cybersecurity by—

22 (A) creating Department policy and infra-
23 structure to receive reports of and remediate
24 discovered vulnerabilities in line with existing
25 policies of the Office of Management and Budget
26 and the Department of Homeland Security

1 Binding Operational Directive 20–01 or any
2 subsequent directive; and

3 (B) providing a report on such policy and
4 infrastructure to Congress.

5 (2) ANNUAL REPORTS.—Not later than 180
6 days after the establishment of the VDP pursuant to
7 paragraph (1), and annually thereafter for the fol-
8 lowing 5 years, the Secretary shall submit a report
9 on the VDP to the Committee on Foreign Relations
10 of the Senate, the Committee on Homeland Security
11 and Governmental Affairs of the Senate, the Select
12 Committee on Intelligence of the Senate, the Com-
13 mittee on Foreign Affairs of the House of Rep-
14 resentatives, the Committee on Homeland Security
15 of the House of Representatives, and the Permanent
16 Select Committee on Intelligence of the House of
17 Representatives that includes information relating
18 to—

19 (A) the number and severity of all security
20 vulnerabilities reported;

21 (B) the number of previously unidentified
22 security vulnerabilities remediated as a result;

23 (C) the current number of outstanding
24 previously unidentified security vulnerabilities
25 and Department of State remediation plans;

1 (D) the average time between the reporting
2 of security vulnerabilities and remediation of
3 such vulnerabilities;

4 (E) the resources, surge staffing, roles,
5 and responsibilities within the Department used
6 to implement the VDP and complete security
7 vulnerability remediation;

8 (F) how the VDP identified vulnerabilities
9 are incorporated into existing Department vul-
10 nerability prioritization and management proc-
11 esses;

12 (G) any challenges in implementing the
13 VDP and plans for expansion or contraction in
14 the scope of the VDP across Department infor-
15 mation systems; and

16 (H) any other topic that the Secretary de-
17 termines to be relevant.

18 (c) BUG BOUNTY PROGRAM REPORT.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, the Sec-
21 retary shall submit a report to Congress that de-
22 scribes any ongoing efforts by the Department or a
23 third-party vendor under contract with the Depart-
24 ment to establish or carry out a bug bounty program

1 that identifies security vulnerabilities of internet-fac-
2 ing information technology of the Department.

3 (2) REPORT.—Not later than 180 days after
4 the date on which any bug bounty program is estab-
5 lished, the Secretary shall submit a report to the
6 Committee on Foreign Relations of the Senate, the
7 Committee on Homeland Security and Governmental
8 Affairs of the Senate, the Committee on Foreign Af-
9 fairs of the House of Representatives, and the Com-
10 mittee on Homeland Security of the House of Rep-
11 resentatives regarding such program, including in-
12 formation relating to—

13 (A) the number of approved individuals,
14 organizations, or companies involved in such
15 program, disaggregated by the number of ap-
16 proved individuals, organizations, or companies
17 that—

18 (i) registered;

19 (ii) were approved;

20 (iii) submitted security vulnerabilities;

21 and

22 (iv) received compensation;

23 (B) the number and severity of all security
24 vulnerabilities reported as part of such pro-
25 gram;

1 (C) the number of previously unidentified
2 security vulnerabilities remediated as a result of
3 such program;

4 (D) the current number of outstanding
5 previously unidentified security vulnerabilities
6 and Department remediation plans for such
7 outstanding vulnerabilities;

8 (E) the average length of time between the
9 reporting of security vulnerabilities and remedi-
10 ation of such vulnerabilities;

11 (F) the types of compensation provided
12 under such program;

13 (G) the lessons learned from such pro-
14 gram;

15 (H) the public accessibility of contact in-
16 formation for the Department regarding the
17 bug bounty program;

18 (I) the incorporation of bug bounty pro-
19 gram identified vulnerabilities into existing De-
20 partment vulnerability prioritization and man-
21 agement processes; and

22 (J) any challenges in implementing the bug
23 bounty program and plans for expansion or
24 contraction in the scope of the bug bounty pro-
25 gram across Department information systems.

1 **TITLE XCVI—PUBLIC**
2 **DIPLOMACY**

3 **SEC. 9601. UNITED STATES PARTICIPATION IN INTER-**
4 **NATIONAL FAIRS AND EXPOSITIONS.**

5 (a) **DEFINED TERM.**—In this section, the term “ap-
6 propriate committees of Congress” means—

7 (1) the Committee on Foreign Relations of the
8 Senate;

9 (2) the Committee on Appropriations of the
10 Senate;

11 (3) the Committee on Foreign Affairs of the
12 House of Representatives; and

13 (4) the Committee on Appropriations of the
14 House of Representatives.

15 (b) **AUTHORIZATION OF APPROPRIATIONS.**—Con-
16 sistent with section 204 of the Admiral James W. Nance
17 and Meg Donovan Foreign Relations Authorization Act,
18 Fiscal Years 2000 and 2001 (22 U.S.C. 2452b), subject
19 to subsections (c) and (d), there is authorized to be appro-
20 priated to the Department up to \$25,000,000 for each of
21 the fiscal years 2023 and 2024 for United States partici-
22 pation in international fairs and expositions abroad, in-
23 cluding for the construction and operation of a United
24 States pavilion at Expo 2025 Osaka.

1 (c) COST-SHARE REQUIREMENT.—Amounts made
2 available pursuant to subsection (b) to the Department for
3 a United States pavilion or other major exhibit at an inter-
4 national fair or exposition abroad shall be made available
5 on a cost-matching basis, to the maximum extent prac-
6 ticable, from sources other than the United States Govern-
7 ment.

8 (d) NOTIFICATION.—

9 (1) IN GENERAL.—No funds made available
10 pursuant to subsection (b) to the Department for a
11 United States pavilion or other major exhibit at an
12 international fair or exposition abroad may be obli-
13 gated until at least 15 days after the appropriate
14 committees of Congress have been notified of such
15 intended obligation.

16 (2) MATTERS TO BE INCLUDED.—Each notifi-
17 cation under paragraph (1) shall include—

18 (A) a description of the source of such
19 funds, including any funds reprogrammed or
20 transferred by the Department to be made
21 available for such pavilion or other major ex-
22 hibit abroad;

23 (B) an estimate of the amount of invest-
24 ment such pavilion or other major exhibit
25 abroad could bring to the United States; and

1 (C) a description of the strategy of the De-
2 partment to identify and obtain such matching
3 funds from sources other than the United
4 States Government, in accordance with sub-
5 section (c).

6 (e) FINAL REPORT.—Not later than 180 days after
7 the date on which a United States pavilion or other major
8 exhibit abroad is opened at an international fair or expo-
9 sition in accordance with this section, the Secretary shall
10 submit a report to the appropriate committees of Congress
11 that includes—

12 (1) the number of United States businesses
13 that participated in such pavilion or other major ex-
14 hibit; and

15 (2) the dollar amount and source of any match-
16 ing funds obtained by the Department.

17 **SEC. 9602. UNDER SECRETARY FOR PUBLIC DIPLOMACY**
18 **AND PUBLIC AFFAIRS.**

19 (a) FINANCIAL AND HUMAN RESOURCES COORDINA-
20 TION.—Section 1(b)(3) of the State Department Basic
21 Authorities Act of 1956 (22 U.S.C. 2651a) is amended—

22 (1) in subparagraph (D), by striking “and” at
23 the end;

24 (2) in subparagraph (E), by striking the period
25 at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(F) coordinate the allocation and manage-
3 ment of the financial and human resources for
4 public diplomacy, including for—

5 “(i) the Bureau of Educational and
6 Cultural Affairs;

7 “(ii) the Bureau of Global Public Af-
8 fairs;

9 “(iii) the Office of Policy, Planning,
10 and Resources for Public Diplomacy and
11 Public Affairs;

12 “(iv) the Global Engagement Center;
13 and

14 “(v) the public diplomacy functions
15 within the regional and functional bu-
16 reaus.”.

17 (b) SENSE OF CONGRESS ON THE IMPORTANCE OF
18 FILLING THE POSITION OF UNDER SECRETARY FOR PUB-
19 LIC DIPLOMACY AND PUBLIC AFFAIRS.—It is the sense
20 of Congress that since a vacancy in the position of Under
21 Secretary of State for Public Diplomacy and Public Af-
22 fairs is detrimental to the national security interests of
23 the United States, the President should expeditiously
24 nominate a qualified individual to such position whenever

1 such vacancy occurs to ensure that the bureaus reporting
2 to such position are able to fulfill their mission of—

3 (1) expanding and strengthening relationships
4 between the people of the United States and citizens
5 of other countries; and

6 (2) engaging, informing, and understanding the
7 perspectives of foreign audiences.

8 **SEC. 9603. REPORT ON PUBLIC DIPLOMACY.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Secretary shall submit to the appro-
11 priate congressional committees a report that includes—

12 (1) an evaluation of the May 2019 merger of
13 the Bureau of Public Affairs and the Bureau of
14 International Information Programs to form the Bu-
15 reau of Global Public Affairs with respect to—

16 (A) the efficacy of the current configura-
17 tion of the bureaus reporting to the Under Sec-
18 retary of State for Public Diplomacy and Public
19 Affairs in achieving the mission of the Depart-
20 ment;

21 (B) the metrics before and after such
22 merger, including personnel data, disaggregated
23 by position and location, content production,
24 opinion polling, program evaluations, and media
25 appearances;

1 (C) the results of a survey of public diplo-
2 macy practitioners to determine their opinion of
3 the efficacy of such merger and any adjust-
4 ments that still need to be made; and

5 (D) a plan for evaluating and monitoring,
6 not less frequently than once every 2 years, the
7 programs, activities, messaging, professional de-
8 velopment efforts, and structure of the Bureau
9 of Global Public Affairs, and submitting a sum-
10 mary of each such evaluation to the appropriate
11 congressional committees; and

12 (2) a review of recent outside recommendations
13 for modernizing diplomacy at the Department with
14 respect to public diplomacy efforts, including—

15 (A) efforts in each of the bureaus report-
16 ing to the Under Secretary of State for Public
17 Diplomacy and Public Affairs to address issues
18 of diversity and inclusion in their work, struc-
19 ture, data collection, programming, and per-
20 sonnel, including any collaboration with the
21 Chief Diversity and Inclusion Officer;

22 (B) proposals to collaborate with think
23 tanks and academic institutions working on
24 public diplomacy issues to implement recent
25 outside recommendations; and

1 (C) additional authorizations and appro-
2 priations necessary to implement such rec-
3 ommendations.

4 **SEC. 9604. PROMOTING PEACE, EDUCATION, AND CUL-**
5 **TURAL EXCHANGE THROUGH MUSIC DIPLO-**
6 **MACY.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) music is an important conveyer of culture
10 and can be used to communicate values and build
11 understanding between communities;

12 (2) musical artists play a valuable role in cross-
13 cultural exchange, and their works and performances
14 can promote peacebuilding and conflict resolution ef-
15 forts;

16 (3) the music industry in the United States has
17 made important contributions to American society
18 and culture, and musicians and industry profes-
19 sionals in the United States can offer valuable ex-
20 pertise to young musical artists around the world;
21 and

22 (4) the United States Government should pro-
23 mote exchange programs, especially programs that
24 leverage the expertise and resources of the private

1 sector, that give young musical artists from around
2 the world the chance—

3 (A) to improve their skills;

4 (B) share ideas;

5 (C) learn about American culture; and

6 (D) develop the necessary skills to support
7 conflict resolution and peacebuilding efforts in
8 their communities and broader societies.

9 (b) AUTHORIZATION OF MUSIC-RELATED EXCHANGE
10 PROGRAMS.—The Mutual Educational and Cultural Ex-
11 change Act of 1961 (22 U.S.C. 2451 et seq.; commonly
12 known as the Fulbright-Hays Act) is amended—

13 (1) in section 102(a)(2) (22 U.S.C.
14 2452(a)(2))—

15 (A) in clause (iii), by inserting “and” at
16 the end; and

17 (B) in clause (iv)—

18 (i) by inserting “, including in coordi-
19 nation and consultation with the private
20 sector,” before “similar”; and

21 (ii) by striking the period at the end
22 and inserting “; and”; and

23 (2) in section 112(a) (22 U.S.C. 2460(a))—

24 (A) in paragraph (8), by striking “and” at
25 the end;

1 (B) in paragraph (9), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(10) exchange programs, including in coordi-
5 nation and consultation with the private sector, fo-
6 cused on music and the performing arts that provide
7 opportunities for foreign nationals and Americans to
8 build cross-cultural understanding and advance
9 peace abroad.”.

10 (c) PRIVATE SECTOR PARTNERSHIPS.—

11 (1) IN GENERAL.—The Secretary should con-
12 tinue—

13 (A) to partner with the private sector in
14 support of music-related exchange programs im-
15 plemented by the Bureau of Educational and
16 Cultural Affairs (referred to in this section as
17 the “ECA”);

18 (B) to leverage private sector expertise in
19 developing and implementing such programs;
20 and

21 (C) to expand networking and mentorship
22 opportunities for program participants.

23 (2) AUTHORIZATION OF CERTAIN PARTNER-
24 SHIPS.—The Secretary is authorized to partner with
25 the private sector to recognize musicians—

1 (A) whose works or performances have ad-
2 vanced peace abroad; and

3 (B) who could contribute to networking
4 and mentorship opportunities for participants
5 of music-related exchange programs imple-
6 mented by ECA.

7 (d) STRATEGY.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of the enactment of this Act, the Secretary
10 shall submit a strategy to the appropriate congress-
11 sional committees, the Committee on Appropriations
12 of the Senate, and the Committee on Appropriations
13 of the House of Representatives for advancing
14 United States foreign policy goals, including conflict
15 resolution and peacebuilding efforts, through music-
16 related exchange programs implemented by ECA.
17 Such strategy shall include—

18 (A) a description of clearly defined annual
19 goals, targets, and planned outcomes for each
20 music-related exchange program;

21 (B) a plan to monitor and evaluate each
22 music-related exchange program and progress
23 made toward achieving such goals, targets, and
24 planned outcomes, including measurable bench-
25 marks;

1 (C) a plan to ensure that music-related ex-
2 change programs are promoting United States
3 foreign policy objectives, including ensuring
4 such programs are clearly branded and paired
5 with robust public diplomacy efforts;

6 (D) a plan to pursue partnerships with the
7 private sector while implementing music-related
8 exchange programs, including leveraging indus-
9 try expertise and expanding networking and
10 mentorship opportunities for program partici-
11 pants;

12 (E) examples of how ECA's music-related
13 exchange programs have contributed to conflict
14 resolution and peacebuilding efforts to date, in-
15 cluding through participant and alumni actions;

16 (F) a description of lessons learned regard-
17 ing how to better encourage conflict resolution
18 and peacebuilding efforts through ECA's music-
19 related exchange programs; and

20 (G) a plan to incorporate such lessons
21 learned into relevant current and future pro-
22 gramming.

23 (2) CONSULTATION.—In developing the strat-
24 egy required under paragraph (1), the Secretary

1 shall consult with the appropriate congressional com-
2 mittees and relevant private sector partners.

3 **TITLE XCVII—OTHER MATTERS**

4 **SEC. 9701. SUPPORTING THE EMPLOYMENT OF UNITED**
5 **STATES CITIZENS BY INTERNATIONAL ORGA-**
6 **NIZATIONS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that—

9 (1) the Department should continue to elimi-
10 nate the unreasonable barriers United States nation-
11 als face to obtain employment in the United Nations
12 Secretariat, funds, programs, and agencies; and

13 (2) the Department should bolster efforts to in-
14 crease the number of qualified United States nation-
15 als who are candidates for leadership and oversight
16 positions in the United Nations system, agencies,
17 and commissions, and in other international organi-
18 zations.

19 (b) IN GENERAL.—The Secretary is authorized to
20 promote the employment and advancement of United
21 States citizens by international organizations and bodies,
22 including by—

23 (1) providing stipends, consultation, and analyt-
24 ical services to support United States citizen appli-
25 cants; and

1 (2) making grants for the purposes described in
2 paragraph (1).

3 (c) USING DIPLOMATIC PROGRAMS FUNDING TO
4 PROMOTE THE EMPLOYMENT OF UNITED STATES CITI-
5 ZENS BY INTERNATIONAL ORGANIZATIONS.—Amounts
6 appropriated under the heading “DIPLOMATIC PRO-
7 GRAMS” in Acts making appropriations for the Depart-
8 ment of State, Foreign Operations, and Related Programs
9 are authorized to be appropriated for grants, programs,
10 and activities described in subsection (b).

11 (d) STRATEGY TO ESTABLISH JUNIOR PROFES-
12 SIONAL PROGRAM.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act, the Sec-
15 retary, in coordination with the Secretary of the
16 Treasury and other relevant cabinet members, shall
17 publish a strategy for encouraging United States
18 citizens to pursue careers with international organi-
19 zations, particularly organizations that—

20 (A) set international scientific, technical,
21 or commercial standards; or

22 (B) are involved in international finance
23 and development.

24 (2) REPORT TO CONGRESS.—Not later than 90
25 days after the date of the enactment of this Act, the

1 Secretary, in coordination with the Secretary of the
2 Treasury and other relevant cabinet members, shall
3 submit a report to the appropriate congressional
4 committees that identifies—

5 (A) the number of United States citizens
6 who are involved in relevant junior professional
7 programs in an international organization;

8 (B) the distribution of individuals de-
9 scribed in subparagraph (A) among various
10 international organizations; and

11 (C) the types of pre-deployment training
12 that are available to United States citizens
13 through a junior professional program at an
14 international organization.

15 **SEC. 9702. INCREASING HOUSING AVAILABILITY FOR CER-**
16 **TAIN EMPLOYEES ASSIGNED TO THE UNITED**
17 **STATES MISSION TO THE UNITED NATIONS.**

18 Section 9(2) of the United Nations Participation Act
19 of 1945 (22 U.S.C. 287e–1(2)), is amended by striking
20 “30” and inserting “41”.

1 **SEC. 9703. LIMITATION ON UNITED STATES CONTRIBU-**
2 **TIONS TO PEACEKEEPING OPERATIONS NOT**
3 **AUTHORIZED BY THE UNITED NATIONS SECU-**
4 **RITY COUNCIL.**

5 The United Nations Participation Act of 1945 (22
6 U.S.C. 287 et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 12. LIMITATION ON UNITED STATES CONTRIBUTIONS**
9 **TO PEACEKEEPING OPERATIONS NOT AU-**
10 **THORIZED BY THE UNITED NATIONS SECU-**
11 **RITY COUNCIL.**

12 “None of the funds authorized to be appropriated or
13 otherwise made available to pay assessed and other ex-
14 penses of international peacekeeping activities under this
15 Act may be made available for an international peace-
16 keeping operation that has not been expressly authorized
17 by the United Nations Security Council.”.

18 **SEC. 9704. BOARDS OF RADIO FREE EUROPE/RADIO LIB-**
19 **ERTY, RADIO FREE ASIA, THE MIDDLE EAST**
20 **BROADCASTING NETWORKS, AND THE OPEN**
21 **TECHNOLOGY FUND.**

22 The United States International Broadcasting Act of
23 1994 (22 U.S.C. 6201 et seq.) is amended by inserting
24 after section 306 (22 U.S.C. 6205) the following:

1 **“SEC. 307. GRANTEE CORPORATE BOARDS OF DIRECTORS.**

2 “(a) IN GENERAL.—The corporate board of directors
3 of each grantee under this title—

4 “(1) shall be bipartisan;

5 “(2) shall, except as otherwise provided in this
6 Act, have the sole responsibility to operate their re-
7 spective grantees within the jurisdiction of their re-
8 spective States of incorporation;

9 “(3) shall be composed of not fewer than 5
10 members, who shall be qualified individuals who are
11 not employed in the public sector; and

12 “(4) shall appoint successors in the event of va-
13 cancies on their respective boards, in accordance
14 with applicable bylaws.

15 “(b) NOT FEDERAL EMPLOYEES.—No employee of
16 any grantee under this title may be a Federal employee.”.

17 **SEC. 9705. BROADCASTING ENTITIES NO LONGER RE-**
18 **QUIRED TO CONSOLIDATE INTO A SINGLE**
19 **PRIVATE, NONPROFIT CORPORATION.**

20 Section 310 of the United States International
21 Broadcasting Act of 1994 (22 U.S.C. 6209) is amended.
22 to read as follows:

23 **“SEC. 310. INCORPORATION AND NON-FEDERAL STATUS OF**
24 **BROADCASTING ENTITIES.**

25 “(a) DEFINED TERM.—In this chapter—

1 “(1) the term ‘grant’ includes agreements
2 under section 6305 of title 31, United States Code;
3 and

4 “(2) the term ‘grantee’ includes recipients of an
5 agreement described in paragraph (1).

6 “(b) INCORPORATION.—The Chief Executive Officer
7 is authorized to incorporate grantees in accordance with
8 the regular notification procedures of—

9 “(1) the Committee on Appropriations of the
10 Senate;

11 “(2) the Committee on Foreign Relations of the
12 Senate;

13 “(3) the Committee on Appropriations of the
14 House of Representatives; and

15 “(4) the Committee on Foreign Affairs of the
16 House of Representatives.

17 “(c) FEDERAL STATUS.—Nothing in this chapter or
18 in any other Act, and no action taken pursuant to this
19 chapter or any other Act, may be construed to make a
20 grantee incorporated pursuant to subsection (b), or any
21 other grantee or entity provided funding by the Agency,
22 a Federal agency or instrumentality.

23 “(d) LEADERSHIP OF GRANTEE ORGANIZATIONS.—
24 The chief executive officer or the equivalent official of
25 RFE/RL Inc., Radio Free Asia, the Open Technology

1 Fund, and the Middle East Broadcasting Networks, and
2 any other organization that is established or authorized
3 under this chapter, shall serve at the pleasure of, and may
4 be named by, the Chief Executive Officer of the Agency,
5 with the concurrence of the Grantee Board and subject
6 to the approval of the Advisory Board pursuant to section
7 306.”.

8 **SEC. 9706. INTERNATIONAL BROADCASTING ACTIVITIES.**

9 Section 305(a) of the United States International
10 Broadcasting Act of 1994 (22 U.S.C. 6204(a)) is amend-
11 ed—

12 (1) in paragraph (1), by striking “direct and”;

13 (2) by striking paragraph (20);

14 (3) by redesignating paragraphs (21), (22), and
15 (23) as paragraphs (20), (21), and (22), respec-
16 tively; and

17 (4) in paragraph (22), as redesignated, by
18 striking “and to condition grants” and all that fol-
19 lows and inserting a period.

20 **SEC. 9707. GLOBAL INTERNET FREEDOM.**

21 (a) STATEMENT OF POLICY.—It is the policy of the
22 United States to promote internet freedom through pro-
23 grams of the Department and USAID that preserve and
24 expand the internet as an open, global space for freedom

1 of expression and association, which shall be prioritized
2 for countries—

3 (1) whose governments restrict freedom of ex-
4 pression on the internet; and

5 (2) that are important to the national interest
6 of the United States.

7 (b) PURPOSE AND COORDINATION WITH OTHER
8 PROGRAMS.—Global internet freedom programming under
9 this section—

10 (1) shall be coordinated with other United
11 States foreign assistance programs that promote de-
12 mocracy and support the efforts of civil society—

13 (A) to counter the development of repres-
14 sive internet-related laws and regulations, in-
15 cluding countering threats to internet freedom
16 at international organizations;

17 (B) to combat violence against bloggers
18 and other civil society activists who utilize the
19 internet; and

20 (C) to enhance digital security training
21 and capacity building for democracy activists;

22 (2) shall seek to assist efforts—

23 (A) to research key threats to internet
24 freedom;

1 (B) to continue the development of tech-
2 nologies that provide or enhance access to the
3 internet, including circumvention tools that by-
4 pass internet blocking, filtering, and other cen-
5 sorship techniques used by authoritarian gov-
6 ernments; and

7 (C) to maintain the technological advan-
8 tage of the Federal Government over the cen-
9 sorship techniques described in subparagraph
10 (B); and

11 (3) shall be incorporated into country assistance
12 and democracy promotion strategies, as appropriate.

13 (c) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated for fiscal year 2023—

15 (1) \$75,000,000 to the Department and
16 USAID, to continue efforts to promote internet free-
17 dom globally, and shall be matched, to the maximum
18 extent practicable, by sources other than the Federal
19 Government, including the private sector; and

20 (2) \$49,000,000 to the United States Agency
21 for Global Media (referred to in this section as the
22 “USAGM”) and its grantees, for internet freedom
23 and circumvention technologies that are designed—

1 (A) for open-source tools and techniques to
2 securely develop and distribute digital content
3 produced by the USAGM and its grantees;

4 (B) to facilitate audience access to such
5 digital content on websites that are censored;

6 (C) to coordinate the distribution of such
7 digital content to targeted regional audiences;
8 and

9 (D) to promote and distribute such tools
10 and techniques, including digital security tech-
11 niques.

12 (d) UNITED STATES AGENCY FOR GLOBAL MEDIA
13 ACTIVITIES.—

14 (1) ANNUAL CERTIFICATION.—For any new
15 tools or techniques authorized under subsection
16 (c)(2), the Chief Executive Officer of the USAGM,
17 in consultation with the President of the Open Tech-
18 nology Fund (referred to in this subsection as the
19 “OTF”) and relevant Federal departments and
20 agencies, shall submit an annual certification to the
21 appropriate congressional committees that verifies
22 they—

23 (A) have evaluated the risks and benefits
24 of such new tools or techniques; and

1 (B) have established safeguards to mini-
2 mize the use of such new tools or techniques for
3 illicit purposes.

4 (2) INFORMATION SHARING.—The Secretary
5 may not direct programs or policy of the USAGM or
6 the OTF, but may share any research and develop-
7 ment with relevant Federal departments and agen-
8 cies for the exclusive purposes of—

9 (A) sharing information, technologies, and
10 best practices; and

11 (B) assessing the effectiveness of such
12 technologies.

13 (3) UNITED STATES AGENCY FOR GLOBAL
14 MEDIA.—The Chief Executive Officer of the
15 USAGM, in consultation with the President of the
16 OTF, shall—

17 (A) coordinate international broadcasting
18 programs and incorporate such programs into
19 country broadcasting strategies, as appropriate;

20 (B) solicit project proposals through an
21 open, transparent, and competitive application
22 process, including by seeking input from tech-
23 nical and subject matter experts; and

24 (C) support internet circumvention tools
25 and techniques for audiences in countries that

1 are strategic priorities for the OTF, in accord-
2 ance with USAGM’s annual language service
3 prioritization review.

4 (e) USAGM REPORT.—Not later than 120 days after
5 the date of the enactment of this Act, the Chief Executive
6 Office of the USAGM shall submit a report to the appro-
7 priate congressional committees that describes—

8 (1) as of the date of the report—

9 (A) the full scope of internet freedom pro-
10 grams within the USAGM, including—

11 (i) the efforts of the Office of Internet
12 Freedom; and

13 (ii) the efforts of the Open Tech-
14 nology Fund;

15 (B) the capacity of internet censorship cir-
16 cumvention tools supported by the Office of
17 Internet Freedom and grantees of the Open
18 Technology Fund that are available for use by
19 individuals in foreign countries seeking to coun-
20 teract censors; and

21 (C) any barriers to the provision of the ef-
22 forts described in clauses (i) and (ii) of sub-
23 paragraph (A), including access to surge fund-
24 ing; and

1 (2) successful examples from the Office of
2 Internet Freedom and Open Technology Fund in-
3 volving—

4 (A) responding rapidly to internet shut-
5 downs in closed societies; and

6 (B) ensuring uninterrupted circumvention
7 services for USAGM entities to promote inter-
8 net freedom within repressive regimes.

9 (f) JOINT REPORT.—Not later than 60 days after the
10 date of the enactment of this Act, the Secretary and the
11 Administrator of USAID shall jointly submit a report,
12 which may include a classified annex, to the appropriate
13 congressional committees that describes—

14 (1) as of the date of the report—

15 (A) the full scope of internet freedom pro-
16 grams within the Department and USAID, in-
17 cluding—

18 (i) Department circumvention efforts;

19 and

20 (ii) USAID efforts to support internet
21 infrastructure;

22 (B) the capacity of internet censorship cir-
23 cumvention tools supported by the Federal Gov-
24 ernment that are available for use by individ-

1 uals in foreign countries seeking to counteract
2 censors; and

3 (C) any barriers to provision of the efforts
4 enumerated in clauses (i) and (ii) of subsection
5 (e)(1)(A), including access to surge funding;
6 and

7 (2) any new resources needed to provide the
8 Federal Government with greater capacity to provide
9 and boost internet access—

10 (A) to respond rapidly to internet shut-
11 downs in closed societies; and

12 (B) to provide internet connectivity to for-
13 eign locations where the provision of additional
14 internet access service would promote freedom
15 from repressive regimes.

16 (g) SECURITY AUDITS.—Before providing any sup-
17 port for open source technologies under this section, such
18 technologies must undergo comprehensive security audits
19 to ensure that such technologies are secure and have not
20 been compromised in a manner that is detrimental to the
21 interest of the United States or to the interests of individ-
22 uals and organizations benefitting from programs sup-
23 ported by such funding.

24 (h) SURGE.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—

2 Subject to paragraph (2), there is authorized to be
3 appropriated, in addition to amounts otherwise made
4 available for such purposes, up to \$2,500,000 to
5 support internet freedom programs in closed soci-
6 eties, including programs that—

7 (A) are carried out in crisis situations by
8 vetted entities that are already engaged in
9 internet freedom programs;

10 (B) involve circumvention tools; or

11 (C) increase the overseas bandwidth for
12 companies that received Federal funding during
13 the previous fiscal year.

14 (2) CERTIFICATION.—Amounts authorized to be
15 appropriated pursuant to paragraph (1) may not be
16 expended until the Secretary has certified to the ap-
17 propriate congressional committees, the Committee
18 on Appropriations of the Senate, and the Committee
19 on Appropriations of the House of Representatives
20 that the use of such funds is in the national interest
21 of the United States.

22 (i) DEFINED TERM.—In this section, the term “inter-
23 net censorship circumvention tool” means a software ap-
24 plication or other tool that an individual can use to evade
25 foreign government restrictions on internet access.

1 **SEC. 9708. ARMS EXPORT CONTROL ACT ALIGNMENT WITH**
2 **THE EXPORT CONTROL REFORM ACT.**

3 Section 38(e) of the Arms Export Control Act (22
4 U.S.C. 2778(e)) is amended—

5 (1) by striking “subsections (e), (d), (e), and
6 (g) of section 11 of the Export Administration Act
7 of 1979, and by subsections (a) and (c) of section
8 12 of such Act” and inserting “subsections (c) and
9 (d) of section 1760 of the Export Control Reform
10 Act of 2018 (50 U.S.C. 4819), and by subsections
11 (a)(1), (a)(2), (a)(3), (a)(4), (a)(7), (c), and (h) of
12 section 1761 of such Act (50 U.S.C. 4820)”;

13 (2) by striking “11(c)(2)(B) of such Act” and
14 inserting “1760(c)(2) of such Act (50 U.S.C.
15 4819(e)(2))”;

16 (3) by striking “11(c) of the Export Adminis-
17 tration Act of 1979” and inserting “section 1760(c)
18 of the Export Control Reform Act of 2018 (50
19 U.S.C. 4819(e))”; and

20 (4) by striking “\$500,000” and inserting “the
21 greater of \$1,200,000 or the amount that is twice
22 the value of the transaction that is the basis of the
23 violation with respect to which the penalty is im-
24 posed.”.

1 **SEC. 9709. INCREASING THE MAXIMUM ANNUAL LEASE PAY-**
2 **MENT AVAILABLE WITHOUT APPROVAL BY**
3 **THE SECRETARY.**

4 Section 10(a) of the Foreign Service Buildings Act,
5 1926 (22 U.S.C. 301(a)), is amended by striking
6 “\$50,000” and inserting “\$100,000”.

7 **SEC. 9710. REPORT ON UNITED STATES ACCESS TO CRIT-**
8 **ICAL MINERAL RESOURCES ABROAD.**

9 Not later than 120 days after the date of the enact-
10 ment of this Act, the Secretary shall submit a report to
11 the appropriate congressional committees that details,
12 with regard to the Department—

13 (1) diplomatic efforts to ensure United States
14 access to critical minerals acquired from outside of
15 the United States that are used to manufacture
16 clean energy technologies; and

17 (2) collaboration with other parts of the Fed-
18 eral Government to build a robust supply chain for
19 critical minerals necessary to manufacture clean en-
20 ergy technologies.

21 **SEC. 9711. OVERSEAS UNITED STATES STRATEGIC INFRA-**
22 **STRUCTURE DEVELOPMENT PROJECTS.**

23 (a) ASSESSMENT OF IMPACT TO UNITED STATES NA-
24 TIONAL SECURITY OF INFRASTRUCTURE PROJECTS BY
25 THE PEOPLE’S REPUBLIC OF CHINA IN THE DEVELOPING
26 WORLD.—Not later than 18 months after the date of the

1 enactment of this Act, the Comptroller General of the
2 United States shall submit a report to the appropriate
3 congressional committees, the Select Committee on Intel-
4 ligence of the Senate, and the Permanent Select Com-
5 mittee on Intelligence of the House of Representatives re-
6 garding the One Belt, One Road Initiative, which is the
7 global infrastructure development strategy initiated by the
8 Government of the People's Republic of China in 2013.

9 (b) REPORT ELEMENTS.—The report required under
10 subsection (a) shall—

11 (1) describe the nature and cost of One Belt,
12 One Road Initiative investments, operation, and con-
13 struction of strategic infrastructure projects, includ-
14 ing logistics, refining, and processing industries and
15 resource facilities, and critical and strategic mineral
16 resource extraction projects, including an assessment
17 of—

18 (A) the strategic benefits of such invest-
19 ments that are derived by the People's Republic
20 of China and the host nation; and

21 (B) the negative impacts of such invest-
22 ments to the host nation and to United States
23 interests;

24 (2) describe the nature and total funding of
25 United States' strategic infrastructure investments

1 and construction, such as projects financed through
2 initiatives such as Prosper Africa and the Millen-
3 nium Challenge Corporation;

4 (3) assess the national security threats posed by
5 the foreign infrastructure investment gap between
6 the People's Republic of China and the United
7 States, including strategic infrastructure, such as
8 ports, market access to, and the security of, critical
9 and strategic minerals, digital and telecommuni-
10 cations infrastructure, threats to the supply chains,
11 and general favorability towards the People's Repub-
12 lic of China and the United States among the popu-
13 lations of host countries;

14 (4) assess the opportunities and challenges for
15 companies based in the United States and compa-
16 nies based in United States partner and allied coun-
17 tries to invest in foreign strategic infrastructure
18 projects in countries where the People's Republic of
19 China has focused these types of investments;

20 (5) identify challenges and opportunities for the
21 United States Government and United States part-
22 ners and allies to more directly finance and other-
23 wise support foreign strategic infrastructure
24 projects, including an assessment of the authorities
25 and capabilities of United States agencies, depart-

1 ments, public-private partnerships, and international
2 or multilateral organizations to support such
3 projects without undermining United States domes-
4 tic industries, such as domestic mineral deposits;
5 and

6 (6) include recommendations for United States
7 Government agencies to undertake or increase sup-
8 port for United States businesses to support foreign,
9 large-scale, strategic infrastructure projects, such as
10 roads, power grids, and ports.

11 **SEC. 9712. PROVISION OF PARKING SERVICES AND RETEN-**
12 **TION OF PARKING FEES.**

13 The Secretary of State may—

14 (1) provide parking services, including electric
15 vehicle charging and other parking services, in facili-
16 ties operated by or for the Department; and

17 (2) charge fees for such services that may be
18 deposited into the appropriate account of the De-
19 partment, to remain available until expended for the
20 purposes of such account, provided that the fees
21 shall not exceed the cost of the providing such serv-
22 ices.

23 **SEC. 9713. DIPLOMATIC RECEPTION AREAS.**

24 (a) **DEFINED TERM.**—In this section, the term “re-
25 ception areas” has the meaning given such term in section

1 41(c) of the State Department Basic Authorities Act of
2 1956 (22 U.S.C. 2713(c)).

3 (b) IN GENERAL.—The Secretary may sell goods and
4 services at fair market value and use the proceeds of such
5 sales for administration and related support of the recep-
6 tion areas.

7 (c) AMOUNTS COLLECTED.—Amounts collected pur-
8 suant to the authority provided under subsection (b) may
9 be deposited into an account in the Treasury, to remain
10 available until expended.

11 **SEC. 9714. RETURN OF SUPPORTING DOCUMENTS FOR**
12 **PASSPORT APPLICATIONS THROUGH UNITED**
13 **STATES POSTAL SERVICE CERTIFIED MAIL.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Secretary shall es-
16 tablish a procedure that provides, to any individual apply-
17 ing for a new United States passport or to renew the
18 United States passport of the individual by mail, the op-
19 tion to have supporting documents for the application re-
20 turned to the individual by the United States Postal Serv-
21 ice through certified mail.

22 (b) COST.—

23 (1) RESPONSIBILITY.—The cost of returning
24 supporting documents to an individual as described

1 in subsection (a) shall be the responsibility of the in-
2 dividual.

3 (2) FEE.—The fee charged to the individual by
4 the Secretary for returning supporting documents as
5 described in subsection (a) shall be the sum of—

6 (A) the retail price charged by the United
7 States Postal Service for the service; and

8 (B) the estimated cost of processing the
9 return of the supporting documents.

10 (3) REPORT.—Not later than 30 days after the
11 establishment of the procedure required under sub-
12 section (a), the Secretary shall submit a report to
13 the appropriate congressional committees that—

14 (A) details the costs included in the proc-
15 essing fee described in paragraph (2); and

16 (B) includes an estimate of the average
17 cost per request.

18 **SEC. 9715. REPORT ON DISTRIBUTION OF PERSONNEL AND**
19 **RESOURCES RELATED TO ORDERED DEPAR-**
20 **TURES AND POST CLOSURES.**

21 Not later than 90 days after the date of the enact-
22 ment of this Act, the Secretary of State shall submit a
23 report to the appropriate congressional committees that
24 describes—

1 (1) how Department personnel and resources
2 dedicated to Mission Afghanistan were reallocated
3 following the closure of diplomatic posts in Afghani-
4 stan in August 2021; and

5 (2) the extent to which Department personnel
6 and resources for Mission Iraq were reallocated fol-
7 lowing ordered departures for diplomatic posts in
8 March 2020, and how such resources were reallo-
9 cated.

10 **SEC. 9716. ELIMINATION OF OBSOLETE REPORTS.**

11 (a) **CERTIFICATION OF EFFECTIVENESS OF THE**
12 **AUSTRALIA GROUP.**—Section 2(7) of Senate Resolution
13 75 (105th Congress) is amended by striking subparagraph
14 (C).

15 (b) **PLANS TO IMPLEMENT THE GANDHI-KING**
16 **SCHOLARLY EXCHANGE INITIATIVE.**—The Gandhi-King
17 Scholarly Exchange Initiative Act (subtitle D of title III
18 of division FF of Public Law 116–260) is amended by
19 striking section 336.

20 (c) **PROGRESS REPORT ON JERUSALEM EMBASSY.**—
21 The Jerusalem Embassy Act of 1995 (Public Law 104–
22 45) is amended by striking section 6.

23 (d) **PRESIDENTIAL ANTI-PEDOPHILIA CERTIFI-**
24 **CATION.**—Section 102 of the Foreign Relations Authoriza-

1 tion Act, Fiscal Years 1994 and 1995 (Public Law 103–
2 236) is amended by striking subsection (g).

3 (e) MICROENTERPRISE FOR SELF-RELIANCE RE-
4 PORT.—Title III of the Microenterprise for Self-Reliance
5 and International Anti-Corruption Act of 2000 (Public
6 Law 106–309; 22 U.S.C. 2462 note) is amended by strik-
7 ing section 304.

8 **SEC. 9717. LOCALITY PAY FOR FEDERAL EMPLOYEES**
9 **WORKING OVERSEAS UNDER DOMESTIC EM-**
10 **PLOYEE TELEWORKING OVERSEAS AGREE-**
11 **MENTS.**

12 (a) DEFINITIONS.—In this section:

13 (1) CIVIL SERVICE.—The term “civil service”
14 has the meaning given the term in section 2101 of
15 title 5, United States Code.

16 (2) COVERED EMPLOYEE.—The term “covered
17 employee” means an employee who—

18 (A) occupies a position in the civil service;

19 and

20 (B) is working overseas under a Domestic
21 Employee Teleworking Overseas agreement.

22 (3) LOCALITY PAY.—The term “locality pay”
23 means a locality-based comparability payment paid
24 in accordance with subsection (b).

1 (4) NONFOREIGN AREA.—The term “nonforeign
2 area” has the meaning given the term in section
3 591.205 of title 5, Code of Federal Regulations, or
4 any successor regulation.

5 (5) OVERSEAS.—The term “overseas” means
6 any geographic location that is not in—

7 (A) the continental United States; or

8 (B) a nonforeign area.

9 (b) PAYMENT OF LOCALITY PAY.—Each covered em-
10 ployee shall be paid locality pay in an amount that is equal
11 to the lesser of—

12 (1) the amount of a locality-based comparability
13 payment that the covered employee would have been
14 paid under section 5304 or 5304a of title 5, United
15 States Code, had the official duty station of the cov-
16 ered employee not been changed to reflect an over-
17 seas location under the applicable Domestic Em-
18 ployee Teleworking Overseas agreement; or

19 (2) the amount of a locality-based comparability
20 payment that the covered employee would be paid
21 under section 1113 of the Supplemental Appropria-
22 tions Act, 2009 (Public Law 111–32), as limited
23 under section 9802(c)(2) of this Act, if the covered
24 employee were an eligible member of the Foreign

1 Service (as defined in subsection (b) of such section
2 1113).

3 (c) APPLICATION.—Locality pay paid to a covered
4 employee under this section—

5 (1) shall begin to be paid not later than 60
6 days after the date of the enactment of this Act; and

7 (2) shall be treated in the same manner, and
8 subject to the same terms and conditions, as a local-
9 ity-based comparability payment paid under section
10 5304 or 5304a of title 5, United States Code.

11 **SEC. 9718. REPORT ON COUNTERING THE ACTIVITIES OF**
12 **MALIGN ACTORS.**

13 (a) REPORT.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of the enactment of this Act, the Secretary,
16 in consultation with the Secretary of the Treasury
17 and the Administrator, shall submit a report to the
18 Committee on Foreign Relations of the Senate, the
19 Committee on Armed Services of the Senate, the Se-
20 lect Committee on Intelligence of the Senate, the
21 Committee on Foreign Affairs of the House of Rep-
22 resentatives, the Committee on Armed Services of
23 the House of Representatives, and the Permanent
24 Select Committee on Intelligence of the House of
25 Representatives regarding United States diplomatic

1 efforts in Africa in achieving United States policy
2 goals and countering the activities of malign actors.

3 (2) ELEMENTS.—The report required under
4 paragraph (1) shall include—

5 (A) case studies from Mali, Sudan, the
6 Central African Republic, the Democratic Re-
7 public of the Congo, Burkina Faso, and South
8 Sudan, with the goal of assessing the effective-
9 ness of diplomatic tools during the 5-year pe-
10 riod ending on the date of the enactment of this
11 Act; and

12 (B) an assessment of—

13 (i) the extent and effectiveness of cer-
14 tain diplomatic tools to advance United
15 States priorities in the respective case
16 study countries, including—

17 (I) in-country diplomatic pres-
18 ence;

19 (II) humanitarian and develop-
20 ment assistance;

21 (III) support for increased 2-way
22 trade and investment;

23 (IV) United States security as-
24 sistance;

25 (V) public diplomacy; and

1 (VI) accountability measures, in-
2 cluding sanctions;

3 (ii) whether the use of the diplomatic
4 tools described in clause (i) achieved the
5 diplomatic ends for which they were in-
6 tended; and

7 (iii) the means by which the Russian
8 Federation and the People's Republic of
9 China exploited any openings for diplo-
10 matic engagement in the case study coun-
11 tries.

12 (b) FORM.—The report required under subsection (b)
13 shall be submitted in classified form.

14 (c) CLASSIFIED BRIEFING REQUIRED.—Not later
15 than 1 year after the date of the enactment of this Act,
16 the Secretary and the Administrator shall jointly brief
17 Congress regarding the report required under subsection
18 (b).

19 **TITLE XCVIII—EXTENSION OF** 20 **AUTHORITIES**

21 **SEC. 9801. DIPLOMATIC FACILITIES.**

22 For the purposes of calculating the costs of providing
23 new United States diplomatic facilities in any fiscal year,
24 in accordance with section 604(e) of the Secure Embassy
25 Construction and Counterterrorism Act of 1999 (22

1 U.S.C. 4865 note), the Secretary of State, in consultation
2 with the Director of the Office of Management and Budg-
3 et, shall determine the annual program level and agency
4 shares for such fiscal year in a manner that is proportional
5 to the contribution of the Department of State for this
6 purpose.

7 **SEC. 9802. EXTENSION OF EXISTING AUTHORITIES.**

8 (a) **PASSPORT FEES.**—Section 1(b)(2) of the Pass-
9 port Act of June 4, 1920 (22 U.S.C. 214(b)(2)) shall be
10 applied by striking “September 30, 2010” and inserting
11 “September 30, 2026”.

12 (b) **USAID CIVIL SERVICE ANNUITANT WAIVER.**—
13 Section 625(j)(1)(B) of the Foreign Assistance Act of
14 1961 (22 U.S.C. 2385(j)(1)(B)) shall be applied by strik-
15 ing “October 1, 2010” and inserting “September 30,
16 2024”.

17 (c) **OVERSEAS PAY COMPARABILITY AND LIMITA-**
18 **TION.**—

19 (1) **IN GENERAL.**—The authority provided
20 under section 1113 of the Supplemental Appropria-
21 tions Act, 2009 (Public Law 111–32) shall remain
22 in effect through September 30, 2024.

23 (2) **LIMITATION.**—The authority described in
24 paragraph (1) may not be used to pay an eligible
25 member of the Foreign Service (as defined in section

1 1113(b) of the Supplemental Appropriations Act,
2 2009 (Public Law 111–32)) a locality-based com-
3 parability payment (stated as a percentage) that ex-
4 ceeds two-thirds of the amount of the locality-based
5 comparability payment (stated as a percentage) that
6 would be payable to such member under section
7 5304 of title 5, United States Code, if such mem-
8 ber’s official duty station were in the District of Co-
9 lumbia.

10 (d) INSPECTOR GENERAL ANNUITANT WAIVER.—
11 The authorities provided under section 1015(b) of the
12 Supplemental Appropriations Act, 2010 (Public Law 111–
13 212)—

14 (1) shall remain in effect through September
15 30, 2024; and

16 (2) may be used to facilitate the assignment of
17 persons for oversight of programs in Somalia, South
18 Sudan, Syria, Venezuela, and Yemen.

19 (e) SECURITY REVIEW COMMITTEES.—The authority
20 provided under section 301(a)(3) of the Omnibus Diplo-
21 matic Security and Antiterrorism Act of 1986 (22 U.S.C.
22 4831(a)(3)) shall remain in effect for facilities in Afghani-
23 stan and shall apply to facilities in Ukraine through Sep-
24 tember 30, 2024, except that the notification and report-
25 ing requirements contained in such section shall include

1 the appropriate congressional committees, the Committee
2 on Appropriations of the Senate, and the Committee on
3 Appropriations of the House of Representatives.

4 (f) DEPARTMENT OF STATE INSPECTOR GENERAL
5 WAIVER AUTHORITY.—The Inspector General of the De-
6 partment may waive the provisions of subsections (a)
7 through (d) of section 824 of the Foreign Service Act of
8 1980 (22 U.S.C. 4064), on a case-by-case basis, for an
9 annuitant reemployed by the Inspector General on a tem-
10 porary basis, subject to the same constraints and in the
11 same manner by which the Secretary of State may exercise
12 such waiver authority pursuant to subsection (g) of such
13 section.

14 **SEC. 9803. COMMISSION ON REFORM AND MODERNIZATION**
15 **OF THE DEPARTMENT OF STATE.**

16 (a) SHORT TITLE.—This section may be cited as the
17 “Commission on Reform and Modernization of the De-
18 partment of State Act”.

19 (b) ESTABLISHMENT OF COMMISSION.—There is es-
20 tablished, in the legislative branch, the Commission on Re-
21 form and Modernization of the Department of State (re-
22 ferred to in this section as the “Commission”).

23 (c) PURPOSES.—The purposes of the Commission
24 are—

1 (1) to examine the changing nature of diplo-
2 macy and the ways in which the Department can
3 modernize to advance the interests of the United
4 States; and

5 (2) to offer recommendations to the President
6 and Congress related to—

7 (A) the organizational structure of the De-
8 partment;

9 (B) personnel-related matters, including
10 recruitment, promotion, training, and retention
11 of the Department's workforce in order to fos-
12 ter effective diplomacy worldwide, including
13 measures to strengthen diversity and inclusion
14 to ensure that the Department's workforce rep-
15 resents all of America;

16 (C) the Department of State's domestic
17 and overseas facilities;

18 (D) the link among diplomacy and defense,
19 development, commercial, health, law enforce-
20 ment, science, technology, and other core
21 United States interests;

22 (E) legislation that authorizes United
23 States diplomacy, including the Foreign Service
24 Act of 1980 (Public Law 96-465); and

1 (F) related regulations, rules, and proc-
2 esses that define United States diplomatic ef-
3 forts, including the Foreign Affairs Manual.

4 (d) MEMBERSHIP.—

5 (1) COMPOSITION.—The Commission shall be
6 composed of 16 members, of whom—

7 (A) 4 members shall be appointed by the
8 President in a nonpartisan manner;

9 (B) 2 members (1 of whom may be a
10 Member of Congress) shall be appointed by the
11 majority leader of the Senate;

12 (C) 2 members (1 of whom may be a Mem-
13 ber of Congress) shall be appointed by the
14 Speaker of the House of Representatives;

15 (D) 2 members (1 of whom may be a
16 Member of Congress) shall be appointed by the
17 minority leader of the Senate;

18 (E) 2 members (1 of whom may be a
19 Member of Congress) shall be appointed by the
20 minority leader of the House of Representa-
21 tives;

22 (F) 1 member shall be appointed by the
23 chairperson of the Committee on Foreign Rela-
24 tions of the Senate;

1 (G) 1 member shall be appointed by the
2 ranking member of the Committee on Foreign
3 Relations of the Senate;

4 (H) 1 member shall be appointed by the
5 chairperson of the Committee on Foreign Af-
6 fairs of the House of Representatives; and

7 (I) 1 member shall be appointed by the
8 ranking member of the Committee on Foreign
9 Affairs of the House of Representatives.

10 (2) QUALIFICATIONS.—

11 (A) MEMBERSHIP.—Any member of the
12 Commission who is not a Member of Congress
13 shall be a private United States citizen who is
14 nationally recognized and has significant depth
15 of experience in international relations, data-
16 driven management, and the policymaking, pro-
17 grammatic, and personnel aspects of the De-
18 partment.

19 (B) RESTRICTIONS.—

20 (i) FOREIGN AGENTS REGISTRATION
21 ACT OF 1938.—No member of the Commis-
22 sion may be a current or former registrant
23 under the Foreign Agents Registration Act
24 of 1938 (22 U.S.C. 611 et seq.).

1 (ii) MEMBERS OF CONGRESS.—Not
2 more than 4 members of the Commission
3 may be Members of Congress, who may
4 only be appointed by the Majority Leader
5 of the Senate, the Minority Leader of the
6 Senate, the Speaker of the House of Rep-
7 resentatives, and the Minority Leader of
8 the House of Representatives in accord-
9 ance with paragraph (1). None of the
10 members of the Commission may be indi-
11 viduals who are eligible to make such ap-
12 pointments.

13 (3) APPOINTMENTS.—

14 (A) DEADLINE.—Members of the Commis-
15 sion shall be appointed pursuant to paragraph
16 (1) not later than 90 days after the date of the
17 enactment of this Act.

18 (B) PERIOD OF APPOINTMENT; VACAN-
19 CIES.—Members of the Commission shall be ap-
20 pointed for the life of the Commission. Any va-
21 cancy in the Commission shall not affect the
22 powers of the Commission and shall be filled in
23 the same manner as the original appointment.

24 (C) NOTIFICATIONS.—Individuals making
25 appointments pursuant to paragraph (1) shall

1 notify the Chair and Ranking Member of the
2 appropriate committees of Congress and the
3 Secretary of State of such appointments.

4 (D) CO-CHAIRPERSONS.—

5 (i) DEMOCRATIC LEADERS.—The
6 Democratic leader in the Senate and the
7 Democratic leader in the House of Rep-
8 resentatives shall jointly select 1 member
9 of the Commission appointed pursuant to
10 paragraph (1) to serve as a co-chairperson
11 of the Commission.

12 (ii) REPUBLICAN LEADERS.—The Re-
13 publican leader in the Senate and the Re-
14 publican leader in the House of Represent-
15 atives shall jointly select 1 member of the
16 Commission appointed pursuant to para-
17 graph (1) to serve as a co-chairperson of
18 the Commission.

19 (4) REMOVAL.—A member may be removed
20 from the Commission for cause by the individual
21 serving in the position responsible for the original
22 appointment of such member under paragraph (1)
23 if—

24 (A) notice was provided to such member
25 describing the cause for removal; and

1 (B) such removal was voted and agreed
2 upon by a majority of the members serving on
3 the Commission.

4 (5) MEETINGS.—

5 (A) INITIAL MEETING.—Not later than 30
6 days after a majority of the members of the
7 Commission have been appointed, the Commis-
8 sion shall hold the first meeting and shall begin
9 operations as soon as practicable.

10 (B) FREQUENCY.—The Commission shall
11 meet upon the call of the co-chairpersons, act-
12 ing jointly.

13 (C) QUORUM.—A majority of the members
14 of the Commission, or a majority of the mem-
15 bers of a panel, shall constitute a quorum for
16 purposes of conducting business.

17 (e) FUNCTIONS OF COMMISSION.—

18 (1) IN GENERAL.—Except as provided in sub-
19 section (j), the Commission shall act by resolution
20 agreed to by a majority of the members of the Com-
21 mission voting and present.

22 (2) PANELS.—The Commission may establish
23 panels composed of less than the full membership of
24 the Commission for purposes of carrying out the du-
25 ties of the Commission under this section. The mem-

1 bership of such panels should reflect the bipartisan
2 composition of the Commission. The actions of any
3 such panel shall be subject to the review and control
4 of the Commission. Any findings and determinations
5 made by such a panel may not be considered the
6 findings and determinations of the Commission un-
7 less such findings and determinations are approved
8 by a majority of the Commission, including both co-
9 chairpersons.

10 (f) POWERS OF COMMISSION.—

11 (1) HEARINGS AND EVIDENCE.—To carry out
12 the purposes of the Commission described in sub-
13 section (c), the Commission or any panel of the
14 Commission may, with the joint approval of the co-
15 chairpersons—

16 (A) hold such hearings and meetings, take
17 such testimony, receive such evidence, and ad-
18 minister such oaths as the Commission or such
19 designated panel considers necessary;

20 (B) request the attendance and testimony
21 of such witnesses and the production of such
22 correspondence, memoranda, papers, and docu-
23 ments, as the Commission or such designated
24 panel considers necessary; and

1 (C) secure from the Department, USAID,
2 the United States International Development
3 Finance Corporation, the Millennium Challenge
4 Corporation, Peace Corps, the United States
5 Trade Development Agency, and the United
6 States Agency for Global Media information
7 and data necessary to enable it to carry out its
8 mission.

9 (2) CONTRACTS.—The Commission, to such ex-
10 tent and in such amounts as are provided in appro-
11 priations Acts, may enter into contracts to enable
12 the Commission to discharge its duties under this
13 section.

14 (g) SUPPORT FROM OTHER AGENCIES.—

15 (1) INFORMATION FROM FEDERAL AGENCIES.—
16 To carry out the purposes of the Commission de-
17 scribed in subsection (c), upon the receipt of a joint
18 written request by the co-chairpersons of the Com-
19 mission to any of the heads of the Department,
20 USAID, the United States International Develop-
21 ment Finance Corporation, the Millennium Chal-
22 lenge Corporation, the Peace Corps, the Trade De-
23 velopment Agency, or the United States Agency for
24 Global Media, the heads of such entities shall expe-

1 ditiously furnish the requested information to the
2 Commission.

3 (2) ASSISTANCE FROM FEDERAL AGENCIES.—

4 The Department of State and other Federal depart-
5 ments and agencies may provide to the Commission,
6 on a nonreimbursable basis, such administrative
7 services, staff, and other support services as are nec-
8 essary for the performance of the Commission's du-
9 ties under this section, at the request of the Com-
10 mission.

11 (3) LIAISON.—The Secretary may designate at
12 least 1 officer or employee of the Department to
13 serve as a liaison officer between the Department
14 and the Commission.

15 (4) RECOMMENDATIONS FROM INDEPENDENT
16 ORGANIZATIONS.—The Commission may review rec-
17 ommendations by independent organizations and
18 outside experts relating to reform and modernization
19 of the Department.

20 (h) CONGRESSIONAL CONSULTATION.—Not later
21 than 180 days after the initial meeting of the Commission,
22 and not less frequently than semiannually thereafter, the
23 Commission shall provide a briefing to Congress regarding
24 the work of the Commission.

25 (i) STAFF AND COMPENSATION.—

1 (1) STAFF.—

2 (A) COMPENSATION.—The co-chairpersons
3 of the Commission shall appoint and fix the
4 compensation of a staff director and such other
5 personnel as may be necessary to enable the
6 Commission to carry out its duties, without re-
7 gard to the provisions of title 5, United States
8 Code, governing appointments in the competi-
9 tive service, and without regard to the provi-
10 sions of chapter 51 and subchapter III of chap-
11 ter 53 of such title relating to classification and
12 General Schedule pay rates, except that no rate
13 of pay fixed under this subsection may exceed
14 the equivalent of that payable to a person occu-
15 pying a position at level V of the Executive
16 Schedule under section 5316 of such title.

17 (B) DETAIL OF GOVERNMENT EMPLOY-
18 EES.—A Federal Government employee may be
19 detailed to the Commission without reimburse-
20 ment, and such detail shall be without interrup-
21 tion or loss of civil service status or privilege.

22 (C) PROCUREMENT OF TEMPORARY AND
23 INTERMITTENT SERVICES.—The co-chairs of
24 the Commission may procure temporary and
25 intermittent services under section 3109(b) of

1 title 5, United States Code, at rates for individ-
2 uals that do not exceed the daily equivalent of
3 the annual rate of basic pay prescribed for level
4 V of the Executive Schedule under section 5315
5 of such title.

6 (D) STATUS AS FEDERAL EMPLOYEES.—
7 Notwithstanding the requirements under section
8 2105 of title 5, United States Code, including
9 the required supervision under subsection (a)(3)
10 of such section, the members of the commission
11 shall be deemed to be Federal employees.

12 (2) COMMISSION MEMBERS.—

13 (A) COMPENSATION.—Except as provided
14 in subparagraph (C), each member of the Com-
15 mission shall be compensated at a rate not to
16 exceed the daily equivalent of the annual rate of
17 basic pay payable for level IV of the Executive
18 Schedule under section 5315 of title 5, United
19 States Code, for each day (including travel
20 time) during which that member is engaged in
21 the actual performance of the duties of the
22 Commission.

23 (B) WAIVER OF CERTAIN PROVISIONS.—
24 Subsections (a) through (d) of section 824 of
25 the Foreign Service Act of 1980 (22 U.S.C.

1 4064) are waived for an annuitant on a tem-
2 porary basis so as to be compensated for work
3 performed as part of the Commission.

4 (C) RESTRICTION FOR MEMBERS OF CON-
5 GRESS.—Any Member of Congress serving as a
6 member of the Commission shall not receive
7 any additional compensation or pay for their
8 service on the Commission.

9 (3) TRAVEL EXPENSES.—While away from
10 their homes or regular places of business in the per-
11 formance of service for the Commission, members
12 and staff of the Commission, and any Federal Gov-
13 ernment employees detailed to the Commission, shall
14 be allowed travel expenses, including per diem in lieu
15 of subsistence, in the same manner as persons em-
16 ployed intermittently in Government service are al-
17 lowed expenses under section 5703(b) of title 5,
18 United States Code.

19 (4) SECURITY CLEARANCES FOR COMMISSION
20 MEMBERS AND STAFF.—

21 (A) IN GENERAL.—Members and staff
22 shall have or be eligible to receive the appro-
23 priate security clearance to conduct their du-
24 ties.

1 (B) EXPEDITED PROCESSING.—The Office
2 of Senate Security shall ensure the expedited
3 processing of appropriate security clearances for
4 members, officers, and employees of the Com-
5 mission.

6 (j) REPORT.—

7 (1) IN GENERAL.—Not later than 24 months
8 after the first date on which a majority of the mem-
9 bers of the Commission have been appointed, the
10 Commission shall submit a final report to the Sec-
11 retary and Congress that includes—

12 (A) a detailed statement of the findings
13 and conclusions of the Commission; and

14 (B) the recommendations of the Commis-
15 sion for such legislative and administrative ac-
16 tions as the Commission considers appropriate
17 in light of the results of the study, including the
18 anticipated amount of time and resources re-
19 quired to implement such recommendations.

20 (2) DEPARTMENT RESPONSE.—The Secretary,
21 in coordination with the heads of appropriate Fed-
22 eral departments and agencies, shall have the right
23 to review and respond to all Commission rec-
24 ommendations before the Commission submits its
25 final report to the Secretary and Congress. The

1 Commission shall provide the Department with its
2 recommendations not later than 90 days before the
3 date of submission of its final report.

4 (k) TERMINATION OF COMMISSION.—

5 (1) IN GENERAL.—The Commission, and all the
6 authorities under this section, shall terminate on the
7 date that is 60 days after the date on which the
8 final report is submitted pursuant to subsection
9 (j)(1).

10 (2) ADMINISTRATIVE ACTIVITIES BEFORE TER-
11 MINATION.—The Commission may use the 60-day
12 period referred to in paragraph (1) for the purpose
13 of concluding its activities, including providing testi-
14 mony to the appropriate committees of Congress
15 concerning its reports and disseminating the report.

16 (l) AUTHORIZATION OF APPROPRIATIONS.—

17 (1) IN GENERAL.—There is authorized to be
18 appropriated up to \$2,000,000 for fiscal year 2023
19 to carry out this section.

20 (2) TRANSFERS; SUPPORT.—In addition to
21 other transfers and support otherwise authorized by
22 law, the Secretary may—

23 (A) transfer any amounts appropriated
24 pursuant to paragraph (1) to the Commission;
25 and

1 (B) use the amounts referred to in sub-
2 paragraph (A) to provide non-reimbursable sup-
3 port to the Commission.

4 (3) COMMISSION ACCOUNTS.—

5 (A) ESTABLISHMENT.—The Secretary of
6 the Treasury may establish 1 or more accounts
7 to facilitate transfers to the Commission of
8 amounts authorized under paragraph (2)(A).

9 (B) USE OF FUNDS.—Amounts transferred
10 to the Commission pursuant to subpara-
11 graph(A) may be used for the activities of the
12 Commission, including—

13 (i) the payment of Commission ex-
14 penses;

15 (ii) the compensation of Commission
16 members, officers, and employees.

17 (m) DEFINED TERM.—In this section, the term “ap-
18 propriate committees of Congress” means—

19 (1) the Committee on Foreign Relations of the
20 Senate;

21 (2) the Committee on Appropriations of the
22 Senate;

23 (3) the Committee on Foreign Affairs of the
24 House of Representatives; and

1 (4) the Committee on Appropriations of the
2 House of Representatives.

3 **DIVISION J—OCEANS AND**
4 **ATMOSPHERE**

5 **SEC. 10000. TABLE OF CONTENTS.**

6 The table of contents for this division is as follows:

Sec. 10000. Table of contents.

TITLE C—CORAL REEF CONSERVATION

Subtitle A—Reauthorization of Coral Reef Conservation Act of 2000

Sec. 10001. Reauthorization of Coral Reef Conservation Act of 2000.

Subtitle B—United States Coral Reef Task Force

Sec. 10011. Establishment.

Sec. 10012. Duties.

Sec. 10013. Membership.

Sec. 10014. Responsibilities of Federal agency members.

Sec. 10015. Working groups.

Sec. 10016. Definitions.

Subtitle C—Department of the Interior Coral Reef Authorities

Sec. 10021. Coral reef conservation and restoration assistance.

Subtitle D—Susan L. Williams National Coral Reef Management Fellowship

Sec. 10031. Susan L. Williams National Coral Reef Management Fellowship.

TITLE CI—BOLSTERING LONG-TERM UNDERSTANDING AND EX-
PLORATION OF THE GREAT LAKES, OCEANS, BAYS, AND ESTU-
ARIES

Sec. 10101. Purpose.

Sec. 10102. Definitions.

Sec. 10103. Workforce study.

Sec. 10104. Accelerating innovation at Cooperative Institutes.

Sec. 10105. Blue Economy valuation.

Sec. 10106. No additional funds authorized.

TITLE CII—REGIONAL OCEAN PARTNERSHIPS

Sec. 10201. Findings; purposes.

Sec. 10202. Regional Ocean Partnerships.

TITLE CIII—NATIONAL OCEAN EXPLORATION

Sec. 10301. Findings.

Sec. 10302. Definitions.

Sec. 10303. Ocean Policy Committee.

- Sec. 10304. National Ocean Mapping, Exploration, and Characterization Council.
- Sec. 10305. Modifications to the ocean exploration program of the National Oceanic and Atmospheric Administration.
- Sec. 10306. Repeal.
- Sec. 10307. Modifications to ocean and coastal mapping program of the National Oceanic and Atmospheric Administration.
- Sec. 10308. Modifications to Hydrographic Services Improvement Act of 1998.

TITLE CIV—MARINE MAMMAL RESEARCH AND RESPONSE

- Sec. 10401. Data collection and dissemination.
- Sec. 10402. Stranding or entanglement response agreements.
- Sec. 10403. Unusual mortality event activity funding.
- Sec. 10404. Liability.
- Sec. 10405. National Marine Mammal Tissue Bank and tissue analysis.
- Sec. 10406. Marine Mammal Rescue and Response Grant Program and Rapid Response Fund.
- Sec. 10407. Health MAP.
- Sec. 10408. Reports to Congress.
- Sec. 10409. Authorization of appropriations.
- Sec. 10410. Definitions.
- Sec. 10411. Study on marine mammal mortality.

TITLE CV—VOLCANIC ASH AND FUMES

- Sec. 10501. Modifications to National Volcano Early Warning and Monitoring System.

TITLE CVI—LEARNING EXCELLENCE AND GOOD EXAMPLES FROM NEW DEVELOPERS

- Sec. 10601. Learning excellence and good examples from new developers.

1 **TITLE C—CORAL REEF**
 2 **CONSERVATION**
 3 **Subtitle A—Reauthorization of**
 4 **Coral Reef Conservation Act of**
 5 **2000**

6 **SEC. 10001. REAUTHORIZATION OF CORAL REEF CON-**
 7 **SERVATION ACT OF 2000.**

8 (a) IN GENERAL.—The Coral Reef Conservation Act
 9 of 2000 (16 U.S.C. 6401 et seq.) is amended by striking
 10 sections 202 through 210 and inserting the following:

1 **“SEC. 202. PURPOSES.**

2 “The purposes of this title are—

3 “(1) to conserve and restore the condition of
4 United States coral reef ecosystems challenged by
5 natural and human-accelerated changes, including
6 increasing ocean temperatures, changing ocean
7 chemistry, coral bleaching, coral diseases, water
8 quality degradation, invasive species, and illegal, un-
9 reported, and unregulated fishing;

10 “(2) to promote the science-based management
11 and sustainable use of coral reef ecosystems to ben-
12 efit local communities and the Nation, including
13 through improved integration and cooperation
14 among Federal and non-Federal stakeholders re-
15 sponsible for managing coral reef resources;

16 “(3) to develop sound scientific information on
17 the condition of coral reef ecosystems, continuing
18 and emerging threats to such ecosystems, and the
19 efficacy of innovative tools, technologies, and strate-
20 gies to mitigate stressors and restore such eco-
21 systems, including evaluation criteria to determine
22 the effectiveness of management interventions, and
23 accurate mapping for coral reef restoration;

24 “(4) to assist in the preservation of coral reefs
25 by supporting science-based, consensus-driven, and
26 community-based coral reef management by covered

1 States and covered Native entities, including moni-
2 toring, conservation, and restoration projects that
3 empower local communities, small businesses, and
4 nongovernmental organizations;

5 “(5) to provide financial resources, technical as-
6 sistance, and scientific expertise to supplement, com-
7 plement, and strengthen community-based manage-
8 ment programs and conservation and restoration
9 projects of non-Federal reefs;

10 “(6) to establish a formal mechanism for col-
11 lecting and allocating monetary donations from the
12 private sector to be used for coral reef conservation
13 and restoration projects;

14 “(7) to support rapid, effective, and science-
15 based assessment and response to exigent cir-
16 cumstances that pose immediate and long-term
17 threats to coral reefs, including—

18 “(A) coral disease outbreaks;

19 “(B) invasive or nuisance species;

20 “(C) coral bleaching;

21 “(D) natural disasters; and

22 “(E) industrial or mechanical disasters, in-
23 cluding vessel groundings, hazardous spills, and
24 coastal construction accidents; and

1 “(8) to serve as a model for advancing similar
2 international efforts to monitor, conserve, and re-
3 store coral reef ecosystems.

4 **“SEC. 203. FEDERAL CORAL REEF MANAGEMENT AND RES-**
5 **TORATION ACTIVITIES.**

6 “(a) IN GENERAL.—The Administrator, the Sec-
7 retary of the Interior, or the Secretary of Commerce may
8 conduct activities described in subsection (b) to conserve
9 and restore coral reefs and coral reef ecosystems that are
10 consistent with—

11 “(1) all applicable laws governing resource
12 management in Federal and State waters, including
13 this Act;

14 “(2) the National Coral Reef Resilience Strat-
15 egy; and

16 “(3) coral reef action plans in effect under sec-
17 tion 205, as applicable.

18 “(b) ACTIVITIES DESCRIBED.—Activities described
19 in this subsection are activities to conserve, research, mon-
20 itor, assess, and restore coral reefs and coral reef eco-
21 systems in waters managed under the jurisdiction of a
22 Federal agency specified in subsection (c) or in coordina-
23 tion with a State in waters managed under the jurisdiction
24 of such State, including—

1 “(1) developing, including through the collection
2 of requisite in situ and remotely sensed data, high-
3 quality and digitized maps reflecting—

4 “(A) current and historical live coral cover
5 data;

6 “(B) coral reef habitat quality data;

7 “(C) priority areas for coral reef conserva-
8 tion to maintain biodiversity and ecosystem
9 structure and function, including the reef ma-
10 trix, that benefit coastal communities and living
11 marine resources;

12 “(D) priority areas for coral reef restora-
13 tion to enhance biodiversity and ecosystem
14 structure and function, including the reef ma-
15 trix, to benefit coastal communities and living
16 marine resources; and

17 “(E) areas of concern that may require en-
18 hanced monitoring of coral health and cover;

19 “(2) enhancing compliance with Federal laws
20 that prohibit or regulate—

21 “(A) the taking of coral products or spe-
22 cies associated with coral reefs; or

23 “(B) the use and management of coral reef
24 ecosystems;

1 “(3) long-term ecological monitoring of coral
2 reef ecosystems;

3 “(4) implementing species-specific recovery
4 plans for listed coral species consistent with the En-
5 dangered Species Act of 1973 (16 U.S.C. 1531 et
6 seq.);

7 “(5) restoring degraded coral reef ecosystems;

8 “(6) reducing land-based stressors to coral reef
9 ecosystems;

10 “(7) promoting ecologically sound navigation
11 and anchorages, including through navigational aids
12 and expansion of reef-safe anchorages and mooring
13 buoy systems, to enhance recreational access while
14 preventing or minimizing the likelihood of vessel im-
15 pacts or other physical damage to coral reefs;

16 “(8) monitoring and responding to severe
17 bleaching or mortality events, disease outbreaks,
18 invasive species outbreaks, and significant maritime
19 accidents, including hazardous spill cleanup and the
20 removal of grounded vessels;

21 “(9) conducting scientific research that contrib-
22 utes to the understanding, sustainable use, and long-
23 term conservation of coral reefs;

24 “(10) enhancing public awareness, under-
25 standing, and appreciation of coral reefs and coral

1 reef ecosystems and their ecological and socio-
2 economic value; and

3 “(11) centrally archiving, managing, and dis-
4 tributing on a public website data sets and coral reef
5 ecosystem assessments, including the data reposi-
6 tories of the Coral Reef Conservation Program of
7 the National Oceanic and Atmospheric Administra-
8 tion.

9 “(c) FEDERAL AGENCIES SPECIFIED.—A Federal
10 agency specified in this subsection is one of the following:

11 “(1) The National Oceanic and Atmospheric
12 Administration.

13 “(2) The National Park Service.

14 “(3) The United States Fish and Wildlife Serv-
15 ice.

16 “(4) The Office of Insular Affairs.

17 **“SEC. 204. NATIONAL CORAL REEF RESILIENCE STRATEGY.**

18 “(a) IN GENERAL.—The Administrator shall—

19 “(1) not later than 2 years after the date of the
20 enactment of the James M. Inhofe National Defense
21 Authorization Act for Fiscal Year 2023, develop a
22 national coral reef resilience strategy; and

23 “(2) review and revise the strategy—

24 “(A) not less frequently than once every 15
25 years;

1 “(B) not less frequently than once every 5
2 years, in the case of guidance on best practices
3 under subsection (b)(4); and

4 “(C) as appropriate.

5 “(b) ELEMENTS.—The strategy required by sub-
6 section (a) shall include the following:

7 “(1) A discussion addressing—

8 “(A) continuing and emerging threats to
9 the resilience of United States coral reef eco-
10 systems;

11 “(B) remaining gaps in coral reef eco-
12 system research, monitoring, and assessment;

13 “(C) the status of management coopera-
14 tion and integration among Federal reef man-
15 agers and covered reef managers;

16 “(D) the status of efforts to manage and
17 disseminate critical information, and enhance
18 interjurisdictional data sharing, related to re-
19 search, reports, data sets, and maps;

20 “(E) areas of special focus, which may in-
21 clude—

22 “(i) improving natural coral recruit-
23 ment;

24 “(ii) preventing avoidable losses of
25 corals and their habitat;

1 “(iii) enhancing the resilience of coral
2 populations;

3 “(iv) supporting a resilience-based
4 management approach;

5 “(v) developing, coordinating, and im-
6 plementing watershed management plans;

7 “(vi) building and sustaining water-
8 shed management capacity at the local
9 level;

10 “(vii) providing data essential for
11 coral reef fisheries management;

12 “(viii) building capacity for coral reef
13 fisheries management;

14 “(ix) increasing understanding of
15 coral reef ecosystem services;

16 “(x) educating the public on the im-
17 portance of coral reefs, threats and solu-
18 tions; and

19 “(xi) evaluating intervention efficacy;

20 “(F) the status of conservation efforts, in-
21 cluding the use of marine protected areas to
22 serve as replenishment zones developed con-
23 sistent with local practices and traditions and
24 in cooperation with, and with respect for the

1 scientific, technical, and management expertise
2 and responsibilities of, covered reef managers;

3 “(G) science-based adaptive management
4 and restoration efforts; and

5 “(H) management of coral reef emer-
6 gencies and disasters.

7 “(2) A statement of national goals and objec-
8 tives designed to guide—

9 “(A) future Federal coral reef management
10 and restoration activities authorized under sec-
11 tion 203;

12 “(B) conservation and restoration prior-
13 ities for grants awarded under section 211; and

14 “(C) research priorities for the reef re-
15 search coordination institutes designated under
16 section 213(b)(1)(B).

17 “(3) A designation of priority areas for con-
18 servation, and priority areas for restoration, to sup-
19 port the review and approval of grants under section
20 211(e).

21 “(4) Technical assistance in the form of general
22 templates for use by covered reef managers and
23 Federal reef managers to guide the development of
24 coral reef action plans under section 205, including
25 guidance on the best science-based practices to re-

1 spond to coral reef emergencies that can be included
2 in coral reef action plans.

3 “(c) CONSULTATIONS.—In developing all elements of
4 the strategy required by subsection (a), the Administrator
5 shall—

6 “(1) consult with the Secretary of the Interior,
7 the Task Force, covered States, and covered Native
8 entities;

9 “(2) consult with the Secretary of Defense, as
10 appropriate;

11 “(3) engage stakeholders, including covered
12 States, coral reef stewardship partnerships, reef re-
13 search institutes and research centers described in
14 section 213, and recipients of grants under section
15 211; and

16 “(4) solicit public review and comment regard-
17 ing scoping and the draft strategy.

18 “(d) SUBMISSION TO CONGRESS; PUBLICATION.—
19 The Administrator shall—

20 “(1) submit the strategy required by subsection
21 (a) and any revisions to the strategy to the appro-
22 priate congressional committees; and

23 “(2) publish the strategy and any such revisions
24 on public websites of—

1 “(A) the Coral Reef Conservation Program
2 of the National Oceanic and Atmospheric Ad-
3 ministration; and

4 “(B) the Task Force.

5 **“SEC. 205. CORAL REEF ACTION PLANS.**

6 “(a) PLANS PREPARED BY FEDERAL REEF MAN-
7 AGERS.—

8 “(1) IN GENERAL.—Not later than 3 years
9 after the date of the enactment of the James M.
10 Inhofe National Defense Authorization Act for Fis-
11 cal Year 2023 and 2 years after the date of publica-
12 tion of each National Coral Reef Resilience Strategy,
13 each Federal reef manager shall—

14 “(A) prepare a coral reef action plan to
15 guide management and restoration activities to
16 be undertaken within the responsibilities and
17 jurisdiction of the manager; or

18 “(B) in the case of a reef under the juris-
19 diction of a Federal reef manager for which
20 there is an action plan in effect as of such date
21 of enactment, update that plan to comply with
22 the requirements of this subsection.

23 “(2) ELEMENTS.—A plan prepared under para-
24 graph (1) by a Federal reef manager shall include
25 a discussion of the following:

1 “(A) Short- and medium-term coral reef
2 conservation and restoration objectives within
3 the jurisdiction of the manager.

4 “(B) A current adaptive management
5 framework to inform research, monitoring, and
6 assessment needs.

7 “(C) Tools, strategies, and partnerships
8 necessary to identify, monitor, and address pol-
9 lution, water quality, and other negative im-
10 pacts to coral reef ecosystems within the juris-
11 diction of the manager.

12 “(D) The status of efforts to improve coral
13 reef ecosystem management cooperation and in-
14 tegration between Federal reef managers and
15 covered reef managers, including the identifica-
16 tion of existing research and monitoring activi-
17 ties that can be leveraged for coral reef status
18 and trends assessments within the jurisdiction
19 of the manager.

20 “(E) Estimated budgetary and resource
21 considerations necessary to carry out the plan.

22 “(F) Contingencies for response to and re-
23 covery from emergencies and disasters.

24 “(G) In the case of an updated plan, an-
25 nual records of significant management and

1 restoration actions taken under the previous
2 plan, cash and noncash resources used to un-
3 dertake the actions, and the source of such re-
4 sources.

5 “(H) Documentation by the Federal reef
6 manager that the plan is consistent with the
7 National Coral Reef Resilience Strategy.

8 “(I) A data management plan to ensure
9 data, assessments, and accompanying informa-
10 tion are appropriately preserved, curated, pub-
11 licly accessible, and broadly reusable.

12 “(3) SUBMISSION TO TASK FORCE.—Each Fed-
13 eral reef manager shall submit a plan prepared
14 under paragraph (1) to the Task Force.

15 “(4) APPLICATION OF ADMINISTRATIVE PROCE-
16 DURE ACT.—Each plan prepared under paragraph
17 (1) shall be subject to the requirements of sub-
18 chapter II of chapter 5, and chapter 7, of title 5,
19 United States Code (commonly known as the ‘Ad-
20 ministrative Procedure Act’).

21 “(b) PLANS PREPARED BY COVERED REEF MAN-
22 AGERS.—

23 “(1) IN GENERAL.—A covered reef manager
24 may elect to prepare, submit to the Task Force, and
25 maintain a coral reef action plan to guide manage-

1 ment and restoration activities to be undertaken
2 within the responsibilities and jurisdiction of the
3 manager.

4 “(2) EFFECTIVE PERIOD.—A plan prepared
5 under this subsection shall remain in effect for 5
6 years, or until an updated plan is submitted to the
7 Task Force, whichever occurs first.

8 “(3) ELEMENTS.—A plan prepared under para-
9 graph (1) by a covered reef manager—

10 “(A) shall contain a discussion of—

11 “(i) short- and medium-term coral
12 reef conservation and restoration objectives
13 within the jurisdiction of the manager;

14 “(ii) estimated budgetary and re-
15 source considerations necessary to carry
16 out the plan;

17 “(iii) in the case of an updated plan,
18 annual records of significant management
19 and restoration actions taken under the
20 previous plan, cash and noncash resources
21 used to undertake the actions, and the
22 source of such resources; and

23 “(iv) contingencies for response to
24 and recovery from emergencies and disas-
25 ters; and

1 “(B) may contain a discussion of—

2 “(i) the status of efforts to improve
3 coral reef ecosystem management coopera-
4 tion and integration between Federal reef
5 managers and covered reef managers, in-
6 cluding the identification of existing re-
7 search and monitoring activities that can
8 be leveraged for coral reef status and
9 trends assessments within the jurisdiction
10 of the manager;

11 “(ii) a current adaptive management
12 framework to inform research, monitoring,
13 and assessment needs;

14 “(iii) tools, strategies, and partner-
15 ships necessary to identify, monitor, and
16 address pollution and water quality im-
17 pacts to coral reef ecosystems within the
18 jurisdiction of the manager; and

19 “(iv) a data management plan to en-
20 sure data, assessments, and accompanying
21 information are appropriately preserved,
22 curated, publicly accessible, and broadly
23 reusable.

24 “(c) TECHNICAL ASSISTANCE.—The Administrator
25 and the Task Force shall make reasonable efforts to pro-

1 vide technical assistance upon request by a Federal reef
2 manager or covered reef manager developing a coral reef
3 action plan under this section.

4 “(d) PUBLICATION.—The Administrator shall publish
5 each coral reef action plan prepared and submitted to the
6 Task Force under this section on the public website of
7 the Coral Reef Conservation Program of the National Oce-
8 anic and Atmospheric Administration.

9 **“SEC. 206. CORAL REEF STEWARDSHIP PARTNERSHIPS.**

10 “(a) IN GENERAL.—To further community-based
11 stewardship of coral reefs, coral reef stewardship partner-
12 ships for Federal and non-Federal coral reefs may be es-
13 tablished in accordance with this section.

14 “(b) STANDARDS AND PROCEDURES.—The Adminis-
15 trator shall develop and adopt—

16 “(1) standards for identifying individual coral
17 reefs and ecologically significant units of coral reefs;
18 and

19 “(2) processes for adjudicating multiple appli-
20 cants for stewardship of the same coral reef or eco-
21 logically significant unit of a reef to ensure no geo-
22 graphic overlap in representation among stewardship
23 partnerships authorized by this section.

24 “(c) MEMBERSHIP FOR FEDERAL CORAL REEFS.—
25 A coral reef stewardship partnership that has identified,

1 as the subject of its stewardship activities, a coral reef
2 or ecologically significant unit of a coral reef that is fully
3 or partially under the management jurisdiction of any
4 Federal agency specified in section 203(c) shall, at a min-
5 imum, include the following:

6 “(1) That Federal agency, a representative of
7 which shall serve as chairperson of the coral reef
8 stewardship partnership.

9 “(2) A State or county’s resource management
10 agency to the extent that such partnership covers a
11 reef within such States or county’s jurisdiction.

12 “(3) A coral reef research center designated
13 under section 212(b).

14 “(4) A nongovernmental organization.

15 “(5) A covered Native entity culturally affili-
16 ated with the subject reef or ecologically significant
17 unit, if any.

18 “(6) Such other members as the partnership
19 considers appropriate, such as interested stakeholder
20 groups and covered Native entities.

21 “(d) MEMBERSHIP FOR NON-FEDERAL CORAL
22 REEFS.—

23 “(1) IN GENERAL.—A coral reef stewardship
24 partnership that has identified, as the subject of its
25 stewardship activities, a coral reef or ecologically sig-

1 nificant component of a coral reef that is not under
2 the management jurisdiction of any Federal agency
3 specified in section 203(c) shall, at a minimum, in-
4 clude the following:

5 “(A) A State or county’s resource manage-
6 ment agency or a covered Native entity, a rep-
7 resentative of which shall serve as the chair-
8 person of the coral reef stewardship partner-
9 ship.

10 “(B) A coral reef research center des-
11 ignated under section 212(b).

12 “(C) A nongovernmental organization.

13 “(D) Such other members as the partner-
14 ship considers appropriate, such as interested
15 stakeholder groups.

16 “(2) ADDITIONAL MEMBERS.—

17 “(A) IN GENERAL.—Subject to subpara-
18 graph (B), a coral reef stewardship partnership
19 described in paragraph (1) may also include
20 representatives of one or more Federal agen-
21 cies.

22 “(B) REQUESTS; APPROVAL.—A represent-
23 ative of a Federal agency described in subpara-
24 graph (A) may become a member of a coral reef

1 stewardship partnership described in paragraph
2 (1) if—

3 “(i) the representative submits a re-
4 quest to become a member to the chair-
5 person of the partnership referred to in
6 paragraph (1)(A); and

7 “(ii) the chairperson consents to the
8 request.

9 “(e) NONAPPLICABILITY OF FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee Act
11 (5 U.S.C. App.) shall not apply to coral reef stewardship
12 partnerships under this section.

13 **“SEC. 207. BLOCK GRANTS.**

14 “(a) IN GENERAL.—In each fiscal year beginning in
15 fiscal year 2023 and subject to the availability of appro-
16 priations, the Administrator shall provide block grants of
17 financial assistance of not less than \$500,000 to each cov-
18 ered State to support management and restoration activi-
19 ties and further the implementation of coral reef action
20 plans in effect under section 205 by covered States and
21 non-Federal coral reef stewardship partnerships in accord-
22 ance with this section. The Administrator shall review
23 each covered State’s application for block grant funding
24 to ensure that applications are consistent with applicable

1 action plans and the National Coral Reef Resilience Strat-
2 egy.

3 “(b) RESPONSIBILITIES OF THE ADMINISTRATOR.—

4 The Administrator is responsible for—

5 “(1) providing guidance on the proper docu-
6 mentation of expenditures authorized under this Act;

7 “(2) issuing annual solicitations to covered
8 States for awards under this section; and

9 “(3) determining the appropriate allocation of
10 additional amounts among covered States in accord-
11 ance with this section.

12 “(c) RESPONSIBILITIES OF COVERED STATES.—

13 Each covered State is responsible for documenting and re-
14 porting—

15 “(1) such State’s use of Federal funds received
16 under this Act; and

17 “(2) such expenditures of non-Federal funds
18 made in furtherance of coral reef management and
19 restoration as the Administrator determines appro-
20 priate.

21 “(d) COOPERATIVE AGREEMENTS.—Subject to the
22 availability of appropriations, the Administrator may seek
23 to enter into a cooperative agreement with a covered State
24 to fund coral reef conservation and restoration activities
25 in waters managed under the jurisdiction of such covered

1 State that are consistent with the National Coral Reef Re-
2 silience Strategy and any applicable action plan under sec-
3 tion 205.

4 “(e) ALL ISLANDS COMMITTEE.—The Administrator
5 may enter into a cooperative agreement with the All Is-
6 lands Committee of the Task Force to provide support for
7 its activities.

8 **“SEC. 208. CORAL REEF STEWARDSHIP FUND.**

9 “(a) AGREEMENT.—The Administrator shall seek to
10 enter into an agreement with the National Fish and Wild-
11 life Foundation (in this section referred to as the ‘Founda-
12 tion’), authorizing the Foundation to receive, hold, and ad-
13 minister funds received under this section.

14 “(b) FUND.—

15 “(1) IN GENERAL.—The Foundation shall es-
16 tablish an account, which shall—

17 “(A) be known as the ‘Coral Reef Steward-
18 ship Fund’ (in this section referred to as the
19 ‘Fund’); and

20 “(B) serve as the successor to the account
21 known before the date of the enactment of the
22 James M. Inhofe National Defense Authoriza-
23 tion Act for Fiscal Year 2023 as the Coral Reef
24 Conservation Fund and administered through a
25 public-private partnership with the Foundation.

1 “(2) DEPOSITS.—The Foundation shall deposit
2 funds received under this section into the Fund.

3 “(3) PURPOSES.—The Fund shall be available
4 solely to support coral reef stewardship activities
5 that—

6 “(A) further the purposes of this title; and

7 “(B) are consistent with—

8 “(i) the National Coral Reef Resil-
9 ience Strategy; and

10 “(ii) coral reef action plans in effect,
11 if any, under section 205 covering a coral
12 reef or ecologically significant component
13 of a coral reef to be impacted by such ac-
14 tivities, if applicable.

15 “(4) INVESTMENT OF AMOUNTS.—

16 “(A) INVESTMENT OF AMOUNTS.—The
17 Foundation shall invest such portion of the
18 Fund as is not required to meet current with-
19 draws in interest-bearing obligations of the
20 United States or in obligations guaranteed as to
21 both principal and interest by the United
22 States.

23 “(B) INTEREST AND PROCEEDS.—The in-
24 terest on, and the proceeds from the sale or re-
25 demption of, any obligations held in the Fund

1 shall be credited to and form a part of the
2 Fund.

3 “(5) REVIEW OF PERFORMANCE.—The Admin-
4 istrator shall conduct a continuing review of all de-
5 posits into, and disbursements from, the Fund. Each
6 review shall include a written assessment concerning
7 the extent to which the Foundation has implemented
8 the goals and requirements of—

9 “(A) this section; and

10 “(B) the National Coral Reef Resilience
11 Strategy.

12 “(c) AUTHORIZATION TO SOLICIT DONATIONS.—

13 “(1) IN GENERAL.—Pursuant to an agreement
14 entered into under subsection (a), the Foundation
15 may accept, receive, solicit, hold, administer, and use
16 any gift (including, notwithstanding section 1342 of
17 title 31, United States Code, donations of services)
18 to further the purposes of this title.

19 “(2) DEPOSITS IN FUND.—Notwithstanding
20 section 3302 of title 31, United States Code, any
21 funds received as a gift shall be deposited and main-
22 tained in the Fund.

23 “(d) ADMINISTRATION.—Under an agreement en-
24 tered into pursuant to subsection (a), and subject to the
25 availability of appropriations, the Administrator may

1 transfer funds appropriated for such purposes to carry out
2 this title to the Foundation. Amounts received by the
3 Foundation under this subsection may be used for match-
4 ing, in whole or in part, contributions (whether in money,
5 services, or property) made to the Foundation by private
6 persons, State or local government agencies, or covered
7 Native entities.

8 **“SEC. 209. EMERGENCY ASSISTANCE.**

9 “(a) IN GENERAL.—Notwithstanding any other pro-
10 vision of law, from funds appropriated pursuant to the au-
11 thorization of appropriations under section 215, the Ad-
12 ministrator may provide emergency assistance to any cov-
13 ered State or coral reef stewardship partnership to re-
14 spond to immediate harm to coral reefs or coral reef eco-
15 systems arising from any of the exigent circumstances de-
16 scribed in subsection (b).

17 “(b) CORAL REEF EXIGENT CIRCUMSTANCES.—The
18 Administrator shall develop a list of, and criteria for, cir-
19 cumstances that pose an exigent threat to coral reefs, in-
20 cluding—

- 21 “(1) new and ongoing outbreaks of disease;
22 “(2) new and ongoing outbreaks of invasive or
23 nuisance species;
24 “(3) new and ongoing coral bleaching events;
25 “(4) natural disasters;

1 “(5) industrial or mechanical incidents, such as
2 vessel groundings, hazardous spills, or coastal con-
3 struction accidents; and

4 “(6) such other circumstances as the Adminis-
5 trator determines appropriate.

6 “(c) ANNUAL REPORT ON EXIGENT CIR-
7 CUMSTANCES.—On February 1 of each year, the Adminis-
8 trator shall submit to the appropriate congressional com-
9 mittees, the Committee on Appropriations of the Senate,
10 and the Committee on Appropriations of the House of
11 Representatives a report that—

12 “(1) describes locations with exigent cir-
13 cumstances described in subsection (b) that were
14 considered but declined for emergency assistance,
15 and the rationale for the decision; and

16 “(2) with respect to each instance in which
17 emergency assistance under this section was pro-
18 vided—

19 “(A) the location and a description of the
20 exigent circumstances that prompted the emer-
21 gency assistance, the entity that received the
22 assistance, and the current and expected out-
23 comes from the assistance;

24 “(B) a description of activities of the Na-
25 tional Oceanic and Atmospheric Administration

1 that were curtailed as a result of providing the
2 emergency assistance; and

3 “(C) an assessment of whether further ac-
4 tion is needed to restore the affected coral reef,
5 recommendations for such restoration, and a
6 cost estimate to implement such recommenda-
7 tions.

8 **“SEC. 210. CORAL REEF DISASTER FUND.**

9 “(a) AGREEMENTS.—The Administrator shall seek to
10 enter into an agreement with the National Fish and Wild-
11 life Foundation (in this section referred to as the ‘Founda-
12 tion’), authorizing the Foundation to receive, hold, and ad-
13 minister funds received under this section.

14 “(b) FUND.—

15 “(1) IN GENERAL.—The Foundation shall es-
16 tablish an account, to be known as the ‘Coral Reef
17 Disaster Fund’ (in this section referred to as the
18 ‘Fund’).

19 “(2) DEPOSITS.—The Foundation shall deposit
20 funds received under this section into the Fund.

21 “(3) PURPOSES.—The Fund shall be available
22 solely to support the long-term recovery of coral
23 reefs from exigent circumstances described in section
24 209(b)—

1 “(A) in partnership with non-Federal
2 stakeholders; and

3 “(B) in a manner that is consistent with—

4 “(i) the National Coral Reef Resilience Strategy; and

5 “(ii) coral reef action plans in effect,
6 if any, under section 205.

7
8 “(4) INVESTMENT OF AMOUNTS.—

9 “(A) INVESTMENT OF AMOUNTS.—The
10 Foundation shall invest such portion of the
11 Fund as is not required to meet current with-
12 draws in interest-bearing obligations of the
13 United States or in obligations guaranteed as to
14 both principal and interest by the United
15 States.

16 “(B) INTEREST AND PROCEEDS.—The in-
17 terest on, and the proceeds from, the sale or re-
18 demption of, any obligations held in the Fund
19 shall be credited to and form a part of the
20 Fund.

21 “(5) REVIEW OF PERFORMANCE.—The Admin-
22 istrator shall conduct continuing reviews of all de-
23 posits into, and disbursements from, the Fund. Each
24 such review shall include a written assessment con-
25 cerning the extent to which the Foundation has im-

1 plemented the goals and requirements of this sec-
2 tion.

3 “(c) AUTHORIZATION TO SOLICIT DONATIONS.—

4 “(1) IN GENERAL.—Pursuant to an agreement
5 entered into under subsection (a), the Foundation
6 may accept, receive, solicit, hold, administer, and use
7 any gift (including, notwithstanding section 1342 of
8 title 31, United States Code, donations of services)
9 to further the purposes of this title.

10 “(2) DEPOSITS IN FUND.—Notwithstanding
11 section 3302 of title 31, United States Code, any
12 funds received as a gift shall be deposited and main-
13 tained in the Fund.

14 **“SEC. 211. RUTH D. GATES CORAL REEF CONSERVATION**
15 **GRANT PROGRAM.**

16 “(a) IN GENERAL.—Subject to the availability of ap-
17 propriations, the Administrator shall establish a program
18 (to be known as the ‘Ruth D. Gates Coral Reef Conserva-
19 tion Grant Program’) to provide grants for projects for
20 the conservation and restoration of coral reef ecosystems
21 (in this section referred to as ‘coral reef projects’) pursu-
22 ant to proposals approved by the Administrator in accord-
23 ance with this section.

24 “(b) MATCHING REQUIREMENTS FOR GRANTS.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (3), Federal funds for any coral reef project
3 for which a grant is provided under subsection (a)
4 may not exceed 50 percent of the total cost of the
5 project.

6 “(2) NON-FEDERAL SHARE.—The non-Federal
7 share of the cost of a coral reef project may be pro-
8 vided by in-kind contributions and other noncash
9 support.

10 “(3) WAIVER.—The Administrator may waive
11 all or part of the matching requirement under para-
12 graph (1) if the Administrator determines that no
13 reasonable means are available through which an ap-
14 plicant can meet the matching requirement with re-
15 spect to a coral reef project and the probable benefit
16 of the project outweighs the public interest in the
17 matching requirement.

18 “(c) ELIGIBILITY.—

19 “(1) IN GENERAL.—An entity described in
20 paragraph (2) may submit to the Administrator a
21 proposal for a coral reef project.

22 “(2) ENTITIES DESCRIBED.—An entity de-
23 scribed in this paragraph is—

24 “(A) a covered reef manager or a covered
25 Native entity;

1 “(B) a regional fishery management coun-
2 cil established under the Magnuson-Stevens
3 Fishery Conservation and Management Act (16
4 U.S.C. 1801 et seq.);

5 “(C) a coral reef stewardship partnership
6 seeking to implement a coral reef action plan in
7 effect under section 205;

8 “(D) a coral reef research center des-
9 ignated under section 212(b); or

10 “(E) a nongovernmental organization or
11 research institution with demonstrated expertise
12 in the conservation or restoration of coral reefs
13 in practice or through significant contributions
14 to the body of existing scientific research on
15 coral reefs.

16 “(d) PROJECT PROPOSALS.—Each proposal for a
17 grant under this section for a coral reef project shall in-
18 clude the following:

19 “(1) The name of the individual or entity re-
20 sponsible for conducting the project.

21 “(2) A description of the qualifications of the
22 individual or entity.

23 “(3) A succinct statement of the purposes of
24 the project.

1 “(4) An estimate of the funds and time re-
2 quired to complete the project.

3 “(5) Evidence of support for the project by ap-
4 propriate representatives of States or other govern-
5 ment jurisdictions in which the project will be con-
6 ducted.

7 “(6) Information regarding the source and
8 amount of matching funding available to the appli-
9 cant.

10 “(7) A description of how the project meets one
11 or more of the criteria under subsection (e)(2).

12 “(8) In the case of a proposal submitted by a
13 coral reef stewardship partnership, a description of
14 how the project aligns with the applicable coral reef
15 action plan in effect under section 205.

16 “(9) Any other information the Administrator
17 considers to be necessary for evaluating the eligi-
18 bility of the project for a grant under this sub-
19 section.

20 “(e) PROJECT REVIEW AND APPROVAL.—

21 “(1) IN GENERAL.—The Administrator shall re-
22 view each coral reef project proposal submitted
23 under this section to determine if the project meets
24 the criteria set forth in subsection (f).

1 “(2) PRIORITIZATION OF CONSERVATION
2 PROJECTS.—The Administrator shall prioritize the
3 awarding of funding for projects that meet the cri-
4 teria for approval described in—

5 “(A) subparagraphs (A) through (G) of
6 subsection (f)(2) that are proposed to be con-
7 ducted within priority areas identified for coral
8 reef conservation by the Administrator under
9 the National Coral Reef Resilience Strategy;
10 and

11 “(B) subparagraphs (E) through (L) of
12 subsection (f)(2) that are proposed to be con-
13 ducted within priority areas identified for coral
14 reef restoration by the Administrator under the
15 National Coral Reef Resilience Strategy.

16 “(3) REVIEW; APPROVAL OR DISAPPROVAL.—
17 Not later than 180 days after receiving a proposal
18 for a coral reef project under this section, the Ad-
19 ministrator shall—

20 “(A) request and consider written com-
21 ments on the proposal from each Federal agen-
22 cy, State government, covered Native entity, or
23 other government jurisdiction, including the rel-
24 evant regional fishery management councils es-
25 tablished under the Magnuson-Stevens Fishery

1 Conservation and Management Act (16 U.S.C.
2 1801 et seq.), or any National Marine Sanc-
3 tuary or Marine National Monument, with ju-
4 risdiction or management authority over coral
5 reef ecosystems in the area where the project is
6 to be conducted, including the extent to which
7 the project is consistent with locally established
8 priorities, unless such entities were directly in-
9 volved in the development of the project pro-
10 posal;

11 “(B) provide for the merit-based peer re-
12 view of the proposal and require standardized
13 documentation of that peer review;

14 “(C) after considering any written com-
15 ments and recommendations based on the re-
16 views under subparagraphs (A) and (B), ap-
17 prove or disapprove the proposal; and

18 “(D) provide written notification of that
19 approval or disapproval, with summaries of all
20 written comments, recommendations, and peer
21 reviews, to the entity that submitted the pro-
22 posal, and each of those States, covered Native
23 entity, and other government jurisdictions that
24 provided comments under subparagraph (A).

1 “(f) CRITERIA FOR APPROVAL.—The Administrator
2 may not approve a proposal for a coral reef project under
3 this section unless the project—

4 “(1) is consistent with—

5 “(A) the National Coral Reef Resilience
6 Strategy; and

7 “(B) any Federal or non-Federal coral reef
8 action plans in effect under section 205 cov-
9 ering a coral reef or ecologically significant unit
10 of a coral reef to be affected by the project; and

11 “(2) will enhance the conservation and restora-
12 tion of coral reefs by—

13 “(A) addressing conflicts arising from the
14 use of environments near coral reefs or from
15 the use of corals, species associated with coral
16 reefs, and coral products, including supporting
17 consensus-driven and community-based plan-
18 ning and management initiatives for the protec-
19 tion of coral reef ecosystems;

20 “(B) improving compliance with laws that
21 prohibit or regulate the taking of coral products
22 or species associated with coral reefs or regulate
23 the use and management of coral reef eco-
24 systems;

1 “(C) designing and implementing networks
2 of real-time water quality monitoring along
3 coral reefs, including data collection related to
4 turbidity, nutrient availability, harmful algal
5 blooms, and plankton assemblages, with an em-
6 phasis on coral reefs impacted by agriculture
7 and urban development;

8 “(D) promoting ecologically sound naviga-
9 tion and anchorages, including mooring buoy
10 systems to promote enhanced recreational ac-
11 cess, near coral reefs;

12 “(E) furthering the goals and objectives of
13 coral reef action plans in effect under section
14 205;

15 “(F) mapping the location and distribution
16 of coral reefs and potential coral reef habitat;

17 “(G) stimulating innovation to advance the
18 ability of the United States to understand, re-
19 search, or monitor coral reef ecosystems, or to
20 develop management or adaptation options to
21 conserve and restore coral reef ecosystems;

22 “(H) implementing research to ensure the
23 population viability of coral species in United
24 States waters listed as threatened or endan-
25 gered under the Endangered Species Act of

1 1973 as detailed in the population-based recovery
2 criteria included in species-specific recovery
3 plans established under such Act;

4 “(I) developing and implementing cost-effective
5 methods to restore degraded coral reef
6 ecosystems or to create geographically appropriate
7 coral reef ecosystems in suitable waters,
8 including by improving habitat or promoting
9 success of keystone species, with an emphasis
10 on novel restoration strategies and techniques
11 to advance coral reef recovery and growth near
12 population centers threatened by rising sea levels
13 and storm surge;

14 “(J) translating and applying coral genetics
15 research to coral reef ecosystem restoration,
16 including research related to traits that promote
17 resilience to increasing ocean temperatures,
18 changing ocean chemistry, coral bleaching,
19 coral diseases, and invasive species;

20 “(K) developing and maintaining in situ
21 native coral propagation sites; or

22 “(L) developing and maintaining ex situ
23 coral propagation nurseries and land-based
24 coral gene banks to—

1 “(i) conserve or augment genetic di-
2 versity of native coral populations;

3 “(ii) support captive breeding of rare
4 coral species; or

5 “(iii) enhance resilience of native coral
6 populations to increasing ocean tempera-
7 tures, changing ocean chemistry, coral
8 bleaching, and coral diseases through selec-
9 tive breeding, conditioning, or other ap-
10 proaches that target genes, gene expres-
11 sion, phenotypic traits, or phenotypic plas-
12 ticity.

13 “(g) FUNDING REQUIREMENTS.—To the extent prac-
14 ticable based upon proposals for coral reef projects sub-
15 mitted to the Administrator, the Administrator shall en-
16 sure that funding for grants awarded under this section
17 during a fiscal year is distributed as follows:

18 “(1) Not less than 40 percent of funds available
19 shall be awarded for projects in areas of the Pacific
20 Ocean subject to the jurisdiction or control of the
21 United States.

22 “(2) Not less than 40 percent of the funds
23 available shall be awarded for projects in areas of
24 the Atlantic Ocean, the Gulf of Mexico, or the Carib-

1 bean Sea subject to the jurisdiction or control of the
2 United States.

3 “(3) To the extent there are viable applications
4 made by eligible coral reef stewardship partners, not
5 more than 67 percent of funds distributed in each
6 region in accordance with paragraphs (1) and (2)
7 may be made exclusively available to projects that
8 are—

9 “(A) submitted by a coral reef stewardship
10 partnership; and

11 “(B) consistent with the coral reef action
12 plan in effect under section 205 by such a part-
13 nership.

14 “(4) Of the funds distributed to support
15 projects in accordance with paragraph (3), not less
16 than 20 percent and not more than 33 percent shall
17 be awarded for projects submitted by a Federal coral
18 reef stewardship partnership, to the extent there are
19 viable applications made by eligible Federal coral
20 reef stewardship partnerships.

21 “(h) TASK FORCE.—The Administrator may consult
22 with the Secretary of the Interior and the Task Force to
23 obtain guidance in establishing priorities and evaluating
24 proposals for coral reef projects under this section.

1 **“SEC. 212. CORAL REEF RESEARCH.**

2 “(a) REEF RESEARCH COORDINATION INSTI-
3 TUTES.—

4 “(1) ESTABLISHMENT.—The Administrator
5 shall designate 2 reef research coordination insti-
6 tutes for the purpose of advancing and sustaining
7 essential capabilities in coral reef research, one each
8 in the Atlantic and Pacific basins, to be known as
9 the ‘Atlantic Reef Research Coordination Institute’
10 and the ‘Pacific Reef Research Coordination Insti-
11 tute’, respectively.

12 “(2) MEMBERSHIP.—Each institute designated
13 under paragraph (1) shall be housed within a single
14 coral reef research center designated by the Admin-
15 istrator under subsection (b).

16 “(3) FUNCTIONS.—The institutes designated
17 under paragraph (1) shall—

18 “(A) conduct federally directed research to
19 fill national and regional coral reef ecosystem
20 research gaps and improve understanding of,
21 and responses to, continuing and emerging
22 threats to the resilience of United States coral
23 reef ecosystems consistent with the National
24 Coral Reef Resilience Strategy;

25 “(B) support ecological research and moni-
26 toring to study the effects of conservation and

1 restoration activities funded by this title on pro-
2 moting more effective coral reef management
3 and restoration; and

4 “(C) through agreements—

5 “(i) collaborate directly with States,
6 covered Native entities, covered coral reef
7 managers, nonprofit organizations, and
8 other coral reef research centers des-
9 ignated under subsection (b);

10 “(ii) assist in the development and im-
11 plementation of—

12 “(I) the National Coral Reef Re-
13 siliience Strategy; and

14 “(II) coral reef action plans
15 under section 205;

16 “(iii) build capacity within non-Fed-
17 eral governmental resource management
18 agencies to establish research priorities
19 and translate and apply research findings
20 to management and restoration practices;
21 and

22 “(iv) conduct public education and
23 awareness programs for policymakers, re-
24 source managers, and the general public
25 on—

1 “(I) coral reefs and coral reef
2 ecosystems;

3 “(II) best practices for coral reef
4 ecosystem management and restora-
5 tion;

6 “(III) the value of coral reefs;
7 and

8 “(IV) the threats to the sustain-
9 ability of coral reef ecosystems.

10 “(b) CORAL REEF RESEARCH CENTERS.—

11 “(1) IN GENERAL.—The Administrator shall—

12 “(A) periodically solicit applications for
13 designation of qualifying institutions in covered
14 States as coral reef research centers; and

15 “(B) designate all qualifying institutions in
16 covered States as coral reef research centers.

17 “(2) QUALIFYING INSTITUTIONS.—For pur-
18 poses of paragraph (1), an institution is a qualifying
19 institution if the Administrator determines that the
20 institution—

21 “(A) is operated by an institution of higher
22 education or nonprofit marine research organi-
23 zation;

1 “(B) has established management-driven
2 national or regional coral reef research or res-
3 toration programs;

4 “(C) has demonstrated abilities to coordi-
5 nate closely with appropriate Federal and State
6 agencies, and other academic and nonprofit or-
7 ganizations; and

8 “(D) maintains significant local community
9 engagement and outreach programs related to
10 coral reef ecosystems.

11 **“SEC. 213. CORAL REEF PRIZE COMPETITIONS.**

12 “(a) IN GENERAL.—Subject to the availability of ap-
13 propriations, the head of any Federal agency with a rep-
14 resentative serving on the United States Coral Reef Task
15 Force established by section 10011 of the James M.
16 Inhofe National Defense Authorization Act for Fiscal Year
17 2023, may, individually or in cooperation with one or more
18 agencies, carry out a program to award prizes competi-
19 tively under section 24 of the Stevenson-Wydler Tech-
20 nology Innovation Act of 1980 (15 U.S.C. 3719).

21 “(b) PURPOSES.—Any program carried out under
22 this section shall be for the purpose of stimulating innova-
23 tion to advance the ability of the United States to under-
24 stand, research, or monitor coral reef ecosystems, or to

1 develop management or adaptation options to preserve,
2 sustain, and restore coral reef ecosystems.

3 “(c) PRIORITY PROGRAMS.—Priority shall be given to
4 establishing programs under this section that address
5 communities, environments, or industries that are in dis-
6 tress as a result of the decline or degradation of coral reef
7 ecosystems, including—

8 “(1) scientific research and monitoring that
9 furthers the understanding of causes behind coral
10 reef decline and degradation and the generally slow
11 recovery following disturbances, including changing
12 ocean chemistry, temperature-related bleaching, dis-
13 ease, and their associated impacts on coral physi-
14 ology;

15 “(2) the development of monitoring or manage-
16 ment options for communities or industries that are
17 experiencing significant financial hardship;

18 “(3) the development of adaptation options to
19 alleviate economic harm and job loss caused by dam-
20 age to coral reef ecosystems;

21 “(4) the development of measures to help vul-
22 nerable communities or industries, with an emphasis
23 on rural communities and businesses; and

24 “(5) the development of adaptation and man-
25 agement options for impacted tourism industries.

1 **“SEC. 214. REPORTS ON ADMINISTRATION.**

2 “(a) IN GENERAL.—Not later than 2 years after the
3 date of the enactment of the James M. Inhofe National
4 Defense Authorization Act for Fiscal Year 2023, and
5 every 2 years thereafter, the Administrator shall submit
6 to the committees specified in subsection (b) a report on
7 the administration of this title during the 2-year period
8 preceding submission of the report, including—

9 “(1) a description of all activities undertaken to
10 implement the National Coral Reef Resilience Strat-
11 egy;

12 “(2) a statement of all funds obligated under
13 the authorities of this title; and

14 “(3) a summary, disaggregated by State, of
15 Federal and non-Federal contributions toward the
16 costs of each project or activity funded, in full or in
17 part, under this title.

18 “(b) COMMITTEES SPECIFIED.—The committees
19 specified in this subsection are—

20 “(1) the Committee on Commerce, Science, and
21 Transportation, Committee on Environment and
22 Public Works, Committee on Energy and Natural
23 Resources, and the Committee on Appropriations of
24 the Senate; and

1 “(2) the Committee on Natural Resources and
2 the Committee on Appropriations of the House of
3 Representatives.

4 **“SEC. 215. AUTHORIZATION OF APPROPRIATIONS.**

5 “(a) IN GENERAL.—There is authorized to be appro-
6 priated to the Administrator \$45,000,000 for each of fis-
7 cal years 2023 through 2027 to carry out this title which
8 shall remain available until expended. Of such amounts,
9 there is authorized to be appropriated for each such fiscal
10 year—

11 “(1) \$12,000,000 to carry out section 207;

12 “(2) \$3,500,000 for activities authorized under
13 section 211; and

14 “(3) \$4,500,000 to be provided to the coopera-
15 tive institutes designated under section 212(a) to
16 carry out the functions described in such section.

17 “(b) ADMINISTRATION.—Not more than 10 percent
18 of the amounts appropriated under subsection (a) may be
19 used for program administration or overhead costs in-
20 curred by the National Oceanic and Atmospheric Adminis-
21 tration or the Department of Commerce.

22 **“SEC. 216. DEFINITIONS.**

23 “In this title:

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the National
3 Oceanic and Atmospheric Administration.

4 “(2) ALASKA NATIVE CORPORATION.—The term
5 ‘Alaska Native Corporation’ has the meaning given
6 the term ‘Native Corporation’ in section 3 of the
7 Alaska Native Claims Settlement Act (43 U.S.C.
8 1602).

9 “(3) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term ‘appropriate congressional com-
11 mittees’ means the Committee on Commerce,
12 Science, and Transportation of the Senate and the
13 Committee on Natural Resources of the House of
14 Representatives.

15 “(4) CONSERVATION.—The term ‘conservation’
16 means the use of methods and procedures necessary
17 to preserve or sustain native corals and associated
18 species as diverse, viable, and self-perpetuating coral
19 reef ecosystems with minimal impacts from invasive
20 species, including—

21 “(A) all activities associated with resource
22 management, such as monitoring, assessment,
23 protection, restoration, sustainable use, man-
24 agement of habitat, and maintenance or aug-
25 mentation of genetic diversity;

1 “(B) mapping;

2 “(C) scientific expertise and technical as-
3 sistance in the development and implementation
4 of management strategies for marine protected
5 areas and marine resources required by Federal
6 law;

7 “(D) law enforcement;

8 “(E) conflict resolution initiatives;

9 “(F) community outreach and education;
10 and

11 “(G) promotion of safe and ecologically
12 sound navigation and anchoring.

13 “(5) CORAL.—The term ‘coral’ means species
14 of the phylum Cnidaria, including—

15 “(A) all species of the orders Antipatharia
16 (black corals), Scleractinia (stony corals),
17 Aleyonacea (soft corals, organ pipe corals,
18 gorgonians), and Helioporacea (blue coral), of
19 the class Anthozoa; and

20 “(B) all species of the order Anthoathecata
21 (fire corals and other hydrocorals) of the class
22 Hydrozoa.

23 “(6) CORAL PRODUCTS.—The term ‘coral prod-
24 ucts’ means any living or dead specimens, parts, or

1 derivatives, or any product containing specimens,
2 parts, or derivatives, of any species of coral.

3 “(7) CORAL REEF.—The term ‘coral reef’
4 means calcium carbonate structures in the form of
5 a reef or shoal, composed in whole or in part by liv-
6 ing coral, skeletal remains of coral, crustose coralline
7 algae, and other associated sessile marine plants and
8 animals.

9 “(8) CORAL REEF ECOSYSTEM.—The term
10 ‘coral reef ecosystem’ means—

11 “(A) corals and other geographically and
12 ecologically associated marine communities of
13 other reef organisms (including reef plants and
14 animals) associated with coral reef habitat; and

15 “(B) the biotic and abiotic factors and
16 processes that control or significantly affect
17 coral calcification rates, tissue growth, repro-
18 duction, recruitment, abundance, coral-algal
19 symbiosis, and biodiversity in such habitat.

20 “(9) CORAL REEF ECOSYSTEM SERVICES.—The
21 term ‘coral reef ecosystem services’ means the at-
22 tributes and benefits provided by coral reef eco-
23 systems including—

24 “(A) protection of coastal beaches, struc-
25 tures, and infrastructure;

1 “(B) habitat for organisms of economic,
2 ecological, biomedical, medicinal, and cultural
3 value;

4 “(C) serving as centers for the promulga-
5 tion, performance, and training of cultural
6 practices representative of traditional ecological
7 knowledge; and

8 “(D) aesthetic value.

9 “(10) COVERED NATIVE ENTITY.—The term
10 ‘covered Native entity’ means a Native entity with
11 interests in a coral reef ecosystem.

12 “(11) COVERED REEF MANAGER.—The term
13 ‘covered reef manager’ means—

14 “(A) a management unit of a covered
15 State with jurisdiction over a coral reef eco-
16 system;

17 “(B) a covered State; or

18 “(C) a coral reef stewardship partnership
19 under section 206.

20 “(12) COVERED STATE.—The term ‘covered
21 State’ means Florida, Hawaii, and the territories of
22 American Samoa, the Commonwealth of the North-
23 ern Mariana Islands, Guam, Puerto Rico, and the
24 United States Virgin Islands.

25 “(13) FEDERAL REEF MANAGER.—

1 “(A) IN GENERAL.—The term ‘Federal
2 reef manager’ means—

3 “(i) a management unit of a Federal
4 agency specified in subparagraph (B) with
5 lead management jurisdiction over a coral
6 reef ecosystem; or

7 “(ii) a coral reef stewardship partner-
8 ship under section 206(c).

9 “(B) FEDERAL AGENCIES SPECIFIED.—A
10 Federal agency specified in this subparagraph
11 is one of the following:

12 “(i) The National Oceanic and Atmos-
13 pheric Administration.

14 “(ii) The National Park Service.

15 “(iii) The United States Fish and
16 Wildlife Service.

17 “(iv) The Office of Insular Affairs.

18 “(14) INSTITUTION OF HIGHER EDUCATION.—
19 The term ‘institution of higher education’ has the
20 meaning given that term in section 101 of the High-
21 er Education Act of 1965 (20 U.S.C. 1001).

22 “(15) INTERESTED STAKEHOLDER GROUPS.—
23 The term ‘interested stakeholder groups’ means any
24 of the following with interest in an applicable coral
25 reef or ecologically significant unit of a coral reef:

1 “(A) A business.

2 “(B) A commercial or recreational fisher-
3 man.

4 “(C) A recreationalist.

5 “(D) A Federal, State, Tribal, or local gov-
6 ernment unit with related jurisdiction.

7 “(E) An institution of higher education (as
8 such term is defined in section 101(a) of the
9 Higher Education Act of 1965 (20 U.S.C.
10 1001(a)).

11 “(F) A nongovernmental organization.

12 “(16) NATIONAL CORAL REEF RESILIENCE
13 STRATEGY.—The term ‘National Coral Reef Resil-
14 ience Strategy’ means the National Coral Reef Resil-
15 ience Strategy in effect under section 204.

16 “(17) NATIVE ENTITY.—The term ‘Native enti-
17 ty’ means any of the following:

18 “(A) An Indian Tribe (as defined in sec-
19 tion 4 of the Indian Self-Determination and
20 Education Assistance Act (25 U.S.C. 5304)).

21 “(B) An Alaska Native Corporation.

22 “(C) The Department of Hawaiian Home
23 Lands.

24 “(D) The Office of Hawaiian Affairs.

1 “(E) A Native Hawaiian organization (as
2 defined in section 6207 of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C.
4 7517)).

5 “(18) NONPROFIT ORGANIZATION.—The term
6 ‘nonprofit organization’ means any corporation,
7 trust, association, cooperative, or other organization,
8 not including an institution of higher education,
9 that—

10 “(A) is operated primarily for scientific,
11 educational, service, charitable, or similar pur-
12 poses in the public interest;

13 “(B) is not organized primarily for profit;
14 and

15 “(C) uses net proceeds to maintain, im-
16 prove, or expand the operations of the organiza-
17 tion.

18 “(19) RESTORATION.—The term ‘restoration’
19 means the use of methods and procedures necessary
20 to enhance, rehabilitate, recreate, or create a func-
21 tioning coral reef or coral reef ecosystem, in whole
22 or in part, within suitable waters of the historical
23 geographic range of such ecosystems, to provide eco-
24 logical, economic, cultural, or coastal resiliency serv-

1 ices associated with healthy coral reefs and benefit
2 native populations of coral reef organisms.

3 “(20) RESILIENCE.—The term ‘resilience’
4 means the capacity for corals within their native
5 range, coral reefs, or coral reef ecosystems to resist
6 and recover from natural and human disturbances,
7 and maintain structure and function to provide coral
8 reef ecosystem services, as determined by clearly
9 identifiable, measurable, and science-based stand-
10 ards.

11 “(21) SECRETARY.—The term ‘Secretary’
12 means the Secretary of Commerce.

13 “(22) STATE.—The term ‘State’ means—

14 “(A) any State of the United States that
15 contains a coral reef ecosystem within its sea-
16 ward boundaries;

17 “(B) American Samoa, the Commonwealth
18 of the Northern Mariana Islands, Guam, Puerto
19 Rico, or the United States Virgin Islands; or

20 “(C) any other territory or possession of
21 the United States or separate sovereign in free
22 association with the United States that contains
23 a coral reef ecosystem within its seaward
24 boundaries.

1 “(23) STEWARDSHIP.—The term ‘stewardship’,
2 with respect to a coral reef, includes conservation,
3 restoration, and public outreach and education.

4 “(24) TASK FORCE.—The term ‘Task Force’
5 means the United States Coral Reef Task Force es-
6 tablished under section 10011 of the James M.
7 Inhofe National Defense Authorization Act for Fis-
8 cal Year 2023.”.

9 (b) CONFORMING AMENDMENT TO NATIONAL
10 OCEANS AND COASTAL SECURITY ACT.—Section 905(a)
11 of the National Oceans and Coastal Security Act (16
12 U.S.C. 7504(a)) is amended by striking “and coastal in-
13 frastructure” and inserting “, coastal infrastructure, and
14 ecosystem services provided by natural systems such as
15 coral reefs”.

16 (c) COMPTROLLER GENERAL REVIEW OF CORAL
17 REEF CONSERVATION PROGRAMS AT THE NATIONAL
18 OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The
19 Comptroller General of the United States shall, not later
20 than 1 year after the date of the enactment of this Act,
21 submit to Congress and the National Oceanic and Atmos-
22 pheric Administration a report that—

23 (1) examines the budget and accounting prac-
24 tices of the coral reef conservation programs of such

1 Administration, including expenditure tracking
2 across line and program offices;

3 (2) examines the process for determining appro-
4 priate project goals and funding priorities; and

5 (3) includes recommendations on policies or
6 best practices that may improve the transparency
7 and accountability of coral reef conservation pro-
8 grams.

9 (d) SAVINGS CLAUSE.—None of the amendments
10 made by or provisions of this title may be construed to
11 enlarge the management authority of a Federal agency or
12 coral reef stewardship partnership to coral reefs and coral
13 reef ecosystems outside the boundaries of such agency’s
14 or partnership’s jurisdiction.

15 **Subtitle B—United States Coral** 16 **Reef Task Force**

17 **SEC. 10011. ESTABLISHMENT.**

18 There is established a task force to lead, coordinate,
19 and strengthen Federal Government actions to better pre-
20 serve, conserve, and restore coral reef ecosystems, to be
21 known as the “United States Coral Reef Task Force” (in
22 this subtitle referred to as the “Task Force”).

23 **SEC. 10012. DUTIES.**

24 The duties of the Task Force shall be—

1 (1) to coordinate, in cooperation with covered
2 States, covered Native entities, Federal reef man-
3 agers, covered reef managers, coral reef research
4 centers designated under section 212(b) of the Coral
5 Reef Conservation Act of 2000 (as added by this di-
6 vision), and other nongovernmental and academic
7 partners as appropriate, activities regarding the
8 mapping, monitoring, research, conservation, mitiga-
9 tion, and restoration of coral reefs and coral reef
10 ecosystems;

11 (2) to monitor and advise regarding implemen-
12 tation of the policy and Federal agency responsibil-
13 ities set forth in—

14 (A) Executive Order 13089 (63 Fed. Reg.
15 32701; relating to coral reef protection); and

16 (B) the National Coral Reef Resilience
17 Strategy;

18 (3) to work in coordination with the other mem-
19 bers of the Task Force—

20 (A) to assess the United States role in
21 international trade and protection of coral spe-
22 cies;

23 (B) to encourage implementation of appro-
24 priate strategies and actions to promote con-

1 servation and sustainable use of coral reef re-
2 sources worldwide; and

3 (C) to collaborate with international com-
4 munities successful in managing coral reefs;

5 (4) to provide technical assistance for the devel-
6 opment and implementation, as appropriate, of—

7 (A) the National Coral Reef Resilience
8 Strategy; and

9 (B) coral reef action plans under section
10 205 of that Act; and

11 (5) to produce a report each year, for submis-
12 sion to the appropriate congressional committees
13 and publication on the public website of the Task
14 Force, highlighting the status of the coral reef re-
15 sources of a covered State on a rotating basis, in-
16 cluding—

17 (A) a summary of recent coral reef man-
18 agement and restoration activities undertaken
19 in that State; and

20 (B) updated estimates of the direct and in-
21 direct economic activity supported by, and other
22 benefits associated with, those coral reef re-
23 sources.

1 **SEC. 10013. MEMBERSHIP.**

2 (a) VOTING MEMBERSHIP.—The voting members of
3 the Task Force shall be—

4 (1) the Under Secretary of Commerce for
5 Oceans and Atmosphere and the Secretary of Inte-
6 rior, who shall be co-chairpersons of the Task Force;

7 (2) such representatives from other Federal
8 agencies as the President, in consultation with the
9 Under Secretary, determines appropriate; and

10 (3) the Governor, or a representative of the
11 Governor, of each covered State.

12 (b) NONVOTING MEMBERS.—The Task Force shall
13 have the following nonvoting members:

14 (1) A member of the South Atlantic Fishery
15 Management Council who is designated by the Gov-
16 ernor of Florida under section 302(b)(1) of the Mag-
17 nuson-Stevens Fishery Conservation and Manage-
18 ment Act (16 U.S.C. 1852(b)(1)).

19 (2) A member of the Gulf of Mexico Fishery
20 Management Council who is designated by the Gov-
21 ernor of Florida under such section.

22 (3) A member of the Western Pacific Fishery
23 Management Council who is designated under such
24 section and selected as follows:

25 (A) For the period beginning on the date
26 of the enactment of this Act and ending on De-

1 cember 31 of the calendar year during which
2 such date of enactment occurs, the member
3 shall be selected jointly by the Governors of Ha-
4 waii, American Samoa, Guam, and the Com-
5 monwealth of the Northern Mariana Islands.

6 (B) For each calendar year thereafter, the
7 Governors of Hawaii, American Samoa, Guam,
8 and the Commonwealth of the Northern Mar-
9 iana Islands shall, on a rotating basis, take
10 turns selecting the member.

11 (4) A member of the Caribbean Fishery Man-
12 agement Council who is designated under such sec-
13 tion and selected as follows:

14 (A) For the period beginning on the date
15 of the enactment of this Act and ending on De-
16 cember 31 of the calendar year during which
17 such date of enactment occurs, the member
18 shall be selected jointly by the Governors of
19 Puerto Rico and the United States Virgin Is-
20 lands.

21 (B) For each calendar year thereafter, the
22 Governors of Puerto Rico and the United
23 States Virgin Islands shall, on an alternating
24 basis, take turns selecting the member.

1 (5) A member appointed by the President of
2 the Federated States of Micronesia.

3 (6) A member appointed by the President of
4 the Republic of the Marshall Islands.

5 (7) A member appointed by the President of
6 the Republic of Palau.

7 **SEC. 10014. RESPONSIBILITIES OF FEDERAL AGENCY MEM-**
8 **BERS.**

9 (a) IN GENERAL.—A member of the Task Force de-
10 scribed in section 10013(a) shall—

11 (1) identify the actions of the agency that mem-
12 ber represents that may affect coral reef ecosystems;

13 (2) use the programs and authorities of that
14 agency to protect and enhance the conditions of such
15 ecosystems, including through the promotion of basic
16 and applied scientific research;

17 (3) collaborate with the Task Force to appro-
18 priately reflect budgetary needs for coral reef con-
19 servation and restoration activities in all agency
20 budget planning and justification documents and
21 processes; and

22 (4) engage in any other coordinated efforts ap-
23 proved by the Task Force.

24 (b) CO-CHAIRPERSONS.—In addition to their respon-
25 sibilities under subsection (a), the co-chairpersons of the

1 Task Force shall perform the administrative functions of
2 the Task Force and facilitate the coordination of the mem-
3 bers of the Task Force described in section 10013(a).

4 (c) BRIEFING.—Not less than 30 days before each
5 meeting of the Task Force, the program offices of the Na-
6 tional Oceanic and Atmospheric Administration respon-
7 sible for implementing this title shall provide a briefing
8 to the relevant congressional committees on efforts and
9 spending associated with such implementation.

10 **SEC. 10015. WORKING GROUPS.**

11 (a) IN GENERAL.—The co-chairpersons of the Task
12 Force may establish working groups as necessary to meet
13 the goals and carry out the duties of the Task Force.

14 (b) REQUESTS FROM MEMBERS.—The members of
15 the Task Force may request that the co-chairpersons es-
16 tablish a working group under subsection (a).

17 (c) PARTICIPATION BY NONGOVERNMENTAL ORGANI-
18 ZATIONS.—The co-chairpersons may allow nongovern-
19 mental organizations as appropriate, including academic
20 institutions, conservation groups, and commercial and rec-
21 reational fishing associations, to participate in a working
22 group established under subsection (a).

23 (d) NONAPPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—The Federal Advisory Committee Act

1 (5 U.S.C. App.) shall not apply to working groups estab-
2 lished under this section.

3 **SEC. 10016. DEFINITIONS.**

4 In this subtitle:

5 (1) APPROPRIATE CONGRESSIONAL COMMIT-
6 TEES.—The term “appropriate congressional com-
7 mittees” means—

8 (A) the Committee on Commerce, Science,
9 and Transportation of the Senate;

10 (B) the Committee on Environment and
11 Public Works of the Senate;

12 (C) the Committee on Energy and Natural
13 Resources of the Senate; and

14 (D) the Committee on Natural Resources
15 of the House of Representatives.

16 (2) CONSERVATION, CORAL, CORAL REEF,
17 ETC.—The terms “conservation”, “coral”, “coral
18 reef”, “coral reef ecosystem”, “covered reef man-
19 ager”, “covered State”, “Federal reef manager”,
20 “National Coral Reef Resilience Strategy”, “restora-
21 tion”, “resilience”, and “State” have the meanings
22 given those terms in section 216 of the Coral Reef
23 Conservation Act of 2000, as added by this division.

1 **Subtitle C—Department of the**
2 **Interior Coral Reef Authorities**

3 **SEC. 10021. CORAL REEF CONSERVATION AND RESTORA-**
4 **TION ASSISTANCE.**

5 (a) IN GENERAL.—The Secretary of the Interior may
6 provide scientific expertise and technical assistance, and
7 subject to the availability of appropriations, financial as-
8 sistance for the conservation and restoration of coral reefs
9 consistent with all applicable laws governing resource
10 management in Federal, State, and Tribal waters, includ-
11 ing—

12 (1) the National Coral Reef Resilience Strategy;

13 and

14 (2) coral reef action plans in effect under sec-
15 tion 205 of the Coral Reef Conservation Act of
16 2000, as added by this division, as applicable.

17 (b) CORAL REEF INITIATIVE.—The Secretary may
18 establish a Coral Reef Initiative Program—

19 (1) to provide grant funding to support local
20 management, conservation, and protection of coral
21 reef ecosystems in—

22 (A) coastal areas of covered States; and

23 (B) Freely Associated States;

24 (2) to enhance resource availability of National
25 Park Service and National Wildlife Refuge System

1 management units to implement coral reef conserva-
2 tion and restoration activities;

3 (3) to complement the other conservation and
4 assistance activities conducted under this Act or the
5 Coral Reef Conservation Act of 2000, as amended
6 by section 10001; and

7 (4) to provide other technical, scientific, and fi-
8 nancial assistance and conduct conservation and res-
9 toration activities that advance the purposes of this
10 title and the Coral Reef Conservation Act of 2000,
11 as amended by this division.

12 (c) CONSULTATION WITH THE DEPARTMENT OF
13 COMMERCE.—

14 (1) CORAL REEF CONSERVATION AND RESTORA-
15 TION ACTIVITIES.—The Secretary of the Interior
16 may consult with the Secretary of Commerce regard-
17 ing the conduct of any activities to conserve and re-
18 store coral reefs and coral reef ecosystems in waters
19 managed under the jurisdiction of the Federal agen-
20 cies specified in paragraphs (2) and (3) of section
21 203(c) of the Coral Reef Conservation Act of 2000,
22 as added by this division.

23 (2) AWARD OF CORAL REEF MANAGEMENT FEL-
24 LOWSHIP.—The Secretary of the Interior shall con-
25 sult with the Secretary of Commerce to award the

1 Susan L. Williams Coral Reef Management Fellow-
2 ship under subtitle D.

3 (d) COOPERATIVE AGREEMENTS.—Subject to the
4 availability of appropriations, the Secretary of the Interior
5 may enter into cooperative agreements with covered reef
6 managers to fund coral reef conservation and restoration
7 activities in waters managed under the jurisdiction of such
8 managers that—

9 (1) are consistent with the National Coral Reef
10 Resilience Strategy; and

11 (2) support and enhance the success of coral
12 reef action plans in effect under section 205 of the
13 Coral Reef Conservation Act of 2000, as added by
14 this division.

15 (e) DEFINITIONS.—In this section:

16 (1) CONSERVATION, CORAL, CORAL REEF,
17 ETC.—The terms “conservation”, “coral reef”, “cov-
18 ered reef manager”, “covered State”, “National
19 Coral Reef Resilience Strategy”, “restoration”, and
20 “State” have the meanings given those terms in sec-
21 tion 216 of the Coral Reef Conservation Act of
22 2000, as added by this division.

23 (2) TRIBE; TRIBAL.—The terms “Tribe” and
24 “Tribal” refer to Indian Tribes (as defined in sec-

1 tion 102 of the Federally Recognized Indian Tribe
2 List Act of 1994 (25 U.S.C. 5130)).

3 **Subtitle D—Susan L. Williams Na-**
4 **tional Coral Reef Management**
5 **Fellowship**

6 **SEC. 10031. SUSAN L. WILLIAMS NATIONAL CORAL REEF**
7 **MANAGEMENT FELLOWSHIP.**

8 (a) DEFINITIONS.—In this section:

9 (1) ALASKA NATIVE CORPORATION.—The term
10 “Alaska Native Corporation” has the meaning given
11 the term “Native Corporation” in section 3 of the
12 Alaska Native Claims Settlement Act (43 U.S.C.
13 1602).

14 (2) FELLOW.—The term “fellow” means a Na-
15 tional Coral Reef Management Fellow.

16 (3) FELLOWSHIP.—The term “fellowship”
17 means the National Coral Reef Management Fellow-
18 ship established in subsection (c).

19 (4) COVERED NATIVE ENTITY.—The term “cov-
20 ered Native entity” has the meaning given the term
21 in section 216 of the Coral Reef Conservation Act of
22 2000, as added by this division.

23 (5) COVERED STATE.—The term “covered
24 State” has the meaning given the term in section

1 216 of the Coral Reef Conservation Act of 2000, as
2 added by this division.

3 (6) NATIVE ENTITY.—The term “Native entity”
4 has the meaning given the term in section 216 of the
5 Coral Reef Conservation Act of 2000, as added by
6 this division.

7 (7) SECRETARY.—The term “Secretary” means
8 the Secretary of Commerce.

9 (b) ESTABLISHMENT OF FELLOWSHIP PROGRAM.—

10 (1) IN GENERAL.—There is established a Na-
11 tional Coral Reef Management Fellowship Program.

12 (2) PURPOSES.—The purposes of the fellowship
13 are—

14 (A) to encourage future leaders of the
15 United States to develop additional coral reef
16 management capacity in States and local com-
17 munities with coral reefs;

18 (B) to provide management agencies of
19 covered States and covered Native entities with
20 highly qualified candidates whose education and
21 work experience meet the specific needs of each
22 covered State or covered Native entity; and

23 (C) to provide fellows with professional ex-
24 perience in management of coastal and coral
25 reef resources.

1 (c) FELLOWSHIP AWARDS.—

2 (1) IN GENERAL.—The Secretary, in consulta-
3 tion with the Secretary of the Interior, shall award
4 a fellowship in accordance with this subsection.

5 (2) TERM OF FELLOWSHIP.—A fellowship
6 awarded under this subsection shall be for a term of
7 not more than 2 years.

8 (3) QUALIFICATIONS.—The Secretary, in con-
9 sultation with the Secretary of the Interior, shall
10 award a fellowship to individuals who have dem-
11 onstrated—

12 (A) an intent to pursue a career in marine
13 services and outstanding potential for such a
14 career;

15 (B) leadership potential, actual leadership
16 experience, or both;

17 (C) possession of a college or graduate de-
18 gree in biological science, a college or graduate
19 degree in resource management with experience
20 that correlates with aptitude and interest for
21 marine management, or both;

22 (D) proficient writing and speaking skills;
23 and

1 (E) such other attributes as the Secretary,
2 in consultation with the Secretary of the Inte-
3 rior, considers appropriate.

4 (d) MATCHING REQUIREMENT.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the non-Federal share of the costs of a
7 fellowship under this section shall be 25 percent of
8 such costs.

9 (2) WAIVER OF MATCHING REQUIREMENT.—

10 The Secretary may waive the application of para-
11 graph (1) to a fellowship if the Secretary finds that
12 such waiver is necessary to support a project that
13 the Secretary has identified as a high priority.

14 **TITLE CI—BOLSTERING LONG-**
15 **TERM UNDERSTANDING AND**
16 **EXPLORATION OF THE GREAT**
17 **LAKES, OCEANS, BAYS, AND**
18 **ESTUARIES**

19 **SEC. 10101. PURPOSE.**

20 The purpose of this title is to promote and support—

21 (1) the monitoring, understanding, and explo-
22 ration of the Great Lakes, oceans, bays, estuaries,
23 and coasts; and

24 (2) the collection, analysis, synthesis, and shar-
25 ing of data related to the Great Lakes, oceans, bays,

1 estuaries, and coasts to facilitate scientific research
2 and operational decisionmaking.

3 **SEC. 10102. DEFINITIONS.**

4 In this title:

5 (1) ADMINISTRATION.—The term “Administra-
6 tion” means the National Oceanic and Atmospheric
7 Administration.

8 (2) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Under Secretary of Commerce for
10 Oceans and Atmosphere in the capacity as Adminis-
11 trator of the National Oceanic and Atmospheric Ad-
12 ministration.

13 (3) INDIAN TRIBE.—The term “Indian Tribe”
14 has the meaning given the term in section 4 of the
15 Indian Self-Determination and Education Assistance
16 Act (25 U.S.C. 5304).

17 **SEC. 10103. WORKFORCE STUDY.**

18 (a) IN GENERAL.—Section 303(a) of the America
19 COMPETES Reauthorization Act of 2010 (33 U.S.C.
20 893c(a)) is amended—

21 (1) by striking “Secretary of Commerce” and
22 inserting “Under Secretary of Commerce for Oceans
23 and Atmosphere”;

24 (2) in paragraph (2), by inserting “, skillsets,
25 or credentials” after “degrees”;

1 (3) in paragraph (3), by inserting “or highly
2 qualified technical professionals and tradespeople”
3 after “atmospheric scientists”;

4 (4) in paragraph (4), by inserting “, skillsets,
5 or credentials” after “degrees”;

6 (5) in paragraph (5)—

7 (A) by striking “scientist”; and

8 (B) by striking “; and” and inserting “,
9 observations, and monitoring;”

10 (6) in paragraph (6), by striking “into Federal”
11 and all that follows and inserting “, technical profes-
12 sionals, and tradespeople into Federal career posi-
13 tions;”

14 (7) by redesignating paragraphs (2) through
15 (6) as paragraphs (3) through (7), respectively;

16 (8) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) whether there is a shortage in the number
19 of individuals with technical or trade-based degrees,
20 skillsets, or credentials suited to a career in oceanic
21 and atmospheric data collection, processing, satellite
22 production, or satellite operations;”; and

23 (9) by adding at the end the following:

1 “(8) workforce diversity and actions the Fed-
2 eral Government can take to increase diversity in the
3 scientific workforce; and

4 “(9) actions the Federal Government can take
5 to shorten the hiring backlog for such workforce.”.

6 (b) COORDINATION.—Section 303(b) of such Act (33
7 U.S.C. 893c(b)) is amended by striking “Secretary of
8 Commerce” and inserting “Under Secretary of Commerce
9 for Oceans and Atmosphere”.

10 (c) REPORT.—Section 303(c) of such Act (33 U.S.C.
11 893c(c)) is amended—

12 (1) by striking “the date of enactment of this
13 Act” and inserting “the date of the enactment of the
14 James M. Inhofe National Defense Authorization
15 Act for Fiscal Year 2023”;

16 (2) by striking “Secretary of Commerce” and
17 inserting “Under Secretary of Commerce for Oceans
18 and Atmosphere”; and

19 (3) by striking “to each committee” and all
20 that follows through “section 302 of this Act” and
21 inserting “to the Committee on Commerce, Science,
22 and Transportation of the Senate and the Com-
23 mittee on Natural Resources and the Committee on
24 Science, Space, and Technology of the House of
25 Representatives”.

1 (d) PROGRAM AND PLAN.—Section 303(d) of such
2 Act (33 U.S.C. 893c(d)) is amended—

3 (1) by striking “Administrator of the National
4 Oceanic and Atmospheric Administration” and in-
5 serting “Under Secretary of Commerce for Oceans
6 and Atmosphere”; and

7 (2) by striking “academic partners” and all
8 that follows and inserting “academic partners.”.

9 **SEC. 10104. ACCELERATING INNOVATION AT COOPERATIVE**
10 **INSTITUTES.**

11 (a) FOCUS ON EMERGING TECHNOLOGIES.—The Ad-
12 ministrator shall consider evaluating the goals of 1 or
13 more Cooperative Institutes of the Administration to in-
14 clude focusing on advancing or applying emerging tech-
15 nologies, which may include—

16 (1) applied uses and development of real-time
17 and other advanced genetic technologies and applica-
18 tions, including such technologies and applications
19 that derive genetic material directly from environ-
20 mental samples without any obvious signs of biologi-
21 cal source material;

22 (2) deployment of, and improvements to the du-
23 rability, maintenance, and other lifecycle concerns
24 of, advanced unmanned vehicles, regional small re-

1 search vessels, and other research vessels that sup-
2 port and launch unmanned vehicles and sensors; and

3 (3) supercomputing and big data management,
4 including data collected through model outputs, elec-
5 tronic monitoring, and remote sensing.

6 (b) COORDINATION WITH OTHER PROGRAMS.—The
7 Cooperative Institutes shall work with the Interagency
8 Ocean Observation Committee, the regional associations
9 of the Integrated Ocean Observing System, and other
10 ocean observing programs to coordinate technology needs
11 and the transition of new technologies from research to
12 operations.

13 **SEC. 10105. BLUE ECONOMY VALUATION.**

14 (a) MEASUREMENT OF INDUSTRIES.—The Adminis-
15 trator, in consultation with the heads of other relevant
16 Federal agencies and subject to the availability of appro-
17 priations, shall establish a program to improve the collec-
18 tion, aggregation, and analysis of data to measure the
19 value and impact of industries related to the Great Lakes,
20 oceans, bays, estuaries, and coasts on the economy of the
21 United States, including military uses, living resources,
22 marine construction, marine transportation, offshore en-
23 ergy development and siting including for renewable en-
24 ergy, offshore mineral production, ship and boat building,
25 tourism, recreation, subsistence, commercial, recreational,

1 and charter fishing, seafood processing, and other fishery-
2 related businesses, aquaculture such as kelp and shellfish,
3 and other industries the Administrator determines appro-
4 priate.

5 (b) COLLABORATION.—In carrying out subsection
6 (a), the Administrator shall—

7 (1) work with the Director of the Bureau of
8 Economic Analysis and the heads of other relevant
9 Federal agencies to develop a Coastal and Ocean
10 Economy Satellite Account that includes national,
11 Tribal, and State-level statistics to measure the con-
12 tribution of the Great Lakes, oceans, bays, estuaries,
13 and coasts to the overall economy of the United
14 States; and

15 (2) collaborate with national and international
16 organizations and governments to promote consist-
17 ency of methods, measurements, and definitions to
18 ensure comparability of results between countries.

19 (c) REPORT.—Not later than 2 years after the date
20 of the enactment of this section, and not less frequently
21 than every 2 years thereafter until the date that is 20
22 years after the date of the enactment of this section, the
23 Administrator, in consultation with the heads of other rel-
24 evant Federal agencies, shall publish a report that—

1 (1) defines the Blue Economy in consultation
2 with Indian Tribes and with input from academia,
3 the private sector, nongovernmental organizations,
4 and other relevant experts;

5 (2) makes recommendations for updating North
6 American Industry Classification System reporting
7 codes to reflect the Blue Economy; and

8 (3) provides a comprehensive estimate of the
9 value and impact of the Blue Economy with respect
10 to each State and territory of the United States, in-
11 cluding—

12 (A) the value and impact of—

13 (i) economic activities that are de-
14 pendent upon the resources of the Great
15 Lakes, oceans, bays, estuaries, and coasts;

16 (ii) the population and demographic
17 characteristics of the population along the
18 coasts;

19 (iii) port and shoreline infrastructure;

20 (iv) the volume and value of cargo
21 shipped by sea or across the Great Lakes;

22 (v) data collected from the Great
23 Lakes, oceans, bays, estuaries, and coasts,
24 including such data collected by businesses
25 that purchase and commodify the data, in-

1 cluding weather prediction and seasonal
2 agricultural forecasting; and

3 (vi) military uses; and

4 (B) to the extent possible, the qualified
5 value and impact of the natural capital of the
6 Great Lakes, oceans, bays, estuaries, and coasts
7 with respect to tourism, recreation, natural re-
8 sources, and cultural heritage, including other
9 indirect values.

10 (d) CENTRALIZED WEBSITE FOR RESILIENCY
11 GRANTS.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of the enactment of this section, the
14 Administrator, in coordination with the heads of
15 other relevant Federal agencies, shall create and reg-
16 ularly update a public website to improve education,
17 outreach, and public information regarding grants
18 and other public funding opportunities of the Ad-
19 ministration related to resiliency.

20 (2) CONTENTS OF WEBSITE.—The website cre-
21 ated under paragraph (1) shall include the following:

22 (A) Hyperlinks, descriptions, deadlines,
23 and resources to support applicants including
24 technical assistance and other information as

1 the Administrator determines appropriate relat-
2 ing to resilience grants administered by—

3 (i) the Administration;

4 (ii) other relevant Federal agencies; or

5 (iii) foundations in coordination with
6 the Administration.

7 (B) Information described in subparagraph
8 (A) that is specific to supporting Tribal Govern-
9 ments and Tribal Colleges and Universities,
10 and, with respect to each such grant described
11 in paragraph (1), the contact information for
12 an individual of the Administration who can as-
13 sist Tribal Governments and Tribal Colleges
14 and Universities in applying for such grants.

15 (C) Information described in subparagraph
16 (A) that is specific to supporting Historically
17 Black Colleges and Universities, and, with re-
18 spect to each such grant described in paragraph
19 (1), the contact information for an individual of
20 the Administration who can assist Historically
21 Black Colleges and Universities in applying for
22 such grants.

23 (3) OUTREACH.—The Administrator shall con-
24 duct outreach activities to inform State, Tribal, and
25 local governments of resiliency, adaptation, and miti-

1 gation grants that are available to such govern-
2 ments.

3 (4) DEFINITIONS.—In this section:

4 (A) HISTORICALLY BLACK COLLEGES AND
5 UNIVERSITIES.—The term “Historically Black
6 Colleges and Universities” has the meaning
7 given the term “part B institution” in section
8 322 of the Higher Education Act of 1965 (20
9 U.S.C. 1061).

10 (B) TRIBAL COLLEGE OR UNIVERSITY.—
11 The term “Tribal College or University” has
12 the meaning given the term in section 316 of
13 the Higher Education Act of 1965 (20 U.S.C.
14 1059c).

15 **SEC. 10106. NO ADDITIONAL FUNDS AUTHORIZED.**

16 Funds to carry out this title may, as provided in ad-
17 vance in appropriations Acts, only come from within
18 amounts authorized to be appropriated to the National
19 Oceanic and Atmospheric Administration.

20 **TITLE CII—REGIONAL OCEAN**
21 **PARTNERSHIPS**

22 **SEC. 10201. FINDINGS; PURPOSES.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) The ocean and coastal waters and the Great
2 Lakes of the United States are foundational to the
3 economy, security, global competitiveness, and well-
4 being of the United States and continuously serve
5 the people of the United States and other countries
6 as an important source of food, energy, economic
7 productivity, recreation, beauty, and enjoyment.

8 (2) Over many years, the resource productivity
9 and water quality of the ocean, coastal, and Great
10 Lakes areas of the United States have been dimin-
11 ished by pollution, increasing population demands,
12 economic development, and natural and man-made
13 hazard events, both acute and chronic.

14 (3) The ocean, coastal, and Great Lakes areas
15 of the United States are managed by State and Fed-
16 eral resource agencies and Indian Tribes and regu-
17 lated on an interstate and regional scale by various
18 overlapping Federal authorities, thereby creating a
19 significant need for interstate coordination to en-
20 hance regional priorities, including the ecological and
21 economic health of those areas.

22 (4) Indian Tribes have unique expertise and
23 knowledge important for the stewardship of the
24 ocean and coastal waters and the Great Lakes of the
25 United States.

1 (b) PURPOSES.—The purposes of this title are as fol-
2 lows:

3 (1) To complement and expand cooperative vol-
4 untary efforts intended to manage, conserve, and re-
5 store ocean, coastal, and Great Lakes areas span-
6 ning across multiple State and Indian Tribe jurisdic-
7 tions.

8 (2) To expand Federal support for monitoring,
9 data management, restoration, research, and con-
10 servation activities in ocean, coastal, and Great
11 Lakes areas.

12 (3) To commit the United States to a com-
13 prehensive cooperative program to achieve improved
14 water quality in, and improvements in the produc-
15 tivity of living resources of, oceans, coastal, and
16 Great Lakes ecosystems.

17 (4) To authorize Regional Ocean Partnerships
18 as intergovernmental coordinators for shared re-
19 gional priorities among States and Indian Tribes re-
20 lating to the collaborative management of the large
21 marine ecosystems, thereby reducing duplication of
22 efforts and maximizing opportunities to leverage
23 support in the ocean and coastal regions.

24 (5) To empower States to take a lead role in
25 managing oceans, coastal, and Great Lakes areas.

1 (6) To incorporate rights of Indian Tribes in
2 the management of oceans, coasts, and Great Lakes
3 resources and provide resources to support Indian
4 Tribe participation in and engagement with Regional
5 Ocean Partnerships.

6 (7) To enable Regional Ocean Partnerships, or
7 designated fiscal management entities of such part-
8 nerships, to receive Federal funding to conduct the
9 scientific research, conservation, and restoration ac-
10 tivities, and priority coordination on shared regional
11 priorities necessary to achieve the purposes described
12 in paragraphs (1) through (6).

13 **SEC. 10202. REGIONAL OCEAN PARTNERSHIPS.**

14 (a) DEFINITIONS.—In this section:

15 (1) ADMINISTRATOR.—The term “Adminis-
16 trator” means the Administrator of the National
17 Oceanic and Atmospheric Administration.

18 (2) COASTAL STATE.—The term “coastal
19 State” has the meaning given the term “Coastal
20 state” in section 304 of the Coastal Zone Manage-
21 ment Act of 1972 (16 U.S.C. 1453).

22 (3) INDIAN TRIBE.—The term “Indian Tribe”
23 has the meaning given that term in section 4 of the
24 Indian Self-Determination and Education Assistance
25 Act (25 U.S.C. 5304).

1 (4) REGIONAL OCEAN PARTNERSHIP.—The
2 term “Regional Ocean Partnership” means a Re-
3 gional Ocean Partnership designated under sub-
4 section (b).

5 (b) REGIONAL OCEAN PARTNERSHIPS.—

6 (1) IN GENERAL.—A coastal State or Indian
7 Tribe may form a partnership with—

8 (A) a coastal State that shares a common
9 ocean or coastal area with the coastal State,
10 without regard to whether the coastal States
11 are contiguous; and

12 (B) States—

13 (i) that share a common ocean, coast-
14 al area, or watershed with the coastal
15 State, without regard to whether the coast-
16 al States are contiguous; or

17 (ii) that would contribute to the prior-
18 ities of the partnership; and

19 (C) Indian Tribes.

20 (2) REQUIREMENTS.—A partnership formed
21 under paragraph (1) may apply for designation as a
22 Regional Ocean Partnership in such time and man-
23 ner as determined appropriate by the Secretary if
24 the partnership—

1 (A) is established to coordinate the man-
2 agement of ocean, coastal, and Great Lakes re-
3 sources among the members of the partnership;

4 (B) focuses on the environmental issues af-
5 fecting the ocean, coastal, and Great Lakes
6 areas of the members participating in the part-
7 nership;

8 (C) complements existing coastal and
9 ocean management efforts of States and Indian
10 Tribes on an interstate scale, focusing on
11 shared regional priorities;

12 (D) does not have a regulatory function;
13 and

14 (E) is not duplicative of an existing Re-
15 gional Ocean Partnership designated under
16 paragraph (3), as determined by the Secretary.

17 (3) DESIGNATION OF CERTAIN ENTITIES AS RE-
18 GIONAL OCEAN PARTNERSHIPS.—The following enti-
19 ties are designated as Regional Ocean Partnerships:

20 (A) The Gulf of Mexico Alliance, comprised
21 of the States of Alabama, Florida, Louisiana,
22 Mississippi, and Texas.

23 (B) The Northeast Regional Ocean Coun-
24 cil, comprised of the States of Maine, Vermont,

1 New Hampshire, Massachusetts, Connecticut,
2 and Rhode Island.

3 (C) The Mid-Atlantic Regional Council on
4 the Ocean, comprised of the States of New
5 York, New Jersey, Delaware, Maryland, and
6 Virginia.

7 (D) The West Coast Ocean Alliance, com-
8 prised of the States of California, Oregon, and
9 Washington and the coastal Indian Tribes
10 therein.

11 (4) GREAT LAKES.—A partnership established
12 under this section for the purposes described in sub-
13 section (d) with respect to a Great Lake may be
14 known as a “Regional Coastal Partnership” or a
15 “Regional Great Lakes Partnership”.

16 (c) GOVERNING BODIES OF REGIONAL OCEAN PART-
17 NERSHIPS.—A Regional Ocean Partnership shall have a
18 governing body that—

19 (1) shall be comprised, at a minimum, of voting
20 members from each coastal state participating in the
21 Regional Ocean Partnership, designated by the Gov-
22 ernor of the coastal state; and

23 (2) may include such other members as the
24 partnership considers appropriate.

1 (d) FUNCTIONS.—A Regional Ocean Partnership
2 may perform the following functions:

3 (1) Promote coordination of the actions of the
4 agencies of governments participating in the part-
5 nership with the actions of the appropriate officials
6 of Federal agencies, State governments, and Indian
7 Tribes in developing strategies—

8 (A) to conserve living resources, increase
9 valuable habitats, enhance coastal resilience and
10 ocean management, promote ecological and eco-
11 nomic health, and address such other issues re-
12 lated to the shared ocean, coastal, or Great
13 Lakes areas as are determined to be a shared,
14 regional priority by those states; and

15 (B) to manage regional data portals and
16 develop associated data products for purposes
17 that support the priorities of the partnership.

18 (2) In cooperation with appropriate Federal and
19 State agencies, Indian Tribes, and local authorities,
20 develop and implement specific action plans to carry
21 out coordination goals.

22 (3) Coordinate and implement priority plans
23 and projects, and facilitate science, research, mod-
24 eling, monitoring, data collection, and other activi-
25 ties that support the goals of the partnership

1 through the provision of grants and contracts under
2 subsection (f).

3 (4) Engage, coordinate, and collaborate with
4 relevant governmental entities and stakeholders to
5 address ocean and coastal related matters that re-
6 quire interagency or intergovernmental solutions.

7 (5) Implement outreach programs for public in-
8 formation, education, and participation to foster
9 stewardship of the resources of the ocean, coastal,
10 and Great Lakes areas, as relevant.

11 (6) Develop and make available, through publi-
12 cations, technical assistance, and other appropriate
13 means, information pertaining to cross-jurisdictional
14 issues being addressed through the coordinated ac-
15 tivities of the partnership.

16 (7) Serve as a liaison with, and provide infor-
17 mation to, international counterparts, as appropriate
18 on priority issues for the partnership.

19 (e) COORDINATION, CONSULTATION, AND ENGAGE-
20 MENT.—

21 (1) IN GENERAL.—A Regional Ocean Partner-
22 ship shall maintain mechanisms for coordination,
23 consultation, and engagement with the following:

24 (A) The Federal Government.

25 (B) Indian Tribes.

1 (C) Nongovernmental entities, including
2 academic organizations, nonprofit organizations,
3 and private sector entities.

4 (D) Other federally mandated regional en-
5 tities, including the Regional Fishery Manage-
6 ment Councils, the regional associations of the
7 National Integrated Coastal and Ocean Obser-
8 vation System, and relevant Marine Fisheries
9 Commissions.

10 (2) RULE OF CONSTRUCTION.—Nothing in
11 paragraph (1)(B) may be construed as affecting any
12 requirement to consult with Indian Tribes under Ex-
13 ecutive Order 13175 (25 U.S.C. 5301 note; relating
14 to consultation and coordination with Indian Tribal
15 Governments) or any other applicable law or policy.

16 (f) GRANTS AND CONTRACTS.—

17 (1) IN GENERAL.—A Regional Ocean Partner-
18 ship may, in coordination with existing Federal,
19 State, and Tribal management programs, from
20 amounts made available to the partnership by the
21 Administrator or the head of another Federal agen-
22 cy, subject to appropriations for such purpose, pro-
23 vide grants and enter into contracts for the purposes
24 described in paragraph (2).

1 (2) PURPOSES.—The purposes described in this
2 paragraph include any of the following:

3 (A) Monitoring the water quality and living
4 resources of multistate ocean and coastal eco-
5 systems and coastal communities.

6 (B) Researching and addressing the effects
7 of natural and human-induced environmental
8 changes on—

9 (i) ocean and coastal ecosystems; and

10 (ii) coastal communities.

11 (C) Developing and executing cooperative
12 strategies that—

13 (i) address regional data issues identi-
14 fied by the partnership; and

15 (ii) will result in more effective man-
16 agement of common ocean and coastal
17 areas.

18 (g) REPORT REQUIRED.—

19 (1) IN GENERAL.—Not later than 5 years after
20 the date of the enactment of this Act, the Adminis-
21 trator, in coordination with the Regional Ocean
22 Partnerships, shall submit to Congress a report on
23 the partnerships.

24 (2) REPORT REQUIREMENTS.—The report re-
25 quired by paragraph (1) shall include the following:

1 (A) An assessment of the overall status of
2 the work of the Regional Ocean Partnerships.

3 (B) An assessment of the effectiveness of
4 the partnerships in supporting regional prior-
5 ities relating to the management of common
6 ocean, coastal, and Great Lakes areas.

7 (C) An assessment of the effectiveness of
8 the strategies that the partnerships are sup-
9 porting or implementing and the extent to
10 which the priority needs of the regions covered
11 by the partnerships are being met through such
12 strategies.

13 (D) An assessment of how the efforts of
14 the partnerships support or enhance Federal
15 and State efforts consistent with the purposes
16 of this title.

17 (E) Such recommendations as the Admin-
18 istrator may have for improving—

19 (i) efforts of the partnerships to sup-
20 port the purposes of this title; and

21 (ii) collective strategies that support
22 the purposes of this title in coordination
23 with all relevant Federal and State entities
24 and Indian Tribes.

1 (F) The distribution of funds from each
2 partnership for each fiscal year covered by the
3 report.

4 (h) AVAILABILITY OF FEDERAL FUNDS.—In addition
5 to amounts made available to the Regional Ocean Partner-
6 ships by the Administrator under this section, the head
7 of any other Federal agency may provide grants to, enter
8 into contracts with, or otherwise provide funding to such
9 partnerships, subject to availability of appropriations for
10 such purposes.

11 (i) AUTHORITIES.—Nothing in this section estab-
12 lishes any new legal or regulatory authority of the Na-
13 tional Oceanic and Atmospheric Administration or of the
14 Regional Ocean Partnerships, other than—

15 (1) the authority of the Administrator to pro-
16 vide amounts to the partnerships; and

17 (2) the authority of the partnerships to provide
18 grants and enter into contracts under subsection (f).

19 (j) AUTHORIZATIONS.—

20 (1) REGIONAL OCEAN PARTNERSHIPS.—There
21 are authorized to be appropriated to the Adminis-
22 trator the following amounts to be made available to
23 the Regional Ocean Partnerships or designated fiscal
24 management entities of such partnerships to carry
25 out activities of such partnerships under this title:

1 (A) \$10,100,000 for fiscal year 2023.

2 (B) \$10,202,000 for fiscal year 2024.

3 (C) \$10,306,040 for fiscal year 2025.

4 (D) \$10,412,160 for fiscal year 2026.

5 (E) \$10,520,404 for fiscal year 2027.

6 (2) DISTRIBUTION OF AMOUNTS.—Amounts
7 made available under this subsection shall be divided
8 evenly among the Regional Ocean Partnerships.

9 (3) TRIBAL GOVERNMENT PARTICIPATION.—
10 There is authorized to be appropriated to the Ad-
11 ministrator \$1,000,000 for each of fiscal years 2023
12 through 2027 to be distributed to Indian Tribes for
13 purposes of participation in or engagement with the
14 Regional Ocean Partnerships.

15 **TITLE CIII—NATIONAL OCEAN** 16 **EXPLORATION**

17 **SEC. 10301. FINDINGS.**

18 Congress makes the following findings:

19 (1) The health and resilience of the ocean are
20 vital to the security and economy of the United
21 States and to the lives of the people of the United
22 States.

23 (2) The United States depends on the ocean to
24 regulate weather and climate, to sustain and protect
25 the diversity of life, for maritime shipping, for na-

1 tional defense, and for food, energy, medicine, recre-
2 ation, and other services essential to the people of
3 the United States and all humankind.

4 (3) The prosperity, security, and well-being of
5 the United States depend on successful under-
6 standing and stewardship of the ocean.

7 (4) Interdisciplinary cooperation and engage-
8 ment among government agencies, research institu-
9 tions, nongovernmental organizations, States, Indian
10 Tribes, and the private sector are essential for suc-
11 cessful stewardship of ocean and coastal environ-
12 ments, national economic growth, national security,
13 and development of agile strategies that develop,
14 promote, and use new technologies.

15 (5) Ocean exploration can help the people of the
16 United States understand how to be effective stew-
17 ards of the ocean and serve as catalysts and enablers
18 for other sectors of the economy.

19 (6) Mapping, exploration, and characterization
20 of the ocean provides basic, essential information to
21 protect and restore the marine environment, stimu-
22 late economic activity, and provide security for the
23 United States.

24 (7) A robust national ocean exploration pro-
25 gram engaging multiple Federal agencies, Indian

1 Tribes, the private sector, nongovernmental organi-
2 zations, and academia is—

3 (A) essential to the interests of the United
4 States and vital to its security and economy
5 and the health and well-being of all people of
6 the United States; and

7 (B) critical to reestablish the United
8 States at the forefront of global ocean explo-
9 ration and stewardship.

10 **SEC. 10302. DEFINITIONS.**

11 In this title:

12 (1) CHARACTERIZATION.—The term “charac-
13 terization” means activities that provide comprehen-
14 sive data and interpretations for a specific area of
15 interest of the sea floor, sub-bottom, water column,
16 or hydrologic features, including water masses and
17 currents, in direct support of specific research, envi-
18 ronmental protection, resource management, policy-
19 making, or applied mission objectives.

20 (2) EXPLORATION.—The term “exploration”
21 means activities that provide—

22 (A) a multidisciplinary view of an unknown
23 or poorly understood area of the seafloor, sub-
24 bottom, or water column; and

1 (B) an initial assessment of the physical,
2 chemical, geological, biological, archeological, or
3 other characteristics of such an area.

4 (3) INDIAN TRIBE.—The term “Indian Tribe”
5 has the meaning given that term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 5304).

8 (4) MAPPING.—The term “mapping” means ac-
9 tivities that provide comprehensive data and infor-
10 mation needed to understand seafloor characteris-
11 tics, such as depth, topography, bottom type, sedi-
12 ment composition and distribution, underlying geo-
13 logic structure, and benthic flora and fauna.

14 **SEC. 10303. OCEAN POLICY COMMITTEE.**

15 (a) SUBCOMMITTEES.—Section 8932(c) of title 10,
16 United States Code, is amended to read as follows:

17 “(c) SUBCOMMITTEES.—(1) The Committee shall in-
18 clude—

19 “(A) a subcommittee to be known as the ‘Ocean
20 Science and Technology Subcommittee’; and

21 “(B) a subcommittee to be known as the ‘Ocean
22 Resource Management Subcommittee’.

23 “(2) In discharging its responsibilities in support of
24 agreed-upon scientific needs, and to assist in the execution
25 of the responsibilities described in subsection (b), the

1 Committee may delegate responsibilities to the Ocean
2 Science and Technology Subcommittee, the Ocean Re-
3 source Management Subcommittee, or another sub-
4 committee of the Committee, as the Committee determines
5 appropriate.”.

6 (b) INCREASED ACCESS TO GEOSPATIAL DATA FOR
7 MORE EFFICIENT AND INFORMED DECISIONMAKING.—

8 (1) ESTABLISHMENT OF DOCUMENT SYSTEM.—

9 Section 8932(b) of title 10, United States Code, is
10 amended—

11 (A) in paragraph (3), by striking “and” at
12 the end;

13 (B) in paragraph (4)(F), by striking the
14 period at the end and inserting “; and”; and

15 (C) by adding at the end the following new
16 paragraph:

17 “(5) for projects under the purview of the Com-
18 mittee, establish or designate one or more systems
19 for ocean-related and ocean-mapping-related docu-
20 ments prepared under the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.), in ac-
22 cordance with subsection (h).”.

23 (2) ELEMENTS.—Section 8932 of such title is
24 amended—

1 (A) by redesignating subsection (h) as sub-
2 section (i); and

3 (B) by inserting after subsection (g) the
4 following new subsection (h):

5 “(h) ELEMENTS OF DOCUMENT SYSTEM.—The sys-
6 tems established or designated under subsection (b)(5)
7 may include the following:

8 “(1) A publicly accessible, centralized digital ar-
9 chive of documents described in subsection (b)(5)
10 that are finalized after the date of the enactment of
11 the James M. Inhofe National Defense Authoriza-
12 tion Act for Fiscal Year 2023, including—

13 “(A) environmental impact statements;

14 “(B) environmental assessments;

15 “(C) records of decision; and

16 “(D) other relevant documents as deter-
17 mined by the lead agency on a project.

18 “(2) Geospatially referenced data, if any, con-
19 tained in the documents under paragraph (1).

20 “(3) A mechanism to retrieve information
21 through geo-information tools that can map and in-
22 tegrate relevant geospatial information, such as—

23 “(A) Ocean Report Tools;

24 “(B) the Environmental Studies Program
25 Information System;

1 “(C) Regional Ocean Partnerships; and
2 “(D) the Integrated Ocean Observing Sys-
3 tem.
4 “(4) Appropriate safeguards on the public ac-
5 cessibility of data to protect national security equi-
6 ties.”.

7 **SEC. 10304. NATIONAL OCEAN MAPPING, EXPLORATION,**
8 **AND CHARACTERIZATION COUNCIL.**

9 (a) **ESTABLISHMENT.**—The President shall establish
10 a council, to be known as the “National Ocean Mapping,
11 Exploration, and Characterization Council” (in this sec-
12 tion referred to as the “Council”).

13 (b) **PURPOSE.**—The Council shall—

14 (1) update national priorities for ocean map-
15 ping, exploration, and characterization; and

16 (2) coordinate and facilitate activities to ad-
17 vance those priorities.

18 (c) **REPORTING.**—The Council shall report to the
19 Ocean Science and Technology Subcommittee of the
20 Ocean Policy Committee established under section 8932(c)
21 of title 10, United States Code.

22 (d) **MEMBERSHIP.**—The Council shall be composed of
23 senior-level representatives from the appropriate Federal
24 agencies.

1 (e) CO-CHAIRS.—The Council shall be co-chaired
2 by—

3 (1) two senior-level representatives from the
4 National Oceanic and Atmospheric Administration;
5 and

6 (2) one senior-level representative from the De-
7 partment of the Interior.

8 (f) DUTIES.—The Council shall—

9 (1) set national ocean mapping, exploration,
10 and characterization priorities and strategies;

11 (2) cultivate and facilitate transparent and sus-
12 tained partnerships among Federal and State agen-
13 cies, Indian Tribes, private industry, academia, and
14 nongovernmental organizations to conduct ocean
15 mapping, exploration, and characterization activities
16 and related technology development;

17 (3) coordinate improved processes for data com-
18 pilation, management, access, synthesis, and visual-
19 ization with respect to ocean mapping, exploration,
20 and characterization, with a focus on building on ex-
21 isting ocean data management systems and with ap-
22 propriate safeguards on the public accessibility of
23 data to protect national security equities, as appro-
24 priate;

1 (4) encourage education, workforce training,
2 and public engagement activities that—

3 (A) advance interdisciplinary principles
4 that contribute to ocean mapping, exploration,
5 research, and characterization;

6 (B) improve public engagement with and
7 understanding of ocean science; and

8 (C) provide opportunities for underserved
9 populations;

10 (5) coordinate activities as appropriate with do-
11 mestic and international ocean mapping, exploration,
12 and characterization initiatives or programs; and

13 (6) establish and monitor metrics to track
14 progress in achieving the priorities set under para-
15 graph (1).

16 (g) INTERAGENCY WORKING GROUP ON OCEAN EX-
17 PLORATION AND CHARACTERIZATION.—

18 (1) ESTABLISHMENT.—The President shall es-
19 tablish a new interagency working group to be
20 known as the “Interagency Working Group on
21 Ocean Exploration and Characterization”.

22 (2) MEMBERSHIP.—The Interagency Working
23 Group on Ocean Exploration and Characterization
24 shall be comprised of senior representatives from

1 Federal agencies with ocean exploration and charac-
2 terization responsibilities.

3 (3) FUNCTIONS.—The Interagency Working
4 Group on Ocean Exploration and Characterization
5 shall support the Council and the Ocean Science and
6 Technology Subcommittee of the Ocean Policy Com-
7 mittee established under section 8932(c) of title 10,
8 United States Code, on ocean exploration and char-
9 acterization activities and associated technology de-
10 velopment across the Federal Government, State
11 governments, Indian Tribes, private industry, non-
12 governmental organizations, and academia.

13 (h) OVERSIGHT.—The Council shall oversee—

14 (1) the Interagency Working Group on Ocean
15 Exploration and Characterization established under
16 subsection (g)(1); and

17 (2) the Interagency Working Group on Ocean
18 and Coastal Mapping under section 12203 of the
19 Ocean and Coastal Mapping Integration Act (33
20 U.S.C. 3502).

21 (i) PLAN.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this Act, the Council
24 shall develop or update and submit to the appro-
25 priate committees of Congress a plan for an inte-

1 grated cross-sectoral ocean mapping, exploration,
2 and characterization initiative.

3 (2) ELEMENTS.—The plan required by para-
4 graph (1) shall—

5 (A) discuss the utility and benefits of
6 ocean exploration and characterization;

7 (B) identify and describe national ocean
8 mapping, exploration, and characterization pri-
9 orities;

10 (C) identify and describe Federal and fed-
11 erally funded ocean mapping, exploration, and
12 characterization programs;

13 (D) facilitate and incorporate non-Federal
14 input into national ocean mapping, exploration,
15 and characterization priorities;

16 (E) ensure effective coordination of ocean
17 mapping, exploration, and characterization ac-
18 tivities among programs described in subpara-
19 graph (C);

20 (F) identify opportunities for combining
21 overlapping or complementary needs, activities,
22 and resources of Federal agencies and non-Fed-
23 eral organizations relating to ocean mapping,
24 exploration, and characterization while not re-

1 ducing benefits from existing mapping, explo-
2 rations, and characterization activities;

3 (G) promote new and existing partnerships
4 among Federal and State agencies, Indian
5 Tribes, private industry, academia, and non-
6 governmental organizations to conduct or sup-
7 port ocean mapping, exploration, and character-
8 ization activities and technology development
9 needs, including through coordination under
10 section 3 of the Commercial Engagement
11 Through Ocean Technology Act of 2018 (33
12 U.S.C. 4102) and the National Oceanographic
13 Partnership Program under section 8931 of
14 title 10, United States Code;

15 (H) develop a transparent and sustained
16 mechanism for non-Federal partnerships and
17 stakeholder engagement in strategic planning
18 and mission execution to be implemented not
19 later than December 31, 2023, for coordinating
20 such activities with—

21 (i) institutions of higher education (as
22 such term is defined in section 101(a) of
23 the Higher Education Act of 1965 (20
24 U.S.C. 1001(a)), the private sector, philan-
25 thropic organizations, and nonprofits; and

1 (ii) international partners for activi-
2 ties relating to maritime areas (including
3 the sea floor) beyond the jurisdiction of the
4 Federal Government;

5 (I) establish standardized collection and
6 data management protocols, including with re-
7 spect to metadata, for ocean mapping, explo-
8 ration, and characterization which—

9 (i) are publicly accessible and
10 locatable via appropriate Federal reposi-
11 tories;

12 (ii) can facilitate the integration of
13 ocean data into products and use innova-
14 tions from non-Federal partners; and

15 (iii) have appropriate safeguards on
16 the public accessibility of data to protect
17 national security;

18 (J) encourage the development, testing,
19 demonstration, and adoption of innovative
20 ocean mapping, exploration, and characteriza-
21 tion technologies and applications;

22 (K) promote protocols for accepting data,
23 equipment, approaches, or other resources that
24 support national ocean mapping, exploration,
25 and characterization priorities;

1 (L) identify best practices for the protec-
2 tion of marine life during mapping, exploration,
3 and characterization activities;

4 (M) identify training, technology, and
5 other resource requirements for enabling the
6 National Oceanic and Atmospheric Administra-
7 tion and other appropriate Federal agencies to
8 support a coordinated national ocean mapping,
9 exploration, and characterization effort;

10 (N) identify and facilitate a centralized
11 mechanism or office for coordinating data col-
12 lection, compilation, processing, archiving, and
13 dissemination activities relating to ocean map-
14 ping, exploration, and characterization that
15 meets Federal mandates for data accuracy and
16 accessibility;

17 (O) designate repositories responsible for
18 archiving and managing ocean mapping, explo-
19 ration, and characterization data;

20 (P) set forth a timetable and estimated
21 costs for implementation and completion of the
22 plan;

23 (Q) to the extent practicable, align ocean
24 exploration and characterization efforts with ex-
25 isting programs and identify key gaps; and

1 (R) identify criteria for determining the
2 optimal frequency of observations; and

3 (S) provide recommendations, developed in
4 coordination with the private sector, to improve
5 incentives, access, and processes for the private
6 sector to share ocean-related data with the pub-
7 lic and Federal Government.

8 (j) BRIEFINGS.—Not later than 1 year after the date
9 of the enactment of this Act, and not less frequently than
10 once every 2 years thereafter, the Council shall brief the
11 appropriate committees of Congress on—

12 (1) progress made toward meeting the national
13 priorities described in subsection (i)(2)(B); and

14 (2) recommendations for meeting such prior-
15 ities, such as additional authorities that may be
16 needed to develop a mechanism for non-Federal
17 partnerships and stakeholder engagement described
18 in subsection (i)(2)(H).

19 (k) APPROPRIATE COMMITTEES OF CONGRESS DE-
20 FINED.—In this section, the term “appropriate commit-
21 tees of Congress” means—

22 (1) the Committee on Commerce, Science, and
23 Transportation and the Committee on Armed Serv-
24 ices of the Senate; and

1 (2) the Committee on Natural Resources, the
2 Committee on Science, Space, and Technology, and
3 the Committee on Armed Services of the House of
4 Representatives.

5 **SEC. 10305. MODIFICATIONS TO THE OCEAN EXPLORATION**
6 **PROGRAM OF THE NATIONAL OCEANIC AND**
7 **ATMOSPHERIC ADMINISTRATION.**

8 (a) **PURPOSE.**—Section 12001 of the Omnibus Public
9 Land Management Act of 2009 (33 U.S.C. 3401) is
10 amended by striking “and the national undersea research
11 program”.

12 (b) **PROGRAM ESTABLISHED.**—Section 12002 of such
13 Act (33 U.S.C. 3402) is amended—

14 (1) in the first sentence, by striking “and un-
15 dersea”; and

16 (2) in the second sentence, by striking “and un-
17 dersea research and exploration” and inserting “re-
18 search and ocean exploration and characterization
19 efforts”.

20 (c) **POWERS AND DUTIES OF THE ADMINIS-**
21 **TRATOR.**—

22 (1) **IN GENERAL.**—Section 12003(a) of such
23 Act (33 U.S.C. 3403(a)) is amended—

24 (A) in the matter preceding paragraph (1),
25 by inserting “, in consultation with the Ocean

1 Policy Committee established under section
2 8932 of title 10, United States Code,” after
3 “Administration”;

4 (B) in paragraph (1)—

5 (i) by striking “voyages” and insert-
6 ing “expeditions”;

7 (ii) by striking “Federal agencies”
8 and all that follows through “and survey”
9 and inserting “Federal and State agencies,
10 Tribal Governments, private industry, aca-
11 demia (including secondary schools, com-
12 munity colleges, and universities), and non-
13 governmental organizations, to map, ex-
14 plore, and characterize”; and

15 (iii) by inserting “characterize,” after
16 “observe,”;

17 (C) in paragraph (2), by inserting “of the
18 exclusive economic zone” after “deep ocean re-
19 gions”;

20 (D) in paragraph (3), by striking “voy-
21 ages” and inserting “expeditions”;

22 (E) in paragraph (4), by striking “, in con-
23 sultation with the National Science Founda-
24 tion,”;

1 (F) by amending paragraph (5) to read as
2 follows:

3 “(5) support technological innovation of the
4 United States marine science community by pro-
5 moting the development and use of new and emerg-
6 ing technologies for research, communication, navi-
7 gation, and data collection, such as sensors and au-
8 tonomous vehicles;”;

9 (G) in paragraph (6), by inserting “, in
10 consultation with the National Ocean Mapping,
11 Exploration, and Characterization Council es-
12 tablished under section 5405 of the James M.
13 Inhofe National Defense Authorization Act for
14 Fiscal Year 2023,” after “forum”;

15 (H) by adding at the end the following:

16 “(7) provide guidance, in consultation with the
17 National Ocean Mapping, Exploration, and Charac-
18 terization Council, to Federal and State agencies,
19 Tribal Governments, private industry, academia (in-
20 cluding secondary schools, community colleges, and
21 universities), and nongovernmental organizations on
22 data standards, protocols for accepting data, and co-
23 ordination of data collection, compilation, processing,
24 archiving, and dissemination for data relating to
25 ocean exploration and characterization; and

1 “(8) coordinate with applicable ocean mapping,
2 ocean monitoring, and ocean observation programs
3 to maximize coordination and collaboration opportu-
4 nities, prevent duplication of such activities and
5 identify gaps in data.”.

6 (2) DONATIONS.—Section 12003(b) of such Act
7 (33 U.S.C. 3403(b)) is amended to read as follows:

8 “(b) DONATIONS.—For the purpose of mapping, ex-
9 ploring, and characterizing the oceans or increasing the
10 knowledge of the oceans, the Administrator may—

11 “(1) accept monetary donations, which shall be
12 credited as discretionary offsetting collections to the
13 currently applicable appropriation, account, or fund
14 of the National Oceanic and Atmospheric Adminis-
15 tration and shall be made available for such pur-
16 poses only to the extent and in the amounts provided
17 in advance in appropriations Acts;

18 “(2) accept donations of property, data, and
19 equipment; and

20 “(3) pay all necessary expenses in connection
21 with the conveyance or transfer of a gift, devise, or
22 bequest.”.

23 (3) DEFINITION OF EXCLUSIVE ECONOMIC
24 ZONE.—Section 12003 of such Act (33 U.S.C. 3403)
25 is amended by adding at the end the following:

1 “(c) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—
2 In this section, the term ‘exclusive economic zone’ means
3 the zone established by Presidential Proclamation Number
4 5030, dated March 10, 1983 (16 U.S.C. 1453 note).”.

5 (d) REPEAL OF OCEAN EXPLORATION AND UNDER-
6 SEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE
7 TASK FORCE.—Section 12004 of such Act (33 U.S.C.
8 3404) is repealed.

9 (e) EDUCATION, WORKFORCE TRAINING, AND OUT-
10 REACH.—

11 (1) IN GENERAL.—Such Act is further amended
12 by inserting after section 12003 the following new
13 section 12004:

14 **“SEC. 12004. EDUCATION, WORKFORCE TRAINING, AND**
15 **OUTREACH.**

16 “(a) IN GENERAL.—The Administrator of the Na-
17 tional Oceanic and Atmospheric Administration shall—

18 “(1) conduct education and outreach efforts in
19 order to broadly disseminate information to the pub-
20 lic on the discoveries made by the program under
21 section 12002;

22 “(2) to the extent possible, coordinate the ef-
23 forts described in paragraph (1) with the outreach
24 strategies of other domestic or international ocean

1 mapping, exploration, and characterization initia-
2 tives; and

3 “(3) establish a fellowship program at the Na-
4 tional Oceanic and Atmospheric Administration to
5 provide year-long fellowships to undergraduate stu-
6 dents from institutions described in section 371(a)
7 of the Higher Education Act of 1965.

8 “(b) EDUCATION AND OUTREACH EFFORTS.—Ef-
9 forts described in subsection (a)(1) may include—

10 “(1) education of the general public, teachers,
11 students, and ocean and coastal resource managers;
12 and

13 “(2) workforce training, reskilling, and opportu-
14 nities to encourage development of ocean-related
15 science, technology, engineering, and mathematics
16 technical training programs involving secondary
17 schools, community colleges, and universities, includ-
18 ing institutions described in section 371(a) of the
19 Higher Education Act of 1965.

20 “(c) OUTREACH STRATEGY.—Not later than 180
21 days after the date of the enactment of the National
22 Ocean Exploration Act, the Administrator of the National
23 Oceanic and Atmospheric Administration shall develop an
24 outreach strategy to broadly disseminate information on

1 the discoveries made by the program under section
2 12002.”.

3 (2) CLERICAL AMENDMENT.—The table of con-
4 tents in section 1(b) of the Omnibus Public Land
5 Management Act of 2009 (Public Law 111–11; 123
6 Stat. 991) is amended by striking the item relating
7 to section 12004 and inserting the following:

“Sec. 12004. Education, workforce training, and outreach.”.

8 (f) OCEAN EXPLORATION ADVISORY BOARD.—

9 (1) ESTABLISHMENT.—Section 12005(a) of
10 such Act (33 U.S.C. 3505(a)) is amended—

11 (A) by inserting “, including representa-
12 tives from academic, commercial, nonprofit,
13 philanthropic, policy, and Tribal entities” after
14 “relevant fields”;

15 (B) by amending paragraph (1) to read as
16 follows:

17 “(1) to advise the Administrator on priority
18 areas for survey, discovery, and opportunities for ex-
19 tramural collaboration and partnerships;”;

20 (C) by redesignating paragraph (4) as
21 paragraph (6); and

22 (D) by inserting after paragraph (3) the
23 following:

24 “(4) to identify market barriers to development
25 or commercialization of novel ocean mapping, explo-

1 ration, and characterization products, processes, and
2 tools;

3 “(5) to identify best practices to improve data
4 management, processing, storage, and archiving
5 standards; and”.

6 (2) TECHNICAL AMENDMENT.—Section
7 12005(c) of such Act (33 U.S.C. 3505(c)) is amend-
8 ed by inserting “this” before “part”.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—Section
10 12006 of such Act (33 U.S.C. 3406) is amended by strik-
11 ing “this part” and all that follows and inserting “this
12 part \$60,000,000 for each of fiscal years 2023 through
13 2028”.

14 (h) DEFINITIONS.—Such Act is further amended by
15 inserting after section 12006 the following:

16 **“SEC. 12007. DEFINITIONS.**

17 “In this part:

18 “(1) CHARACTERIZATION.—The terms ‘charac-
19 terization’, ‘characterize’, and ‘characterizing’ mean
20 activities that provide comprehensive data and inter-
21 pretations for a specific area of interest of the sea
22 floor, sub-bottom, water column, or hydrologic fea-
23 tures, such as water masses and currents, in direct
24 support of specific research, environmental protec-

1 tion, resource management, policymaking, or applied
2 mission objectives.

3 “(2) EXPLORATION.—The term ‘exploration’,
4 ‘explore’, and ‘exploring’ means activities that pro-
5 vide—

6 “(A) a multidisciplinary view of an un-
7 known or poorly understood area of the sea
8 floor, sub-bottom, or water column; and

9 “(B) an initial assessment of the physical,
10 chemical, geological, biological, archaeological,
11 or other characteristics of such an area.

12 “(3) MAPPING.—The terms ‘map’ and ‘map-
13 ping’ mean activities that provide comprehensive
14 data and information needed to understand sea floor
15 characteristics, including depth, topography, bottom
16 type, sediment composition and distribution, under-
17 lying geologic structure, and benthic flora and
18 fauna.”.

19 (i) CLERICAL AMENDMENT.—The table of contents
20 in section 1(b) of the Omnibus Public Land Management
21 Act of 2009 (Public Law 111–11; 123 Stat. 991) is
22 amended by inserting after the item relating to section
23 12006 the following:

“Sec. 12007. Definitions.”.

1 **SEC. 10306. REPEAL.**

2 (a) IN GENERAL.—The NOAA Undersea Research
3 Program Act of 2009 (part II of subtitle A of title XII
4 of Public Law 111–11; 33 U.S.C. 3421 et seq.) is re-
5 pealed.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 in section 1(b) of the Omnibus Public Land Management
8 Act of 2009 (Public Law 111–11; 123 Stat. 991) is
9 amended by striking the items relating to part II of sub-
10 title A of title XII of such Act.

11 **SEC. 10307. MODIFICATIONS TO OCEAN AND COASTAL MAP-**
12 **PING PROGRAM OF THE NATIONAL OCEANIC**
13 **AND ATMOSPHERIC ADMINISTRATION.**

14 (a) ESTABLISHMENT OF PROGRAM.—

15 (1) IN GENERAL.—Section 12202(a) of the
16 Ocean and Coastal Mapping Integration Act (33
17 U.S.C. 3501(a)) is amended—

18 (A) by striking “establish a program to de-
19 velop a coordinated and” and inserting “estab-
20 lish and maintain a program to coordinate”;

21 (B) by striking “plan” and inserting “ef-
22 forts”; and

23 (C) by striking “that enhances” and all
24 that follows and inserting “that—

25 “(1) enhances ecosystem approaches in deci-
26 sionmaking for natural resource and habitat man-

1 agement restoration and conservation, emergency re-
2 sponse, and coastal resilience and adaptation;

3 “ (2) establishes research and mapping prior-
4 ities;

5 “ (3) supports the siting of research and other
6 platforms; and

7 “ (4) advances ocean and coastal science.”.

8 (2) MEMBERSHIP.—Section 12202 of such Act
9 (33 U.S.C. 3501) is amended by striking subsection
10 (b) and redesignating subsection (c) as subsection
11 (b).

12 (3) PROGRAM PARAMETERS.—Subsection (b) of
13 section 12202 of such Act (33 U.S.C. 3501), as re-
14 designated by paragraph (2), is amended—

15 (A) in the matter preceding paragraph (1),
16 by striking “developing” and inserting “main-
17 taining”;

18 (B) in paragraph (2), by inserting “and
19 for leveraging existing Federal geospatial serv-
20 ices capacities and contract vehicles for effi-
21 ciencies” after “coastal mapping”;

22 (C) in paragraph (7), by striking “with
23 coastal state and local government programs”
24 and inserting “with mapping programs, in con-
25 junction with Federal and State agencies, Trib-

1 al governments, private industry, academia, and
2 nongovernmental organizations”;

3 (D) in paragraph (8), by striking “of real-
4 time tide data and the development” and insert-
5 ing “of tide data and water-level data and the
6 development and dissemination”;

7 (E) in paragraph (9), by striking “; and”
8 and inserting a semicolon;

9 (F) in paragraph (10), by striking the pe-
10 riod at the end and inserting “; and”; and

11 (G) by adding at the end the following:

12 “(11) support—

13 “(A) the Ocean Science and Technology
14 Subcommittee of the Ocean Policy Committee
15 established under section 8932(e) of title 10,
16 United States Code; and

17 “(B) the National Ocean Mapping, Explo-
18 ration, and Characterization Council established
19 under section 5405 of the National Ocean Ex-
20 ploration Act.”.

21 (b) INTERAGENCY WORKING GROUP ON OCEAN AND
22 COASTAL MAPPING.—

23 (1) NAME CHANGE.—The Ocean and Coastal
24 Mapping Integration Act (33 U.S.C. 3501 et seq.) is
25 amended—

1 (A) in section 12202 (33 U.S.C. 3501)—

2 (i) in subsection (a), by striking

3 “Interagency Committee on Ocean and

4 Coastal Mapping” and inserting “Inter-

5 agency Working Group on Ocean and

6 Coastal Mapping under section 12203”;

7 and

8 (ii) in subsection (b), as redesignated

9 by subsection (a)(2), by striking “Com-

10 mittee” and inserting “Working Group”;

11 (B) in section 12203 (33 U.S.C. 3502)—

12 (i) in the section heading, by striking

13 “**COMMITTEE**” and inserting “**WORKING**

14 **GROUP**”;

15 (ii) in subsection (b), in the first sen-

16 tence, by striking “committee” and insert-

17 ing “Working Group”;

18 (iii) in subsection (e), by striking

19 “committee” and inserting “Working

20 Group”; and

21 (iv) in subsection (f), by striking

22 “committee” and inserting “Working

23 Group”; and

24 (C) in section 12208 (33 U.S.C. 3507), by

25 amending paragraph (3) to read as follows:

1 “(3) WORKING GROUP.—The term ‘Working
2 Group’ means the Interagency Working Group on
3 Ocean and Coastal Mapping under section 12203.”.

4 (2) IN GENERAL.—Section 12203(a) of such
5 Act (33 U.S.C. 3502(a)) is amended by striking
6 “within 30 days” and all that follows and inserting
7 “not later than 30 days after the date of the enact-
8 ment of the National Ocean Exploration Act, shall
9 use the Interagency Working Group on Ocean and
10 Coastal Mapping in existence as of the date of the
11 enactment of such Act to implement section
12 12202.”.

13 (3) MEMBERSHIP.—Section 12203(b) of such
14 Act (33 U.S.C. 3502(b)) is amended—

15 (A) by striking “senior” both places it ap-
16 pears and inserting “senior-level”;

17 (B) by striking the second sentence;

18 (C) by striking “the Minerals Management
19 Service” and inserting “the Bureau of Ocean
20 Energy Management of the Department of the
21 Interior, the Office of the Assistant Secretary,
22 Fish and Wildlife and Parks of the Department
23 of the Interior”; and

1 (D) by striking “the Chief of Naval Oper-
2 ations” and inserting “the Department of the
3 Navy”.

4 (4) CO-CHAIRS.—Section 12203(c) of such Act
5 (33 U.S.C. 3502(c)) is amended to read as follows:

6 “(c) CO-CHAIRS.—The Working Group shall be co-
7 chaired by one representative from each of the following:

8 “(1) The National Oceanic and Atmospheric
9 Administration.

10 “(2) The Department of the Interior.”.

11 (5) SUBORDINATE GROUPS.—Section 12203(d)
12 of such Act (33 U.S.C. 3502(d)) is amended to read
13 as follows:

14 “(d) SUBORDINATE GROUPS.—The co-chairs may es-
15 tablish such permanent or temporary subordinate groups
16 as determined appropriate by the Working Group.”.

17 (6) MEETINGS.—Section 12203(e) of such Act
18 (33 U.S.C. 3502(e)) is amended by striking “each
19 subcommittee and each working group” and insert-
20 ing “each subordinate group”.

21 (7) COORDINATION.—Section 12203(f) of such
22 Act (33 U.S.C. 3502(f)) is amended by striking
23 paragraphs (1) through (5) and inserting the fol-
24 lowing:

25 “(1) other Federal efforts;

1 “(2) international mapping activities;

2 “(3) coastal States;

3 “(4) coastal Indian Tribes;

4 “(5) data acquisition and user groups through
5 workshops, partnerships, and other appropriate
6 mechanisms; and

7 “(6) representatives of nongovernmental enti-
8 ties.”.

9 (8) ADVISORY PANEL.—Section 12203 of such
10 Act (33 U.S.C. 3502) is amended by striking sub-
11 section (g).

12 (9) FUNCTIONS.—Section 12203 of such Act
13 (33 U.S.C. 3502), as amended by paragraph (8), is
14 further amended by adding at the end the following:

15 “(g) SUPPORT FUNCTIONS.—The Working Group
16 shall support the National Ocean Mapping, Exploration,
17 and Characterization Council established under section
18 5405 of the National Ocean Exploration Act and the
19 Ocean Science and Technology Subcommittee of the
20 Ocean Policy Committee established under section 8932(c)
21 of title 10, United States Code, on ocean mapping activi-
22 ties and associated technology development across the
23 Federal Government, State governments, coastal Indian
24 Tribes, private industry, nongovernmental organizations,
25 and academia.”.

1 (10) CLERICAL AMENDMENT.—The table of
2 contents in section 1(b) of the Omnibus Public Land
3 Management Act of 2009 (Public Law 111–11; 123
4 Stat. 991) is amended by striking the item relating
5 to section 12203 and inserting the following:

“Sec. 12203. Interagency working group on ocean and coastal mapping.”.

6 (c) BIENNIAL REPORTS.—Section 12204 of the
7 Ocean and Coastal Mapping Integration Act (33 U.S.C.
8 3503) is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “No later” and all that follows through
11 “House of Representatives” and inserting “Not later
12 than 18 months after the date of the enactment of
13 the National Ocean Exploration Act, and biennially
14 thereafter until 2040, the co-chairs of the Working
15 Group, in coordination with the National Ocean
16 Mapping, Exploration, and Characterization Council
17 established under section 5405 of such Act, shall
18 submit to the Committee on Commerce, Science, and
19 Transportation and the Committee on Energy and
20 Natural Resources of the Senate, and the Committee
21 on Natural Resources and the Committee on
22 Science, Space, and Technology of the House of
23 Representatives,”;

24 (2) in paragraph (1), by inserting “, including
25 the data maintained by the National Centers for En-

1 vironmental Information of the National Oceanic
2 and Atmospheric Administration,” after “mapping
3 data”;

4 (3) in paragraph (3), by inserting “, including
5 a plan to map the coasts of the United States on a
6 requirements-based cycle, with mapping agencies
7 and partners coordinating on a unified approach
8 that factors in recent related studies, meets multiple
9 user requirements, and identifies gaps” after “ac-
10 complished”;

11 (4) by striking paragraph (10) and redesignig-
12 nating paragraphs (11), (12), and (13) as para-
13 graphs (10), (11), and (12), respectively;

14 (5) in paragraph (10), as so redesignated, by
15 striking “with coastal State and local government
16 programs” and inserting “with international, coastal
17 State, and local government and nongovernmental
18 mapping programs”;

19 (6) in paragraph (11), as redesignated by para-
20 graph (4)—

21 (A) by striking “increase” and inserting
22 “streamline and expand”;

23 (B) by inserting “for the purpose of ful-
24 filling Federal mapping and charting respon-

1 sibilities, plans, and strategies” after “entities”;
2 and

3 (C) by striking “; and” and inserting a
4 semicolon;

5 (7) in paragraph (12), as redesignated by para-
6 graph (4), by striking the period at the end and in-
7 serting a semicolon; and

8 (8) by adding at the end the following:

9 “(13) a progress report on the development of
10 new and innovative technologies and applications
11 through research and development, including cooper-
12 ative or other agreements with joint or cooperative
13 research institutes and centers and other nongovern-
14 mental entities;

15 “(14) a description of best practices in data
16 processing and distribution and leveraging opportu-
17 nities among agencies represented on the Working
18 Group and with coastal States, coastal Indian
19 Tribes, and nongovernmental entities;

20 “(15) an identification of any training, tech-
21 nology, or other requirements for enabling Federal
22 mapping programs, vessels, and aircraft to support
23 a coordinated ocean and coastal mapping program;
24 and

1 “(16) a timetable for implementation and com-
2 pletion of the plan described in paragraph (3), in-
3 cluding recommendations for integrating new ap-
4 proaches into the program.”.

5 (d) **NOAA JOINT OCEAN AND COASTAL MAPPING**
6 **CENTERS.—**

7 (1) **CENTERS.—**Section 12205(c) of such Act
8 (33 U.S.C. 3504(c)) is amended—

9 (A) in the matter preceding paragraph (1),
10 by striking “3” and inserting “three”; and

11 (B) in paragraph (4), by inserting “and
12 uncrewed” after “sensing”.

13 (2) **PLAN.—**Section 12205 of such Act (33
14 U.S.C. 3504) is amended—

15 (A) in the section heading, by striking
16 “**PLAN**” and inserting “**NOAA JOINT OCEAN**
17 **AND COASTAL MAPPING CENTERS**”;

18 (B) by striking subsections (a), (b), and
19 (d); and

20 (C) in subsection (c), by striking “(c)
21 **NOAA JOINT OCEAN AND COASTAL MAPPING**
22 **CENTERS.—**”.

23 (3) **CLERICAL AMENDMENT.—**The table of con-
24 tents in section 1(b) of the Omnibus Public Land
25 Management Act of 2009 (Public Law 111–11; 123

1 Stat. 991) is amended by striking the item relating
2 to section 12205 and inserting the following:

“Sec. 12205. NOAA joint ocean and coastal mapping centers.”.

3 (e) OCEAN AND COASTAL MAPPING FEDERAL FUND-
4 ING OPPORTUNITY.—The Ocean and Coastal Mapping In-
5 tegration Act (33 U.S.C. 3501 et seq.) is amended—

6 (1) by redesignating sections 12206, 12207,
7 and 12208 as sections 12208, 12209, and 12210,
8 respectively; and

9 (2) by inserting after section 12205 the fol-
10 lowing:

11 **“SEC. 12206. OCEAN AND COASTAL MAPPING FEDERAL**
12 **FUNDING OPPORTUNITY.**

13 “(a) IN GENERAL.—Not later than one year after the
14 date of the enactment of the National Ocean Exploration
15 Act, the Administrator shall develop an integrated ocean
16 and coastal mapping Federal funding match opportunity,
17 to be known as the ‘Brennan Ocean Mapping Fund’ in
18 memory of Rear Admiral Richard T. Brennan, within the
19 National Oceanic and Atmospheric Administration with
20 Federal, State, Tribal, local, nonprofit, private industry,
21 or academic partners in order to increase the coordinated
22 acquisition, processing, stewardship, and archival of new
23 ocean and coastal mapping data in United States waters.

24 “(b) RULES.—The Administrator shall develop ad-
25 ministrative and procedural rules for the ocean and coastal

1 mapping Federal funding match opportunity developed
2 under subsection (a), to include—

3 “(1) specific and detailed criteria that must be
4 addressed by an applicant, such as geographic over-
5 lap with preestablished priorities, number and type
6 of project partners, benefit to the applicant, coordi-
7 nation with other funding opportunities, and benefit
8 to the public;

9 “(2) determination of the appropriate funding
10 match amounts and mechanisms to use, such as
11 grants, agreements, or contracts; and

12 “(3) other funding award criteria as are nec-
13 essary or appropriate to ensure that evaluations of
14 proposals and decisions to award funding under this
15 section are based on objective standards applied fair-
16 ly and equitably to those proposals.

17 “(c) GEOSPATIAL SERVICES AND CONTRACT VEHI-
18 CLES.—The ocean and coastal mapping Federal funding
19 match opportunity developed under subsection (a) shall le-
20 verage Federal expertise and capacities for geospatial
21 services and Federal geospatial contract vehicles using the
22 private sector for acquisition efficiencies.

23 **“SEC. 12207. AGREEMENTS AND FINANCIAL ASSISTANCE.**

24 “(a) AGREEMENTS.—Subject to the availability of ap-
25 propriations for such purpose, the head of a Federal agen-

1 cy that is represented on the Interagency Committee on
2 Ocean and Coastal Mapping may enter into agreements
3 with any other agency that is so represented to provide,
4 on a reimbursable or nonreimbursable basis, facilities,
5 equipment, services, personnel, and other support services
6 to carry out the purposes of this subtitle.

7 “(b) FINANCIAL ASSISTANCE.—The Administrator
8 may make financial assistance awards (grants of coopera-
9 tive agreements) to any State or subdivision thereof or any
10 public or private organization or individual to carry out
11 the purposes of this subtitle.”.

12 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
13 12209 of such Act, as redesignated by subsection (e)(1),
14 is amended—

15 (1) in subsection (a), by striking “this subtitle”
16 and all that follows and inserting “this subtitle
17 \$45,000,000 for each of fiscal years 2023 through
18 2028.”;

19 (2) in subsection (b), by striking “this subtitle”
20 and all that follows and inserting “this subtitle
21 \$15,000,000 for each of fiscal years 2023 through
22 2028.”;

23 (3) by striking subsection (c); and

24 (4) by inserting after subsection (b) the fol-
25 lowing:

1 “(c) OCEAN AND COASTAL MAPPING FEDERAL
2 FUNDING OPPORTUNITY.—Of amounts authorized pursu-
3 ant to subsection (a), \$20,000,000 is authorized to carry
4 out section 12206.”.

5 (g) DEFINITIONS.—

6 (1) OCEAN AND COASTAL MAPPING.—Para-
7 graph (5) of section 12210 of such Act, as redesignig-
8 nated by subsection (e)(1), is amended by striking
9 “processing, and management” and inserting “proc-
10 essing, management, maintenance, interpretation,
11 certification, and dissemination”.

12 (2) COASTAL INDIAN TRIBE.—Section 12210 of
13 such Act, as redesignated by subsection (e)(1), is
14 amended by adding at the end the following:

15 “(9) COASTAL INDIAN TRIBE.—The term
16 ‘coastal Indian Tribe’ means an ‘Indian Tribe’, as
17 defined in section 4 of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C. 5304), the
19 land of which is located in a coastal State.”.

20 (h) CLERICAL AMENDMENTS.—The table of contents
21 in section 1(b) of the Omnibus Public Land Management
22 Act of 2009 (Public Law 111–11; 123 Stat. 991) is
23 amended by striking the items relating to sections 12206
24 through 12208 and inserting the following:

“Sec. 12206. Ocean and coastal mapping Federal funding opportunity.

“Sec. 12207. Cooperative agreements, contracts, and grants.

“Sec. 12208. Effect on other laws.

“Sec. 12209. Authorization of appropriations.
“Sec. 12210. Definitions.”.

1 **SEC. 10308. MODIFICATIONS TO HYDROGRAPHIC SERVICES**
2 **IMPROVEMENT ACT OF 1998.**

3 (a) DEFINITIONS.—Section 302(4)(A) of the Hydro-
4 graphic Services Improvement Act of 1998 (33 U.S.C.
5 892(4)(A)) is amended by inserting “hydrodynamic fore-
6 cast and datum transformation models,” after “nautical
7 information databases,”.

8 (b) FUNCTIONS OF THE ADMINISTRATOR.—Section
9 303(b) of such Act (33 U.S.C. 892a(b)) is amended—

10 (1) in the matter preceding paragraph (1), by
11 inserting “precision navigation,” after “promote”;
12 and

13 (2) in paragraph (2)—

14 (A) by inserting “and hydrodynamic fore-
15 cast models” after “monitoring systems”;

16 (B) by inserting “and provide foundational
17 information and services required to support
18 coastal resilience planning for coastal transpor-
19 tation and other infrastructure, coastal protec-
20 tion and restoration projects, and related activi-
21 ties” after “efficiency”; and

22 (C) by striking “; and” and inserting a
23 semicolon.

1 (c) QUALITY ASSURANCE PROGRAM.—Section 304(a)
2 of such Act (33 U.S.C. 892b(a)) is amended by striking
3 “product produced” and inserting “product or service pro-
4 duced or disseminated”.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
6 306(a) of such Act (33 U.S.C. 892d(a)) is amended—

7 (1) in paragraph (1), by striking “\$70,814,000
8 for each of fiscal years 2019 through 2023” and in-
9 serting “\$71,000,000 for each of fiscal years 2023
10 through 2028”;

11 (2) in paragraph (2), by striking “\$25,000,000
12 for each of fiscal years 2019 through 2023” and in-
13 serting “\$34,000,000 for each of fiscal years 2023
14 through 2028”;

15 (3) in paragraph (3), by striking “\$29,932,000
16 for each of fiscal years 2019 through 2023” and in-
17 serting “\$38,000,000 for each of fiscal years 2023
18 through 2028”;

19 (4) in paragraph (4), by striking “\$26,800,000
20 for each of fiscal years 2019 through 2023” and in-
21 serting “\$45,000,000 for each of fiscal years 2023
22 through 2028”; and

23 (5) in paragraph (5), by striking “\$30,564,000
24 for each of fiscal years 2019 through 2023” and in-

1 serting “\$35,000,000 for each of fiscal years 2023
2 through 2028”.

3 **TITLE CIV—MARINE MAMMAL**
4 **RESEARCH AND RESPONSE**

5 **SEC. 10401. DATA COLLECTION AND DISSEMINATION.**

6 Section 402 of the Marine Mammal Protection Act
7 of 1972 (16 U.S.C. 1421a) is amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)(A), by inserting “or
10 entangled” after “stranded”;

11 (B) in paragraph (3)—

12 (i) by striking “strandings,” and in-
13 serting “strandings and entanglements, in-
14 cluding unusual mortality events,”;

15 (ii) by inserting “stranding” before
16 “region”; and

17 (iii) by striking “marine mammals;
18 and” and inserting “marine mammals and
19 entangled marine mammals to allow com-
20 parison of the causes of illness and deaths
21 in stranded marine mammals and entan-
22 gled marine mammals with physical, chem-
23 ical, and biological environmental param-
24 eters; and”;

1 (C) in paragraph (4), by striking “anal-
2 yses, that would allow comparison of the causes
3 of illness and deaths in stranded marine mam-
4 mals with physical, chemical, and biological en-
5 vironmental parameters.” and inserting “anal-
6 yses.”; and

7 (2) by striking subsection (e) and inserting the
8 following:

9 “(c) INFORMATION REQUIRED TO BE SUBMITTED
10 AND COLLECTED.—

11 “(1) IN GENERAL.—After each response to a
12 stranding or entanglement event, the Secretary shall
13 collect (including from any staff of the National
14 Oceanic and Atmospheric Administration that re-
15 spond directly to such an event), and shall require
16 each stranding network participant who responds to
17 that stranding or entanglement to submit to the Ad-
18 ministrator of the National Oceanic and Atmos-
19 pheric Administration or the Director of the United
20 States Fish and Wildlife Service—

21 “(A) data on the stranding event, includ-
22 ing NOAA Form 89–864 (OMB #0648–0178),
23 NOAA Form 89–878 (OMB #0648–0178),
24 similar successor forms, or similar information
25 in an appropriate format required by the

1 United States Fish and Wildlife Service for spe-
2 cies under its management authority;

3 “(B) supplemental data to the data de-
4 scribed in subparagraph (A), which may in-
5 clude, as available, relevant information
6 about—

7 “(i) weather and tide conditions;

8 “(ii) offshore human, predator, or
9 prey activity;

10 “(iii) morphometrics;

11 “(iv) behavior;

12 “(v) health assessments;

13 “(vi) life history samples; or

14 “(vii) stomach and intestinal contents;

15 and

16 “(C) data and results from laboratory
17 analysis of tissues, which may include, as ap-
18 propriate and available—

19 “(i) histopathology;

20 “(ii) toxicology;

21 “(iii) microbiology;

22 “(iv) virology; or

23 “(v) parasitology.

24 “(2) TIMELINE.—A stranding network partici-
25 pant shall submit—

1 “(A) the data described in paragraph
2 (1)(A) not later than 30 days after the date of
3 a response to a stranding or entanglement
4 event;

5 “(B) the compiled data described in para-
6 graph (1)(B) not later than 30 days after the
7 date on which the data is available to the
8 stranding network participant; and

9 “(C) the compiled data described in para-
10 graph (1)(C) not later than 30 days after the
11 date on which the laboratory analysis has been
12 reported to the stranding network participant.

13 “(3) ONLINE DATA INPUT SYSTEM.—The Sec-
14 retary, acting through the Under Secretary of Com-
15 merce for Oceans and Atmosphere, in consultation
16 with the stranding network and the Office of Eval-
17 uation Sciences of the General Services Administra-
18 tion, shall establish an online system for the pur-
19 poses of efficient and timely submission of data de-
20 scribed in paragraph (1).

21 “(d) AVAILABILITY OF DATA.—

22 “(1) IN GENERAL.—The Secretary shall develop
23 a program to make information, including any data
24 and metadata collected under paragraph (3) or (4)
25 of subsection (b) or subsection (c), available to re-

1 searchers, stranding network participants, and the
2 public—

3 “(A) to improve real-time coordination of
4 response to stranding and entanglement events
5 across geographic areas and between stranding
6 coordinators;

7 “(B) to identify and quickly disseminate
8 information on potential public health risks;

9 “(C) to facilitate integrated interdiscipli-
10 nary research;

11 “(D) to facilitate peer-reviewed publica-
12 tions;

13 “(E) to archive regional data into 1 na-
14 tional database for future analyses; and

15 “(F) for education and outreach activities.

16 “(2) ACCESS TO DATA.—The Secretary shall
17 ensure that any data or metadata collected under
18 subsection (c)—

19 “(A) by staff of the National Oceanic and
20 Atmospheric Administration or the United
21 States Fish and Wildlife Service that responded
22 directly to a stranding or entanglement event is
23 available to the public through the Health MAP
24 and the Observation System not later than 30

1 days after that data or metadata is collected by,
2 available to, or reported to the Secretary; and

3 “(B) by a stranding network participant
4 that responded directly to a stranding or entan-
5 glement event is made available to the public
6 through the Health MAP and the Observation
7 System 2 years after the date on which that
8 data are submitted to the Secretary under sub-
9 section (c).

10 “(3) EXCEPTIONS.—

11 “(A) WRITTEN RELEASE.—Notwith-
12 standing paragraph (2)(B), the Secretary may
13 make data described in paragraph (2)(B) pub-
14 licly available earlier than 2 years after the date
15 on which that data are submitted to the Sec-
16 retary under subsection (c), if the stranding
17 network participant has completed a written re-
18 lease stating that such data may be made pub-
19 licly available.

20 “(B) LAW ENFORCEMENT.—Notwith-
21 standing paragraph (2), the Secretary may
22 withhold data for a longer period than the pe-
23 riod of time described in paragraph (2) in the
24 event of a law enforcement action or legal ac-
25 tion that may be related to that data.

1 “(e) STANDARDS.—The Secretary, in consultation
2 with the marine mammal stranding community, shall—

3 “(1) make publicly available guidance about
4 uniform data and metadata standards to ensure that
5 data collected in accordance with this section can be
6 archived in a form that is readily accessible and un-
7 derstandable to the public through the Health MAP
8 and the Observation System; and

9 “(2) periodically update such guidance.

10 “(f) MANAGEMENT POLICY.—In collaboration with
11 the regional stranding networks, the Secretary shall de-
12 velop, and periodically update, a data management and
13 public outreach collaboration policy for stranding or en-
14 tanglement events.

15 “(g) AUTHORSHIP AGREEMENTS AND ACKNOWLEDG-
16 MENT POLICY.—The Secretary, acting through the Under
17 Secretary of Commerce for Oceans and Atmosphere, shall
18 include authorship agreements or other acknowledgment
19 considerations for use of data by the public, as determined
20 by the Secretary.

21 “(h) SAVINGS CLAUSE.—The Secretary shall not re-
22 quire submission of research data that are not described
23 in subsection (c).”.

1 **SEC. 10402. STRANDING OR ENTANGLEMENT RESPONSE**
2 **AGREEMENTS.**

3 (a) IN GENERAL.—Section 403 of the Marine Mam-
4 mal Protection Act of 1972 (16 U.S.C. 1421b) is amend-
5 ed—

6 (1) in the section heading by inserting “**OR EN-**
7 **TANGLEMENT**” before “**RESPONSE**”;

8 (2) in subsection (a), by striking the period at
9 the end and inserting “or entanglement.”; and

10 (3) in subsection (b)—

11 (A) in paragraph (1), by striking “and”
12 after the semicolon;

13 (B) in paragraph (2), by striking the pe-
14 riod at the end and inserting “; and”; and

15 (C) by adding at the end the following:

16 “(3) include a description of the data manage-
17 ment and public outreach policy established under
18 section 402(f).”.

19 (b) TABLE OF CONTENTS AMENDMENT.—The table
20 of contents in the first section of the Marine Mammal Pro-
21 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
22 is amended by striking the item related to section 403 and
23 inserting the following:

“Sec. 403. Stranding or entanglement response agreements.”.

1 **SEC. 10403. UNUSUAL MORTALITY EVENT ACTIVITY FUND-**
2 **ING.**

3 Section 405(b) the Marine Mammal Protection Act
4 of 1972 (16 U.S.C. 1421d(b)) is amended to read as fol-
5 lows:

6 “(b) USES.—Amounts in the Fund shall be available
7 only for use by the Secretary, in consultation with the Sec-
8 retary of the Interior, and dispersed among claimants
9 based on budgets approved by the Secretary prior to ex-
10 penditure—

11 “(1) to make advance, partial, or progress pay-
12 ments under contracts or other funding mechanisms
13 for property, supplies, salaries, services, and travel
14 costs incurred in acting in accordance with the con-
15 tingency plan issued under section 404(b) or under
16 the direction of an Onsite Coordinator for an un-
17 usual mortality event designated under section
18 404(a)(2)(B)(iii);

19 “(2) for reimbursing any stranding network
20 participant for costs incurred in the collection, prep-
21 aration, analysis, and transportation of marine
22 mammal tissues and samples collected with respect
23 to an unusual mortality event for the Tissue Bank;
24 and

25 “(3) for the care and maintenance of a marine
26 mammal seized under section 104(c)(2)(D); and”.

1 **SEC. 10404. LIABILITY.**

2 Section 406(a) of the Marine Mammal Protection Act
3 of 1972 (16 U.S.C. 1421e(a)) is amended, in the matter
4 preceding paragraph (1)—

5 (1) by inserting “or entanglement” after “to a
6 stranding”; and

7 (2) by striking “government” and inserting
8 “Government”.

9 **SEC. 10405. NATIONAL MARINE MAMMAL TISSUE BANK AND**
10 **TISSUE ANALYSIS.**

11 Section 407 of the Marine Mammal Protection Act
12 of 1972 (16 U.S.C. 1421f) is amended—

13 (1) in subsection (c)(2)(A), by striking “the
14 health of marine mammals and” and inserting “ma-
15 rine mammal health and mortality and the health
16 of”; and

17 (2) in subsection (d), in the matter preceding
18 paragraph (1), by inserting “public” before “ac-
19 cess”.

20 **SEC. 10406. MARINE MAMMAL RESCUE AND RESPONSE**
21 **GRANT PROGRAM AND RAPID RESPONSE**
22 **FUND.**

23 (a) **IN GENERAL.**—Section 408 of the Marine Mam-
24 mal Protection Act of 1972 (16 U.S.C. 1421f–1) is
25 amended—

1 (1) by striking the section heading and insert-
2 ing “**MARINE MAMMAL RESCUE AND RESPONSE**
3 **GRANT PROGRAM AND RAPID RESPONSE**
4 **FUND**”;

5 (2) by striking subsections (a) through (d) and
6 subsections (f) through (h);

7 (3) by redesignating subsection (e) as sub-
8 section (f); and

9 (4) by inserting before subsection (f), as redес-
10 igned by paragraph (3), the following:

11 “(a) DEFINITIONS.—In this section:

12 “(1) EMERGENCY ASSISTANCE.—

13 “(A) IN GENERAL.—The term ‘emergency
14 assistance’ means—

15 “(i) financial assistance provided to
16 respond to, or that results from, a strand-
17 ing event or entanglement event that—

18 “(I) causes an immediate in-
19 crease in the cost of a response, recov-
20 ery, or rehabilitation that is greater
21 than the usual cost of a response, re-
22 covery, or rehabilitation;

23 “(II) is cyclical or endemic; or

1 “(III) involves a marine mammal
2 that is out of the normal range for
3 that marine mammal; or

4 “(ii) financial assistance provided to
5 respond to, or that results from, a strand-
6 ing event or an entanglement event that—

7 “(I) the applicable Secretary con-
8 siders to be an emergency; or

9 “(II) with the concurrence of the
10 applicable Secretary, a State, terri-
11 torial, or Tribal Government considers
12 to be an emergency.

13 “(B) EXCLUSIONS.—The term ‘emergency
14 assistance’ does not include financial assistance
15 to respond to an unusual mortality event.

16 “(2) SECRETARY.—The term ‘Secretary’ has
17 the meaning given that term in section 3(12)(A).

18 “(3) STRANDING REGION.—The term ‘strand-
19 ing region’ means a geographic region designated by
20 the applicable Secretary for purposes of administra-
21 tion of this title.

22 “(b) JOHN H. PRESCOTT MARINE MAMMAL RESCUE
23 AND RESPONSE GRANT PROGRAM.—

24 “(1) IN GENERAL.—The applicable Secretary
25 shall carry out a grant program, to be known as the

1 ‘John H. Prescott Marine Mammal Rescue and Re-
2 sponse Grant Program’ (referred to in this section
3 as the ‘grant program’), to award grants to eligible
4 stranding network participants or stranding network
5 collaborators, as described in this subsection.

6 “(2) PURPOSES.—The purposes of the grant
7 program are to provide for—

8 “(A) the recovery, care, or treatment of
9 sick, injured, or entangled marine mammals;

10 “(B) responses to marine mammal strand-
11 ing events that require emergency assistance;

12 “(C) the collection of data and samples
13 from living or dead stranded marine mammals
14 for scientific research or assessments regarding
15 marine mammal health;

16 “(D) facility operating costs that are di-
17 rectly related to activities described in subpara-
18 graph (A), (B), or (C); and

19 “(E) development of stranding network ca-
20 pacity, including training for emergency re-
21 sponse, where facilities do not exist or are
22 sparse.

23 “(3) CONTRACT, GRANT, AND COOPERATIVE
24 AGREEMENT AUTHORITY.—

1 “(A) IN GENERAL.—The applicable Sec-
2 retary may enter into a contract, grant, or co-
3 operative agreement with any eligible stranding
4 network participant or stranding network col-
5 laborator, as the Secretary determines to be ap-
6 propriate, for the purposes described in para-
7 graph (2).

8 “(B) EMERGENCY AWARD FLEXIBILITY.—
9 Following a request for emergency award flexi-
10 bility and analysis of the merits of and neces-
11 sity for such a request, the applicable Secretary
12 may—

13 “(i) amend any contract, grant, or co-
14 operative agreement entered into under
15 this paragraph, including provisions con-
16 cerning the period of performance; or

17 “(ii) waive the requirements under
18 subsection (f) for grant applications sub-
19 mitted during the provision of emergency
20 assistance.

21 “(4) EQUITABLE DISTRIBUTION OF FUNDS.—

22 “(A) IN GENERAL.—The Secretary shall
23 ensure, to the extent practicable, that funds
24 awarded under the grant program are distrib-
25 uted equitably among the stranding regions.

1 “(B) CONSIDERATIONS.—In determining
2 priorities among the stranding regions under
3 this paragraph, the Secretary may consider—

4 “(i) equitable distribution within the
5 stranding regions, including the subregions
6 (including, but not limited to, the Gulf of
7 Mexico);

8 “(ii) any episodic stranding, entangle-
9 ment, or mortality events, except for un-
10 usual mortality events, that occurred in
11 any stranding region in the preceding year;

12 “(iii) any data with respect to average
13 annual stranding, entanglements, and mor-
14 tality events per stranding region;

15 “(iv) the size of the marine mammal
16 populations inhabiting a stranding region;

17 “(v) the importance of the region’s
18 marine mammal populations to the well-
19 being of indigenous communities; and

20 “(vi) the conservation of protected,
21 depleted, threatened, or endangered marine
22 mammal species.

23 “(C) STRANDINGS.—For the purposes of
24 this program, priority is to be given to applica-
25 tions focusing on marine mammal strandings.

1 “(5) APPLICATION.—To be eligible for a grant
2 under the grant program, a stranding network par-
3 ticipant shall—

4 “(A) submit an application in such form
5 and manner as the applicable Secretary pre-
6 scribes; and

7 “(B) be in compliance with the data re-
8 porting requirements under section 402(d) and
9 any applicable reporting requirements of the
10 United States Fish and Wildlife Service for spe-
11 cies under its management jurisdiction.

12 “(6) GRANT CRITERIA.—The Secretary shall, in
13 consultation with the Marine Mammal Commission,
14 a representative from each of the stranding regions,
15 and other individuals who represent public and pri-
16 vate organizations that are actively involved in res-
17 cue, rehabilitation, release, scientific research, ma-
18 rine conservation, and forensic science with respect
19 to stranded marine mammals under that Depart-
20 ment’s jurisdiction, develop criteria for awarding
21 grants under their respective grant programs.

22 “(7) MAXIMUM GRANT AMOUNT.—No grant
23 made under the grant program for a single award
24 may exceed \$150,000 in any 12-month period.

1 “(8) ADMINISTRATIVE COSTS AND EXPENSES.—
2 The Secretary’s administrative costs and expenses
3 related to reviewing and awarding grants under the
4 grant program, in any fiscal year may not exceed
5 the greater of—

6 “(A) 6 percent of the amounts made avail-
7 able each fiscal year to carry out the grant pro-
8 gram; or

9 “(B) \$80,000.

10 “(9) TRANSPARENCY.—The Secretary shall
11 make publicly available a list of grant proposals for
12 the upcoming fiscal year, funded grants, and re-
13 quests for grant flexibility under this subsection.

14 “(c) JOSEPH R. GERACI MARINE MAMMAL RESCUE
15 AND RAPID RESPONSE FUND.—

16 “(1) IN GENERAL.—There is established in the
17 Treasury of the United States an interest-bearing
18 fund, to be known as the ‘Joseph R. Geraci Marine
19 Mammal Rescue and Rapid Response Fund’ (re-
20 ferred to in this section as the ‘Rapid Response
21 Fund’).

22 “(2) USE OF FUNDS.—Amounts in the Rapid
23 Response Fund shall be available only for use by the
24 Secretary to provide emergency assistance.

25 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—

2 “(A) AUTHORIZATION OF APPROPRIA-
3 TIONS.—There is authorized to be appropriated
4 to carry out the grant program \$7,000,000 for
5 each of fiscal years 2023 through 2028, to re-
6 main available until expended, of which for each
7 fiscal year—

8 “(i) \$6,000,000 shall be made avail-
9 able to the Secretary of Commerce; and

10 “(ii) \$1,000,000 shall be made avail-
11 able to the Secretary of the Interior.

12 “(B) DERIVATION OF FUNDS.—Funds to
13 carry out the activities under this section shall
14 be derived from amounts authorized to be ap-
15 propriated pursuant to subparagraph (A) that
16 are enacted after the date of enactment of the
17 James M. Inhofe National Defense Authoriza-
18 tion Act for Fiscal Year 2023.

19 “(2) JOSEPH R. GERACI MARINE MAMMAL RES-
20 CUE AND RAPID RESPONSE FUND.—There is author-
21 ized to be appropriated to the Rapid Response Fund
22 \$500,000 for each of fiscal years 2023 through
23 2028.

24 “(e) ACCEPTANCE OF DONATIONS.—

1 “(1) IN GENERAL.—For the purposes of car-
2 rying out this section, the Secretary may solicit, ac-
3 cept, receive, hold, administer, and use gifts, devises,
4 and bequests without any further approval or admin-
5 istrative action.

6 “(2) MONETARY DONATIONS.—A monetary gift,
7 devise, or bequest accepted by the Secretary under
8 paragraph (1) shall be credited as discretionary off-
9 setting collections to the currently applicable appro-
10 piation, account, or fund of the Department of
11 Commerce and shall be made available for such pur-
12 poses only to the extent and in the amounts provided
13 in advance in appropriations Acts.”.

14 (b) TECHNICAL EDITS.—Section 408 of the Marine
15 Mammal Protection Act of 1972 (16 U.S.C. 1421f–1), as
16 amended by subsection (a), is further amended in sub-
17 section (f), as redesignated by subsection (a)(3)—

18 (1) in paragraph (1)—

19 (A) by striking “the costs of an activity
20 conducted with a grant under this section shall
21 be” and inserting “a project conducted with
22 funds awarded under the grant program under
23 this section shall be not less than”; and

24 (B) by striking “such costs” and inserting
25 “such project”; and

1 (2) in paragraph (2)—

2 (A) by striking “an activity” and inserting
3 “a project”; and

4 (B) by striking “the activity” and inserting
5 “the project”.

6 (c) TABLE OF CONTENTS AMENDMENT.—The table
7 of contents in the first section of the Marine Mammal Pro-
8 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
9 (as amended by section 5503(b)) is amended by striking
10 the item related to section 408 and inserting the following:

“Sec. 408. Marine Mammal Rescue and Response Grant Program and Rapid
Response Fund.”.

11 **SEC. 10407. HEALTH MAP.**

12 (a) IN GENERAL.—Title IV of the Marine Mammal
13 Protection Act of 1972 (16 U.S.C. 1421 et seq.) is amend-
14 ed by inserting after section 408 the following:

15 **“SEC. 408A. MARINE MAMMAL HEALTH MONITORING AND**
16 **ANALYSIS PLATFORM (HEALTH MAP).**

17 “(a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of the James M. Inhofe National De-
19 fense Authorization Act for Fiscal Year 2023, the Sec-
20 retary, acting through the Administrator of the National
21 Oceanic and Atmospheric Administration, in consultation
22 with the Secretary of the Interior and the Marine Mammal
23 Commission, shall—

1 “(1) establish a marine mammal health moni-
2 toring and analysis platform (referred to in this Act
3 as the ‘Health MAP’);

4 “(2) incorporate the Health MAP into the Ob-
5 servation System; and

6 “(3) make the Health MAP—

7 “(A) publicly accessible through the web
8 portal of the Observation System; and

9 “(B) interoperable with other national data
10 systems or other data systems for management
11 or research purposes, as practicable.

12 “(b) PURPOSES.—The purposes of the Health MAP
13 are—

14 “(1) to promote—

15 “(A) interdisciplinary research among indi-
16 viduals with knowledge and experience in ma-
17 rine mammal science, marine mammal veteri-
18 nary and husbandry practices, medical science,
19 and oceanography, and with other marine sci-
20 entists;

21 “(B) timely and sustained dissemination
22 and availability of marine mammal health,
23 stranding, entanglement, and mortality data;

1 “(C) identification of spatial and temporal
2 patterns of marine mammal mortality, disease,
3 and stranding;

4 “(D) evaluation of marine mammal health
5 in terms of mortality, as well as sublethal ma-
6 rine mammal health impacts;

7 “(E) improved collaboration and fore-
8 casting of marine mammal and larger eco-
9 system health events;

10 “(F) rapid communication and dissemina-
11 tion of information regarding marine mammal
12 strandings that may have implications for
13 human health, such as those caused by harmful
14 algal blooms; and

15 “(G) increased accessibility of data in a
16 user friendly visual interface for public edu-
17 cation and outreach; and

18 “(2) to contribute to an ocean health index that
19 incorporates marine mammal health data.

20 “(c) REQUIREMENTS.—The Health MAP shall—

21 “(1) integrate in situ, remote, and other marine
22 mammal health, stranding, and mortality data, in-
23 cluding visualizations and metadata, collected by
24 marine mammal stranding networks, Federal, State,

1 local, and Tribal governments, private partners, and
2 academia; and

3 “(2) be designed—

4 “(A) to enhance data and information
5 availability, including data sharing among
6 stranding network participants, scientists, and
7 the public within and across stranding network
8 regions;

9 “(B) to facilitate data and information ac-
10 cess across scientific disciplines, scientists, and
11 managers;

12 “(C) to facilitate public access to national
13 and regional marine mammal health, stranding,
14 entanglement, and mortality data, including vis-
15 ualizations and metadata, through the national
16 and regional data portals of the Observation
17 System; and

18 “(D) in collaboration with, and with input
19 from, States and stranding network partici-
20 pants.

21 “(d) PROCEDURES AND GUIDELINES.—The Sec-
22 retary shall establish and implement policies, protocols,
23 and standards for—

1 “(1) reporting marine mammal health data col-
2 lected by stranding networks consistent with sub-
3 sections (c) and (d) of section 402;

4 “(2) promptly transmitting health data from
5 the stranding networks and other appropriate data
6 providers to the Health MAP;

7 “(3) disseminating and making publicly avail-
8 able data on marine mammal health, stranding, en-
9 tanglement, and mortality data in a timely and sus-
10 tained manner; and

11 “(4) integrating additional marine mammal
12 health, stranding, or other relevant data as the Sec-
13 retary determines appropriate.

14 “(e) CONSULTATION.—The Administrator of the Na-
15 tional Oceanic and Atmospheric Administration shall
16 maintain and update the Health MAP in consultation with
17 the Secretary of the Interior and the Marine Mammal
18 Commission.

19 “(f) ACCEPTANCE OF DONATIONS.—

20 “(1) IN GENERAL.—For the purposes of car-
21 rying out this section, the Secretary may solicit, ac-
22 cept, receive, hold, administer, and use gifts, devises,
23 and bequests without any further approval or admin-
24 istrative action.

1 “(2) MONETARY DONATIONS.—A monetary gift,
2 devise, or bequest accepted by the Secretary under
3 paragraph (1) shall be credited as discretionary off-
4 setting collections to the currently applicable appro-
5 priation, account, or fund of the Department of
6 Commerce and shall be made available for such pur-
7 poses only to the extent and in the amounts provided
8 in advance in appropriations Acts.”.

9 (b) TABLE OF CONTENTS AMENDMENT.—The table
10 of contents in the first section of the Marine Mammal Pro-
11 tection Act of 1972 (Public Law 92–522; 86 Stat. 1027)
12 (as amended by section 5507(b)) is amended by inserting
13 after the item related to section 408 the following:

 “Sec. 408A. Marine Mammal Health Monitoring and Analysis Platform
 (Health MAP).”.

14 **SEC. 10408. REPORTS TO CONGRESS.**

15 (a) IN GENERAL.—Title IV of the Marine Mammal
16 Protection Act of 1972 (16 U.S.C. 1421 et seq.) (as
17 amended by section 5508(a)) is amended by inserting
18 after section 408A the following:

19 **“SEC. 408B. REPORTS TO CONGRESS.**

20 “(a) DEFINITION OF APPROPRIATE COMMITTEES OF
21 CONGRESS.—In this section, the term ‘appropriate com-
22 mittees of Congress’ means—

23 “(1) the Committee on Commerce, Science, and
24 Transportation of the Senate;

1 “(2) the Committee on Environment and Public
2 Works of the Senate;

3 “(3) the Committee on Natural Resources of
4 the House of Representatives; and

5 “(4) the Committee on Science, Space, and
6 Technology of the House of Representatives.

7 “(b) HEALTH MAP STATUS REPORT.—

8 “(1) IN GENERAL.—Not later than 2 years
9 after the date of enactment of the James M. Inhofe
10 National Defense Authorization Act for Fiscal Year
11 2023, the Administrator of the National Oceanic
12 and Atmospheric Administration, in consultation
13 with the Marine Mammal Commission, the Secretary
14 of the Interior, and the National Ocean Research
15 Leadership Council, shall submit to the appropriate
16 committees of Congress a report describing the sta-
17 tus of the Health MAP.

18 “(2) REQUIREMENTS.—The report under para-
19 graph (1) shall include—

20 “(A) a detailed evaluation of the data
21 made publicly available through the Health
22 MAP;

23 “(B) a detailed list of any gaps in data col-
24 lected pursuant to the Health MAP, a descrip-

1 tion of the reasons for those gaps, and rec-
2 ommended actions to close those gaps;

3 “(C) an analysis of the effectiveness of
4 using the website of the Observation System as
5 the platform to collect, organize, visualize, ar-
6 chive, and disseminate marine mammal strand-
7 ing and health data;

8 “(D) a list of publications, presentations,
9 or other relevant work product resulting from,
10 or produced in collaboration with, the Health
11 MAP;

12 “(E) a description of emerging marine
13 mammal health concerns and the applicability
14 of those concerns to human health;

15 “(F) an analysis of the feasibility of the
16 Observation System being used as an alert sys-
17 tem during stranding events, entanglement
18 events, and unusual mortality events for the
19 stranding network, Observation System part-
20 ners, Health MAP partners, Federal and State
21 agencies, and local and Tribal governments;

22 “(G) an evaluation of the use of Health
23 MAP data to predict broader ecosystem events
24 and changes that may impact marine mammal
25 or human health and specific examples of prov-

1 en or potential uses of Observation System data
2 for those purposes; and

3 “(H) recommendations for the Health
4 MAP with respect to—

5 “(i) filling any identified data gaps;

6 “(ii) standards that could be used to
7 improve data quality, accessibility, trans-
8 mission, interoperability, and sharing;

9 “(iii) any other strategies that would
10 contribute to the effectiveness and useful-
11 ness of the Health MAP; and

12 “(iv) the funding levels needed to
13 maintain and improve the Health MAP.

14 “(c) DATA GAP ANALYSIS.—

15 “(1) IN GENERAL.—Not later than 5 years
16 after the date on which the report required under
17 subsection (b)(1) is submitted, and every 10 years
18 thereafter, the Administrator of the National Oce-
19 anic and Atmospheric Administration, in consulta-
20 tion with the Marine Mammal Commission and the
21 Director of the United States Fish and Wildlife
22 Service, shall—

23 “(A) make publicly available a report on
24 the data gap analysis described in paragraph
25 (2); and

1 “(B) provide a briefing to the appropriate
2 committees of Congress concerning that data
3 gap analysis.

4 “(2) REQUIREMENTS.—The data gap analysis
5 under paragraph (1) shall include—

6 “(A) an overview of existing participants
7 within a marine mammal stranding network;

8 “(B) an identification of coverage needs
9 and participant gaps within a network;

10 “(C) an identification of data and report-
11 ing gaps from members of a network; and

12 “(D) an analysis of how stranding and
13 health data are shared and made available to
14 scientists, academics, State, local, and Tribal
15 governments, and the public.

16 “(d) MARINE MAMMAL RESPONSE CAPABILITIES IN
17 THE ARCTIC.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of the James M. Inhofe Na-
20 tional Defense Authorization Act for Fiscal Year
21 2023, the Administrator of the National Oceanic
22 and Atmospheric Administration, the Director of the
23 United States Fish and Wildlife Service, and the Di-
24 rector of the United States Geologic Survey, in con-

1 sultation with the Marine Mammal Commission,
2 shall—

3 “(A) make publicly available a report de-
4 scribing the response capabilities for sick and
5 injured marine mammals in the Arctic regions
6 of the United States; and

7 “(B) provide a briefing to the appropriate
8 committees of Congress on that report.

9 “(2) ARCTIC.—The term ‘Arctic’ has the mean-
10 ing given the term in section 112 of the Arctic Re-
11 search and Policy Act of 1984 (15 U.S.C. 4111).

12 “(3) REQUIREMENTS.—The report under para-
13 graph (1) shall include—

14 “(A) a description, developed in consulta-
15 tion with the Fish and Wildlife Service of the
16 Department of the Interior, of all marine mam-
17 mal stranding agreements in place for the Arc-
18 tic region of the United States, including spe-
19 cies covered, response capabilities, facilities and
20 equipment, and data collection and analysis ca-
21 pabilities;

22 “(B) a list of State and local government
23 agencies that have personnel trained to respond
24 to marine mammal strandings in the Arctic re-
25 gion of the United States;

1 “(C) an assessment of potential response
2 and data collection partners and sources of
3 local information and knowledge, including
4 Alaska Native people and villages;

5 “(D) an analysis of spatial and temporal
6 trends in marine mammal strandings and un-
7 usual mortality events that are correlated with
8 changing environmental conditions in the Arctic
9 region of the United States;

10 “(E) a description of training and other
11 resource needs to meet emerging response re-
12 quirements in the Arctic region of the United
13 States;

14 “(F) an analysis of oiled marine mammal
15 response and rehabilitation capabilities in the
16 Arctic region of the United States, including
17 personnel, equipment, facilities, training, and
18 husbandry capabilities, and an assessment of
19 factors that affect response and rehabilitation
20 success rates; and

21 “(G) recommendations to address future
22 stranding response needs for marine mammals
23 in the Arctic region of the United States.”.

24 (b) TABLE OF CONTENTS AMENDMENT.—The table
25 of contents in the first section of the Marine Mammal Pro-

1 tecton Act of 1972 (Public Law 92–522; 86 Stat. 1027)
2 (as amended by section 5508(b)) is amended by inserting
3 after the item related to section 408A the following:

“Sec. 408B. Reports to Congress.”.

4 **SEC. 10409. AUTHORIZATION OF APPROPRIATIONS.**

5 Section 409 of the Marine Mammal Protection Act
6 of 1972 (16 U.S.C. 1421g) is amended—

7 (1) in paragraph (1), by striking “1993 and
8 1994;” and inserting “2023 through 2028;”;

9 (2) in paragraph (2), by striking “1993 and
10 1994;” and inserting “2023 through 2028;”; and

11 (3) in paragraph (3), by striking “fiscal year
12 1993.” and inserting “for each of fiscal years 2023
13 through 2028.”.

14 **SEC. 10410. DEFINITIONS.**

15 Section 410 of the Marine Mammal Protection Act
16 of 1972 (16 U.S.C. 1421h) is amended—

17 (1) by redesignating paragraphs (1) through
18 (6) as paragraphs (2), (5), (6), (7), (8), and (9), re-
19 spectively;

20 (2) by inserting before paragraph (2) (as so re-
21 designated) the following:

22 “(1) The term ‘entangle’ or ‘entanglement’
23 means an event in the wild in which a living or dead
24 marine mammal has gear, rope, line, net, or other

1 material wrapped around or attached to the marine
2 mammal and is—

3 “(A) on lands under the jurisdiction of the
4 United States, including beaches and shorelines;
5 or

6 “(B) in waters under the jurisdiction of
7 the United States, including any navigable
8 waters.”;

9 (3) in paragraph (2) (as so redesignated) by
10 striking “The term” and inserting “Except as used
11 in section 408, the term”;

12 (4) by inserting after paragraph (2) (as so re-
13 designated) the following:

14 “(3) The term ‘Health MAP’ means the Marine
15 Mammal Health Monitoring and Analysis Platform
16 established under section 408A(a)(1).

17 “(4) The term ‘Observation System’ means the
18 National Integrated Coastal and Ocean Observation
19 System established under section 12304 of the Inte-
20 grated Coastal and Ocean Observation System Act
21 of 2009 (33 U.S.C. 3603).”.

22 **SEC. 10411. STUDY ON MARINE MAMMAL MORTALITY.**

23 (a) IN GENERAL.—Not later than 12 months after
24 the date of enactment of this Act, the Undersecretary of
25 Commerce for Oceans and Atmosphere shall, in consulta-

1 tion with the Secretary of the Interior and the Marine
2 Mammal Commission, conduct a study evaluating the con-
3 nections among marine heat waves, frequency and inten-
4 sity of harmful algal blooms, prey availability, and habitat
5 degradation, and the impacts of these conditions on ma-
6 rine mammal mortality.

7 (b) REPORT.—The Undersecretary of Commerce for
8 Oceans and Atmosphere, in consultation with the Sec-
9 retary of the Interior and the Marine Mammal Commis-
10 sion, shall prepare, post to a publicly available website,
11 and brief the appropriate committees of Congress on, a
12 report containing the results of the study described in sub-
13 section (a). The report shall identify priority research ac-
14 tivities, opportunities for collaboration, and current gaps
15 in effort and resource limitations related to advancing sci-
16 entific understanding of how ocean heat waves, harmful
17 algae blooms, availability of prey, and habitat degradation
18 impact marine mammal mortality. The report shall include
19 recommendations for policies needed to mitigate and re-
20 spond to mortality events.

1 **TITLE CV—VOLCANIC ASH AND**
2 **FUMES**

3 **SEC. 10501. MODIFICATIONS TO NATIONAL VOLCANO**
4 **EARLY WARNING AND MONITORING SYSTEM.**

5 (a) DEFINITIONS.—Subsection (a) of section 5001 of
6 the John D. Dingell, Jr. Conservation, Management, and
7 Recreation Act (43 U.S.C. 31k) is amended—

8 (1) by redesignating paragraph (2) as para-
9 graph (3);

10 (2) by inserting after paragraph (1) the fol-
11 lowing:

12 “(2) SECRETARY OF COMMERCE.—The term
13 ‘Secretary of Commerce’ means the Secretary of
14 Commerce, acting through the Under Secretary of
15 Commerce for Oceans and Atmosphere.”; and

16 (3) by adding at the end the following:

17 “(4) VOLCANIC ASH ADVISORY CENTER.—The
18 term ‘Volcanic Ash Advisory Center’ means an enti-
19 ty designated by the International Civil Aviation Or-
20 ganization that is responsible for informing aviation
21 interests about the presence of volcanic ash in the
22 airspace.”.

23 (b) PURPOSES.—Subsection (b)(1)(B) of such section
24 is amended—

25 (1) in clause (i), by striking “and” at the end;

1 (2) in clause (ii), by striking the period at the
2 end and inserting “; and”; and

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

4 “(iii) to strengthen the warning and
5 monitoring systems of volcano observ-
6 atories in the United States by integrating
7 relevant capacities of the National Oceanic
8 and Atmospheric Administration, including
9 with the Volcanic Ash Advisory Centers lo-
10 cated in Anchorage, Alaska, and Wash-
11 ington, D.C., to observe and model emis-
12 sions of gases, aerosols, and ash, atmos-
13 pheric dynamics and chemistry, and ocean
14 chemistry resulting from volcanic erup-
15 tions.”.

16 (c) SYSTEM COMPONENTS.—Subsection (b)(2) of
17 such section is amended—

18 (1) in subparagraph (B)—

19 (A) by striking “and” before “spectrom-
20 etry”; and

21 (B) by inserting “, and unoccupied aerial
22 vehicles” after “emissions”; and

23 (2) by adding at the end the following:

24 “(C) MEMORANDUM OF UNDER-
25 STANDING.—The Secretary and the Secretary

1 of Commerce shall develop and execute a memo-
2 randum of understanding to establish coopera-
3 tive support for the activities of the System
4 from the National Oceanic and Atmospheric
5 Administration, including environmental obser-
6 vations, modeling, and temporary duty assign-
7 ments of personnel to support emergency activi-
8 ties, as necessary or appropriate.”.

9 (d) MANAGEMENT.—Subsection (b)(3) of such sec-
10 tion is amended—

11 (1) in subparagraph (A), by adding at the end
12 the following:

13 “(iii) UPDATE.—

14 “(I) NATIONAL OCEANIC AND AT-
15 MOSPHERIC ADMINISTRATION COST
16 ESTIMATES.—The Secretary of Com-
17 merce shall submit to the Secretary
18 annual cost estimates for moderniza-
19 tion activities and support of the Sys-
20 tem for the National Oceanic and At-
21 mospheric Administration.

22 “(II) UPDATE OF MANAGEMENT
23 PLAN.—The Secretary shall update
24 the management plan submitted
25 under clause (i) to include the cost es-

1 estimates submitted under subclause
2 (I).”; and

3 (2) by adding at the end the following:

4 “(E) COLLABORATION.—The Secretary of
5 Commerce shall collaborate with the Secretary
6 to implement activities carried out under this
7 section related to the expertise of the National
8 Oceanic and Atmospheric Administration, in-
9 cluding observations and modeling of emissions
10 of gases, aerosols, and ash, atmospheric dynam-
11 ics and chemistry, and ocean chemistry result-
12 ing from volcanic eruptions.”.

13 (e) FUNDING.—Subsection (c) of such section is
14 amended—

15 (1) in paragraph (1)—

16 (A) in the paragraph heading, by inserting
17 “, UNITED STATES GEOLOGICAL SURVEY” after
18 “APPROPRIATIONS”; and

19 (B) by inserting “to the United States Ge-
20 ological Survey” after “appropriated”;

21 (2) by redesignating paragraph (2) as para-
22 graph (3);

23 (3) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) AUTHORIZATION OF APPROPRIATIONS, NA-
2 TIONAL OCEANIC AND ATMOSPHERIC ADMINISTRA-
3 TION.—There is authorized to be appropriated to the
4 National Oceanic and Atmospheric Administration
5 to carry out this section such sums as may be nec-
6 essary for the period of fiscal years 2023 through
7 2024.”; and

8 (4) in paragraph (3), as redesignated by para-
9 graph (2)—

10 (A) by striking “United States Geological
11 Survey”; and

12 (B) by inserting “of the United States Ge-
13 ological Survey and the National Oceanic and
14 Atmospheric Administration” after “programs”.

15 (f) IMPLEMENTATION PLAN.—

16 (1) DEVELOPMENT OF PLAN.—Not later than
17 180 days after the date of the enactment of this Act,
18 the Secretary of Commerce, in consultation with the
19 Secretary of the Interior, shall develop a plan to im-
20 plement the amendments made by this Act during
21 the 5-year period beginning on the date on which the
22 plan is developed.

23 (2) ELEMENTS.—The plan developed under
24 paragraph (1) shall include an estimate of the cost

1 and schedule required for the implementation de-
2 scribed in such paragraph.

3 (3) PUBLIC AVAILABILITY.—Upon completion
4 of the plan developed under paragraph (1), the Sec-
5 retary of Commerce shall make the plan publicly
6 available.

7 **TITLE CVI—LEARNING EXCEL-**
8 **LENCE AND GOOD EXAMPLES**
9 **FROM NEW DEVELOPERS**

10 **SEC. 10601. LEARNING EXCELLENCE AND GOOD EXAMPLES**
11 **FROM NEW DEVELOPERS.**

12 (a) DEFINITIONS.—In this section:

13 (1) ADMINISTRATION.—The term “Administra-
14 tion” means the National Oceanic and Atmospheric
15 Administration.

16 (2) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Under Secretary of Commerce for
18 Oceans and Atmosphere and Administrator of the
19 National Oceanic and Atmospheric Administration.

20 (3) EARTH PREDICTION INNOVATION CEN-
21 TER.—The term “Earth Prediction Innovation Cen-
22 ter” means the community global weather research
23 modeling system described in paragraph (5)(E) of
24 section 102(b) of the Weather Research Forecasting

1 and Innovation Act of 2017 (15 U.S.C. 8512(b)), as
2 redesignated by this section.

3 (4) MODEL.—The term “model” means any
4 vetted numerical model and associated data assimila-
5 tion of the Earth’s system or its components—

6 (A) developed, in whole or in part, by sci-
7 entists and engineers employed by the Adminis-
8 tration; or

9 (B) otherwise developed, in whole or in
10 part, using Federal funds.

11 (5) OPEN LICENSE.—The term “open license”
12 has the same meaning given such term in section
13 3502(21) of title 44, United States Code.

14 (6) OPERATIONAL MODEL.—The term “oper-
15 ational model” means any model that has an output
16 used by the Administration for operational func-
17 tions.

18 (7) SUITABLE MODEL.—The term “suitable
19 model” means a model that meets the requirements
20 described in paragraph (5)(E)(ii) of section 102(b)
21 of the Weather Research Forecasting and Innovation
22 Act of 2017 (15 U.S.C. 8512(b)), as redesignated by
23 this title, as determined by the Administrator.

24 (b) PURPOSES.—The purposes of this section are—

1 (1) to support innovation in modeling by allow-
2 ing interested stakeholders to have easy and com-
3 plete access to operational model codes and to other
4 models, as the Administrator determines appro-
5 priate; and

6 (2) to use vetted innovations arising from ac-
7 cess described in paragraph (1) to improve modeling
8 by the Administration.

9 (c) PLAN AND IMPLEMENTATION OF PLAN TO MAKE
10 CERTAIN MODELS AND DATA AVAILABLE TO THE PUB-
11 LIC.—

12 (1) IN GENERAL.—The Administrator shall de-
13 velop and implement a plan to make available to the
14 public, at no cost and with no restrictions on copy-
15 ing, publishing, distributing, citing, adapting, or oth-
16 erwise using under an open license, the following:

17 (A) Operational models developed by the
18 Administration.

19 (B) Models that are not operational mod-
20 els, including experimental and developmental
21 models, as the Administrator determines appro-
22 priate.

23 (C) Applicable information and documenta-
24 tion for models described in subparagraphs (A)

1 and (B), including a description of intended
2 model outputs.

3 (D) Subject to subsection (f), all data
4 owned by the Federal Government and data
5 that the Administrator has the legal right to re-
6 distribute that are associated with models made
7 available to the public pursuant to the plan and
8 used in operational forecasting by the Adminis-
9 tration, including—

10 (i) relevant metadata; and

11 (ii) data used for operational models
12 used by the Administration as of the date
13 of the enactment of this Act.

14 (2) ACCOMMODATIONS.—In developing and im-
15 plementing the plan under paragraph (1), the Ad-
16 ministrator may make such accommodations as the
17 Administrator considers appropriate to ensure that
18 the public release of any model, information, docu-
19 mentation, or data pursuant to the plan do not jeop-
20 ardize—

21 (A) national security;

22 (B) intellectual property or redistribution
23 rights, including under titles 17 and 35, United
24 States Code;

1 (C) any trade secret or commercial or fi-
2 nancial information subject to section 552(b)(4)
3 of title 5, United States Code;

4 (D) any models or data that are otherwise
5 restricted by contract or other written agree-
6 ment; or

7 (E) the mission of the Administration to
8 protect lives and property.

9 (3) PRIORITY.—In developing and imple-
10 menting the plan under paragraph (1), the Adminis-
11 trator shall prioritize making available to the public
12 the models described in paragraph (1)(A).

13 (4) PROTECTIONS FOR PRIVACY AND STATIS-
14 TICAL INFORMATION.—In developing and imple-
15 menting the plan under subsection (a), the Adminis-
16 trator shall ensure that all requirements incor-
17 porated into any models described in paragraph
18 (1)(A) ensure compliance with statistical laws and
19 other relevant data protection requirements, includ-
20 ing the protection of any personally identifiable in-
21 formation.

22 (5) EXCLUSION OF CERTAIN MODELS.—In de-
23 veloping and implementing the plan under para-
24 graph (1), the Administrator may exclude models
25 that the Administrator determines will be retired or

1 superseded in fewer than 5 years after the date of
2 the enactment of this Act.

3 (6) PLATFORMS.—In carrying out paragraphs
4 (1) and (2), the Administrator may use government
5 servers, contracts or agreements with a private ven-
6 dor, or any other platform consistent with the pur-
7 pose of this title.

8 (7) SUPPORT PROGRAM.—The Administrator
9 shall plan for and establish a program to support in-
10 frastructure, including telecommunications and tech-
11 nology infrastructure of the Administration and the
12 platforms described in paragraph (6), relevant to
13 making operational models and data available to the
14 public pursuant to the plan under subsection (a).

15 (8) TECHNICAL CORRECTION.—Section 102(b)
16 of the Weather Research Forecasting and Innovation
17 Act of 2017 (15 U.S.C. 8512(b)) is amended by re-
18 designating the second paragraph (4) (as added by
19 section 4(a) of the National Integrated Drought In-
20 formation System Reauthorization Act of 2018
21 (Public Law 115–423; 132 Stat. 5456)) as para-
22 graph (5).

23 (d) REQUIREMENT TO REVIEW MODELS AND LEVER-
24 AGE INNOVATIONS.—The Administrator shall—

1 (1) consistent with the mission of the Earth
2 Prediction Innovation Center, periodically review in-
3 novations and improvements made by persons not
4 employed by the Administration as Federal employ-
5 ees to the operational models made available to the
6 public pursuant to the plan under subsection (c)(1)
7 in order to improve the accuracy and timeliness of
8 forecasts of the Administration; and

9 (2) if the Administrator identifies an innovation
10 for a suitable model, develop and implement a plan
11 to use the innovation to improve the model.

12 (e) REPORT ON IMPLEMENTATION.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of the enactment of this Act, the Adminis-
15 trator shall submit to the appropriate congressional
16 committees a report on the implementation of this
17 section that includes a description of—

18 (A) the implementation of the plan re-
19 quired by subsection (c);

20 (B) the process of the Administration
21 under subsection (d)—

22 (i) for engaging with interested stake-
23 holders to learn what innovations those
24 stakeholders have found;

1 (ii) for reviewing those innovations;

2 and

3 (iii) for operationalizing innovations to
4 improve suitable models; and

5 (C) the use of any Federal financial assist-
6 ance, including under section 24 of the Steven-
7 son-Wydler Technology Innovation Act of 1990
8 (15 U.S.C. 3719) or the Crowdsourcing and
9 Citizen Science Act (15 U.S.C. 3724), in order
10 to facilitate and incentivize the sharing of exter-
11 nally developed improvements for testing, eval-
12 uation, validation, and application to further
13 improve the mission of the Administration, and
14 any other Administration priorities.

15 (2) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES DEFINED.—In this subsection, the term “ap-
17 propriate congressional committees” means—

18 (A) the Committee on Commerce, Science,
19 and Transportation and the Committee on Ap-
20 propriations of the Senate; and

21 (B) the Committee on Science, Space, and
22 Technology and the Committee on Appropria-
23 tions of the House of Representatives.

24 (f) PROTECTION OF NATIONAL SECURITY INTER-
25 ESTS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of this section, for models developed in
3 whole or in part with the Department of Defense,
4 the Administrator, in consultation with the Sec-
5 retary of Defense, as appropriate, shall withhold any
6 model or data if the Administrator or the Secretary
7 of Defense determines doing so to be necessary to
8 protect the national security interests of the United
9 States.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 section shall be construed to supersede any other
12 provision of law governing the protection of the na-
13 tional security interests of the United States.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$2,000,000 for each of fiscal years 2023 through 2027.

17 **DIVISION K—DON YOUNG COAST**
18 **GUARD AUTHORIZATION ACT**
19 **OF 2022**

20 **SEC. 11001. SHORT TITLE; TABLE OF CONTENTS.**

21 (a) SHORT TITLE.—This division may be cited as the
22 “Don Young Coast Guard Authorization Act of 2022”.

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

- Sec. 11001. Short title; table of contents.
- Sec. 11002. Definitions.
- Sec. 11003. Rule of construction.

TITLE CXI—AUTHORIZATIONS

- Sec. 11101. Authorization of appropriations.
- Sec. 11102. Authorized levels of military strength and training.
- Sec. 11103. Authorization for certain programs and services.
- Sec. 11104. Availability of amounts for acquisition of additional vessels.
- Sec. 11105. Shoreside infrastructure and facilities.
- Sec. 11106. Coast Guard yard resilient infrastructure and construction improvement.

TITLE CXII—COAST GUARD

Subtitle A—Infrastructure and Assets

- Sec. 11201. Report on shoreside infrastructure and facilities projects.
- Sec. 11202. Report and briefing on resourcing strategy for Western Pacific region.
- Sec. 11203. Study and report on national security and drug trafficking threats in Florida Straits, Cuba, and Caribbean region.
- Sec. 11204. Coast Guard Yard.
- Sec. 11205. Authority to enter into transactions other than contracts and grants to procure cost-effective technology for mission needs.
- Sec. 11206. Improvements to infrastructure and operations planning.
- Sec. 11207. Aqua alert notification system pilot program.
- Sec. 11208. Pilot project for enhancing Coast Guard cutter readiness through condition-based maintenance.
- Sec. 11209. Study on laydown of Coast Guard Cutters.
- Sec. 11210. Acquisition life-cycle cost estimates.
- Sec. 11211. Disposition of infrastructure related to E-LORAN.

Subtitle B—Great Lakes

- Sec. 11212. Great Lakes winter commerce.
- Sec. 11213. Database on icebreaking operations in Great Lakes.
- Sec. 11214. Center of expertise for Great Lakes oil spill search and response.
- Sec. 11215. Great Lakes snowmobile acquisition plan.
- Sec. 11216. Great Lakes barge inspection exemption.
- Sec. 11217. Study on sufficiency of Coast Guard aviation assets to meet mission demands.

Subtitle C—Arctic

- Sec. 11218. Establishment of medium icebreaker program office.
- Sec. 11219. Arctic activities.
- Sec. 11220. Study on Arctic operations and infrastructure.
- Sec. 11221. Pribilof Island transition completion actions.
- Sec. 11222. Report on shipyards of Finland and Sweden.
- Sec. 11223. Acquisition of icebreaker.

Subtitle D—Maritime Cyber and Artificial Intelligence

- Sec. 11224. Enhancing maritime cybersecurity.
- Sec. 11225. Establishment of unmanned system program and autonomous control and computer vision technology project.
- Sec. 11226. Artificial intelligence strategy.
- Sec. 11227. Review of artificial intelligence applications and establishment of performance metrics.

3970

- Sec. 11228. Cyber data management.
- Sec. 11229. Data management.
- Sec. 11230. Study on cyber threats to United States marine transportation system.

Subtitle E—Aviation

- Sec. 11231. Space-available travel on Coast Guard aircraft: program authorization and eligible recipients.
- Sec. 11232. Report on Coast Guard Air Station Barbers Point hangar.
- Sec. 11233. Study on operational availability of Coast Guard aircraft and strategy for Coast Guard Aviation.

Subtitle F—Workforce Readiness

- Sec. 11234. Authorized strength.
- Sec. 11235. Continuation of officers with certain critical skills on active duty.
- Sec. 11236. Number and distribution of officers on active duty promotion list.
- Sec. 11237. Career incentive pay for marine inspectors.
- Sec. 11238. Expansion of ability for selection board to recommend officers of particular merit for promotion.
- Sec. 11239. Modification to education loan repayment program.
- Sec. 11240. Retirement of Vice Commandant.
- Sec. 11241. Report on resignation and retirement processing times and denial.
- Sec. 11242. Calculation of active service.
- Sec. 11243. Physical Disability Evaluation System procedure review.
- Sec. 11244. Expansion of authority for multirater assessments of certain personnel.
- Sec. 11245. Promotion parity.
- Sec. 11246. Partnership program to diversify Coast Guard.
- Sec. 11247. Expansion of Coast Guard Junior Reserve Officers' Training Corps.
- Sec. 11248. Improving representation of women and racial and ethnic minorities among Coast Guard active-duty members.
- Sec. 11249. Strategy to enhance diversity through recruitment and accession.
- Sec. 11250. Support for Coast Guard Academy.
- Sec. 11251. Training for congressional affairs personnel.
- Sec. 11252. Strategy for retention of cuttermen.
- Sec. 11253. Study on performance of Coast Guard Force Readiness Command.
- Sec. 11254. Study on frequency of weapons training for Coast Guard personnel.

Subtitle G—Miscellaneous Provisions

- Sec. 11255. Modification of prohibition on operation or procurement of foreign-made unmanned aircraft systems.
- Sec. 11256. Budgeting of Coast Guard relating to certain operations.
- Sec. 11257. Report on San Diego maritime domain awareness.
- Sec. 11258. Conveyance of Coast Guard vessels for public purposes.
- Sec. 11259. National Coast Guard Museum funding plan.
- Sec. 11260. Report on Coast Guard explosive ordnance disposal.
- Sec. 11261. Transfer and conveyance.
- Sec. 11262. Transparency and oversight.
- Sec. 11263. Study on safety inspection program for containers and facilities.
- Sec. 11264. Operational data sharing capability.

- Sec. 11265. Feasibility study on construction of Coast Guard station at Port Mansfield.
- Sec. 11266. Procurement of tethered aerostat radar system for Coast Guard Station South Padre Island.
- Sec. 11267. Prohibition on major acquisition contracts with entities associated with Chinese Communist Party.
- Sec. 11268. Review of drug interdiction equipment and standards; testing for fentanyl during interdiction operations.
- Sec. 11269. Public availability of information on monthly migrant interdictions.
- Sec. 11270. Cargo waiting time reduction.
- Sec. 11271. Study on Coast Guard oversight and investigations.

Subtitle H—Sexual Assault and Sexual Harassment Response and Prevention

- Sec. 11272. Administration of sexual assault forensic examination kits.
- Sec. 11273. Policy on requests for permanent changes of station or unit transfers by persons who report being the victim of sexual assault.
- Sec. 11274. Sex offenses and personnel records.
- Sec. 11275. Study on Special Victims' Counsel program.

TITLE CXIII—ENVIRONMENT

Subtitle A—Marine Mammals

- Sec. 11301. Definitions.
- Sec. 11302. Assistance to ports to reduce impacts of vessel traffic and port operations on marine mammals.
- Sec. 11303. Near real-time monitoring and mitigation program for large cetaceans.
- Sec. 11304. Pilot program to establish a Cetacean Desk for Puget Sound region.
- Sec. 11305. Monitoring ocean soundscapes.

Subtitle B—Oil Spills

- Sec. 11306. Report on changing salvors.
- Sec. 11307. Limited indemnity provisions in standby oil spill response contracts.
- Sec. 11308. Improving oil spill preparedness.
- Sec. 11309. Western Alaska oil spill planning criteria.
- Sec. 11310. Coast Guard claims processing costs.
- Sec. 11311. Calculation of interest on debt owed to national pollution fund.
- Sec. 11312. Per-incident limitation.
- Sec. 11313. Access to Oil Spill Liability Trust Fund.
- Sec. 11314. Cost-reimbursable agreements.
- Sec. 11315. Oil spill response review.
- Sec. 11316. Additional exceptions to regulations for towing vessels.
- Sec. 11317. Port Coordination Council for Point Spencer.

Subtitle C—Environmental Compliance

- Sec. 11318. Providing requirements for vessels anchored in established anchorage grounds.
- Sec. 11319. Study on impacts on shipping and commercial, Tribal, and recreational fisheries from development of renewable energy on West Coast.

Sec. 11320. Use of devices broadcasting on AIS for purposes of marking fishing gear.

Subtitle D—Environmental Issues

- Sec. 11321. Notification of communication outages.
- Sec. 11322. Improvements to communication with fishing industry and related stakeholders.
- Sec. 11323. Advance notification of military or other exercises.
- Sec. 11324. Modifications to Sport Fish Restoration and Boating Trust Fund administration.
- Sec. 11325. Load lines.
- Sec. 11326. Actions by National Marine Fisheries Service to increase energy production.
- Sec. 11327. Aquatic Nuisance Species Task Force.
- Sec. 11328. Safety standards.

Subtitle E—Illegal Fishing and Forced Labor Prevention

Sec. 11329. Definitions.

CHAPTER 1—COMBATING HUMAN TRAFFICKING THROUGH SEAFOOD IMPORT MONITORING

- Sec. 11330. Enhancement of Seafood Import Monitoring Program Message Set in Automated Commercial Environment system.
- Sec. 11331. Data sharing and aggregation.
- Sec. 11332. Import audits.
- Sec. 11333. Availability of fisheries information.
- Sec. 11334. Report on Seafood Import Monitoring Program.
- Sec. 11335. Authorization of appropriations.

CHAPTER 2—STRENGTHENING INTERNATIONAL FISHERIES MANAGEMENT TO COMBAT HUMAN TRAFFICKING

- Sec. 11336. Denial of port privileges.
- Sec. 11337. Identification and certification criteria.
- Sec. 11338. Equivalent conservation measures.
- Sec. 11339. Capacity building in foreign fisheries.
- Sec. 11340. Training of United States observers.
- Sec. 11341. Regulations.

TITLE CXIV—SUPPORT FOR COAST GUARD WORKFORCE

Subtitle A—Support for Coast Guard Members and Families

- Sec. 11401. Coast Guard child care improvements.
- Sec. 11402. Armed Forces access to Coast Guard child development services.
- Sec. 11403. Cadet pregnancy policy improvements.
- Sec. 11404. Combat-related special compensation.
- Sec. 11405. Study on food security.

Subtitle B—Healthcare

- Sec. 11406. Development of medical staffing standards for Coast Guard.
- Sec. 11407. Healthcare system review and strategic plan.
- Sec. 11408. Data collection and access to care.
- Sec. 11409. Behavioral health policy.

3973

- Sec. 11410. Members asserting post-traumatic stress disorder or traumatic brain injury.
- Sec. 11411. Improvements to Physical Disability Evaluation System and transition program.
- Sec. 11412. Expansion of access to counseling.
- Sec. 11413. Expansion of postgraduate opportunities for members of Coast Guard in medical and related fields.
- Sec. 11414. Study on Coast Guard medical facilities needs.
- Sec. 11415. Study on Coast Guard telemedicine program.

Subtitle C—Housing

- Sec. 11416. Study on Coast Guard housing access, cost, and challenges.
- Sec. 11417. Audit of certain military housing conditions of enlisted members of Coast Guard in Key West, Florida.
- Sec. 11418. Study on Coast Guard housing authorities and privatized housing.
- Sec. 11419. Strategy to improve quality of life at remote units.

Subtitle D—Other Matters

- Sec. 11420. Report on availability of emergency supplies for Coast Guard personnel.
- Sec. 11421. Fleet mix analysis and shore infrastructure investment plan.

TITLE CXV—MARITIME

Subtitle A—Vessel Safety

- Sec. 11501. Responses to safety recommendations.
- Sec. 11502. Requirements for DUKW amphibious passenger vessels.
- Sec. 11503. Exoneration and limitation of liability for small passenger vessels.
- Sec. 11504. At-sea recovery operations pilot program.
- Sec. 11505. Historic wood sailing vessels.
- Sec. 11506. Certificates of numbers for undocumented vessels.
- Sec. 11507. Comptroller General review and report on Coast Guard oversight of third-party organizations.
- Sec. 11508. Articulated tug-barge manning.
- Sec. 11509. Fishing vessel safety.
- Sec. 11510. Exemptions for certain passenger vessels.

Subtitle B—Merchant Mariner Credentialing

- Sec. 11511. Modernizing merchant mariner credentialing system.
- Sec. 11512. Assessment regarding application process for merchant mariner credentials.
- Sec. 11513. GAO report.
- Sec. 11514. Military to Mariners Act of 2022.
- Sec. 11515. Definitions.

Subtitle C—Other Matters

- Sec. 11516. Nonoperating individual.
- Sec. 11517. Oceanographic research vessels.
- Sec. 11518. Port access routes briefing.
- Sec. 11519. Definition of stateless vessel.
- Sec. 11520. Limitation on recovery for certain injuries incurred in aquaculture activities.
- Sec. 11521. Report on securing vessels and cargo.

3974

- Sec. 11522. Report on enforcement of coastwise laws.
- Sec. 11523. Land conveyance, Sharpe Army Depot, Lathrop, California.
- Sec. 11524. Prohibition on entry and operation.
- Sec. 11525. Floating dry docks.
- Sec. 11526. Updated requirements for fishing crew agreements.

TITLE CXVI—SEXUAL ASSAULT AND SEXUAL HARASSMENT
PREVENTION AND RESPONSE

- Sec. 11601. Definitions.
- Sec. 11602. Convicted sex offender as grounds for denial.
- Sec. 11603. Sexual harassment or sexual assault as grounds for suspension or revocation.
- Sec. 11604. Accommodation; notices.
- Sec. 11605. Protection against discrimination.
- Sec. 11606. Alcohol at sea.
- Sec. 11607. Surveillance requirements.
- Sec. 11608. Master key control.
- Sec. 11609. Requirement to report sexual assault and harassment.
- Sec. 11610. Safety management system.
- Sec. 11611. Reports to Congress.

TITLE CXVII—NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION

Subtitle A—National Oceanic and Atmospheric Administration Commissioned
Officer Corps

- Sec. 11701. Definitions.
- Sec. 11702. Requirement for appointments.
- Sec. 11703. Repeal of requirement to promote ensigns after 3 years of service.
- Sec. 11704. Authority to provide awards and decorations.
- Sec. 11705. Retirement and separation.
- Sec. 11706. Improving professional mariner staffing.
- Sec. 11707. Legal assistance.
- Sec. 11708. Acquisition of aircraft for agency air, atmosphere, and weather reconnaissance and research mission.
- Sec. 11709. Report on professional mariner staffing models.

Subtitle B—Other Matters

- Sec. 11710. Conveyance of certain property of National Oceanic and Atmospheric Administration in Juneau, Alaska.

TITLE CXVIII—TECHNICAL, CONFORMING, AND CLARIFYING
AMENDMENTS

- Sec. 11801. Terms and vacancies.
- Sec. 11802. Passenger vessel security and safety requirements.
- Sec. 11803. Technical corrections.
- Sec. 11804. Transportation worker identification credential technical amendments.
- Sec. 11805. Reinstatement.
- Sec. 11806. Determination of budgetary effects.
- Sec. 11807. Technical amendment.
- Sec. 11808. Lighthouse service amendments.

1 **SEC. 11002. DEFINITIONS.**

2 In this division:

3 (1) **COMMANDANT.**—The term “Commandant”
4 means the Commandant of the Coast Guard.

5 (2) **SECRETARY.**—Except as otherwise provided,
6 the term “Secretary” means the Secretary of the de-
7 partment in which the Coast Guard is operating.

8 **SEC. 11003. RULE OF CONSTRUCTION.**

9 (a) **IN GENERAL.**—Nothing in this division may be
10 construed—

11 (1) to satisfy any requirement for government-
12 to-government consultation with Tribal governments;
13 or

14 (2) to affect or modify any treaty or other right
15 of any Tribal government.

16 (b) **TRIBAL GOVERNMENT DEFINED.**—In this sec-
17 tion, the term “Tribal government” means the recognized
18 governing body of any Indian or Alaska Native Tribe,
19 band, nation, pueblo, village, community, component band,
20 or component reservation, individually identified (includ-
21 ing parenthetically) in the list published most recently as
22 of the date of the enactment of this Act pursuant to sec-
23 tion 104 of the Federally Recognized Indian Tribe List
24 Act of 1994 (25 U.S.C. 5131).

1 **TITLE CXI—AUTHORIZATIONS**

2 **SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.**

3 Section 4902 of title 14, United States Code, is
4 amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “fiscal years 2020 and 2021” and inserting
7 “fiscal years 2022 and 2023”;

8 (2) in paragraph (1)—

9 (A) in subparagraph (A) by striking
10 clauses (i) and (ii) and inserting the following:

11 “(i) \$10,000,000,000 for fiscal year 2022;
12 and

13 “(ii) \$10,750,000,000 for fiscal year
14 2023.”;

15 (B) in subparagraph (B) by striking
16 “\$17,035,000” and inserting “\$23,456,000”;
17 and

18 (C) in subparagraph (C) by striking “,
19 (A)(ii) \$17,376,000” and inserting “(A)(ii),
20 \$24,353,000”;

21 (3) in paragraph (2)—

22 (A) in subparagraph (A) by striking
23 clauses (i) and (ii) and inserting the following:

24 “(i) \$3,312,114,000 for fiscal year 2022;
25 and

1 “(ii) \$3,477,600,000 for fiscal year
2 2023.”; and

3 (B) in subparagraph (B) by striking
4 clauses (i) and (ii) and inserting the following:

5 “(i) \$20,400,000 for fiscal year 2022; and

6 “(ii) \$20,808,000 for fiscal year 2023.”;

7 (4) in paragraph (3) by striking subparagraphs
8 (A) and (B) and inserting the following:

9 “(A) \$7,476,000 for fiscal year 2022; and

10 “(B) \$14,681,084 for fiscal year 2023.”;

11 and

12 (5) in paragraph (4) by striking subparagraphs
13 (A) and (B) and inserting the following:

14 “(A) \$240,577,000 for fiscal year 2022;

15 and

16 “(B) \$252,887,000 for fiscal year 2023.”.

17 **SEC. 11102. AUTHORIZED LEVELS OF MILITARY STRENGTH**
18 **AND TRAINING.**

19 Section 4904 of title 14, United States Code, is
20 amended—

21 (1) in subsection (a) by striking “fiscal years
22 2020 and 2021” and inserting “fiscal years 2022
23 and 2023”; and

1 (2) in subsection (b) by striking “fiscal years
2 2020 and 2021” and inserting “fiscal years 2022
3 and 2023”.

4 **SEC. 11103. AUTHORIZATION FOR CERTAIN PROGRAMS AND**
5 **SERVICES.**

6 Of the amounts authorized to be appropriated under
7 section 4902(1)(A) of title 14, United States Code, there
8 are authorized to the Commandant for each of fiscal years
9 2022 and 2023—

10 (1) \$25,000,000 for the child care subsidy pro-
11 gram as established under section 11401 and any ad-
12 ditional eligible uses established by the Commandant
13 under the amendment made by subsection (c) of sec-
14 tion 11401;

15 (2) \$1,300,000 for expansion of behavioral
16 health services in the Coast Guard under section
17 11412;

18 (3) \$3,000,000 for the Aqua Alert Notification
19 System pilot program established under section
20 11207; and

21 (4) \$1,000,000 to prepare the evaluation of re-
22 quirements for the Arctic Security Cutter.

1 **SEC. 11104. AVAILABILITY OF AMOUNTS FOR ACQUISITION**
2 **OF ADDITIONAL VESSELS.**

3 (a) IN GENERAL.—Of the amounts authorized to be
4 appropriated under section 4902(2)(A)(ii) of title 14,
5 United States Code, as amended by section 11101, for fis-
6 cal year 2023—

7 (1) \$300,000,000 shall be authorized for the
8 acquisition of a twelfth National Security Cutter;

9 (2) \$420,000,000 shall be authorized for the
10 acquisition of 6 Fast Response Cutters;

11 (3) \$172,500,000 is authorized for the program
12 management, design, and acquisition of 12 Pacific
13 Northwest heavy weather boats that are at least as
14 capable as the Coast Guard 52-foot motor surfboat;

15 (4) \$167,200,000 is authorized for the third
16 Polar Security Cutter;

17 (5) \$150,000,000 is authorized for the acquisi-
18 tion or procurement of an available icebreaker (as
19 such term is defined under section 11223);

20 (6) for fiscal year 2022, \$350,000,000 shall be
21 authorized for the acquisition of a Great Lakes ice-
22 breaker at least as capable as Coast Guard cutter
23 Mackinaw (WLBB-30);

24 (7) in addition to amounts authorized under
25 paragraph (6), \$20,000,000 shall be authorized for
26 the design and selection of icebreaking cutters for

1 operation in the Great Lakes, the Northeastern
2 United States, and the Arctic as appropriate, that
3 are at least as capable as the Coast Guard 140-foot
4 icebreaking tugs; and

5 (8) \$650,000,000 is authorized for the contin-
6 ued acquisition of Offshore Patrol Cutters.

7 (b) TREATMENT OF ACQUIRED CUTTER.—Any cutter
8 acquired using amounts authorized under subsection (a)
9 shall be in addition to the National Security Cutters and
10 Fast Response Cutters approved under the existing acqui-
11 sition baseline in the program of record for the National
12 Security Cutter and Fast Response Cutter.

13 **SEC. 11105. SHORESIDE INFRASTRUCTURE AND FACILI-**
14 **TIES.**

15 (a) IN GENERAL.—Of the amounts authorized to be
16 appropriated under section 4902(2)(A) of title 14, United
17 States Code—

18 (1) for each of fiscal years 2022 and 2023,
19 \$1,000,000,000 is authorized to fund maintenance,
20 construction, and repairs for Coast Guard shoreside
21 infrastructure; and

22 (2) for fiscal year 2023, \$127,000,000 is au-
23 thORIZED for improvements to facilities of the Coast
24 Guard Yard.

1 (b) SET-ASIDES.—Of the amounts authorized under
2 subsection (a)(1)—

3 (1) up to \$60,000,000 is authorized to fund
4 Phase I, in fiscal year 2022, and \$60,000,000 is au-
5 thORIZED to fund Phase II, in fiscal year 2023, for
6 the recapitalization of the barracks at the United
7 States Coast Guard Training Center Cape May in
8 Cape May, New Jersey;

9 (2) \$67,500,000 is authorized for the construc-
10 tion of additional new child care development centers
11 not constructed using funds authorized by title V of
12 the Infrastructure Investment and Jobs Act (Public
13 Law 117–58); and

14 (3) up to \$1,200,000 is authorized to—

15 (A) complete repairs to the United States
16 Coast Guard Station, New York, waterfront, in-
17 cluding repairs to the concrete pier; and

18 (B) replace floating piers Alpha and
19 Bravo, the South Breakwater and Ice Screen,
20 the North Breakwater and Ice Screen and the
21 seawall.

22 (c) MITIGATION OF HAZARD RISKS.—In carrying out
23 projects with funds authorized under subsection (a), the
24 Coast Guard shall mitigate, to the greatest extent prac-
25 ticable, natural hazard risks identified in any Shore Infra-

1 structure Vulnerability Assessment for Phase I related to
2 such projects.

3 **SEC. 11106. COAST GUARD YARD RESILIENT INFRASTRUC-**
4 **TURE AND CONSTRUCTION IMPROVEMENT.**

5 There is authorized to appropriated for the period of
6 fiscal years 2023 through 2028 for the Secretary—

7 (1) \$273,000,000 for the purposes of improve-
8 ments to facilities of the Coast Guard Yard; and

9 (2) \$236,000,000 for the acquisition of a new
10 floating drydock at the Yard.

11 **TITLE CXII—COAST GUARD**
12 **Subtitle A—Infrastructure and**
13 **Assets**

14 **SEC. 11201. REPORT ON SHORESIDE INFRASTRUCTURE AND**
15 **FACILITIES PROJECTS.**

16 (a) IN GENERAL.—Not less frequently than annually,
17 the Commandant shall submit to the Committee on Com-
18 merce, Science, and Transportation of the Senate and the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives a report that includes—

21 (1) a detailed list of Coast Guard shoreside in-
22 frastructure projects contemplated in each Coast
23 Guard Sector area of responsibility and planned
24 within the 7 years following the submission of the
25 annual report for all Coast Guard facilities located

1 within each Coast Guard Sector area of responsi-
2 bility in the order of priority, including recapitaliza-
3 tion, maintenance needs in excess of \$100,000,
4 dredging, and other shoreside infrastructure needs
5 of the Coast Guard;

6 (2) the estimated cost of projects to fulfill each
7 project, to the extent available; and

8 (3) a general description of the state of plan-
9 ning, including design and engineering, for each
10 such project.

11 (b) CONTENTS.—The report submitted under sub-
12 section (a) shall include all unfunded shoreside infrastruc-
13 ture and facility priorities meeting the criteria under sub-
14 section (a) recommended to the Commandant for consider-
15 ation for inclusion in the unfunded priority list report to
16 Congress under section 5108 of title 14, United States
17 Code, regardless of whether the unfunded shoreside infra-
18 structure project is included in the final annual unfunded
19 priority list to Congress.

20 **SEC. 11202. REPORT AND BRIEFING ON RESOURCING**
21 **STRATEGY FOR WESTERN PACIFIC REGION.**

22 (a) REPORT.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commandant,
25 in consultation with the Coast Guard Commander of

1 the Pacific Area, the Commander of United States
2 Indo-Pacific Command, and the Under Secretary of
3 Commerce for Oceans and Atmosphere, shall submit
4 to the Committee on Commerce, Science, and Trans-
5 portation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives a report outlining the resourcing
8 needs of the Coast Guard to achieve optimum oper-
9 ations in the Western Pacific region.

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

12 (A) An assessment of the risks and associ-
13 ated needs—

14 (i) to United States strategic mari-
15 time interests, in particular such interests
16 in areas west of the International Date
17 Line, including risks to bilateral maritime
18 partners of the United States, posed by
19 not fully staffing and equipping Coast
20 Guard operations in the Western Pacific
21 region;

22 (ii) to the Coast Guard mission and
23 force posed by not fully staffing and equip-
24 ping Coast Guard operations in the West-
25 ern Pacific region; and

1 (iii) to support the call of the Presi-
2 dent, as set forth in the Indo-Pacific Strat-
3 egy, to expand Coast Guard presence and
4 cooperation in Southeast Asia, South Asia,
5 and the Pacific Islands, with a focus on
6 advising, training, deployment, and capac-
7 ity building.

8 (B) A description of the additional re-
9 sources, including shoreside resources, required
10 to fully implement the needs described in sub-
11 paragraph (A), including the United States
12 commitment to bilateral fisheries law enforce-
13 ment in the Pacific Ocean.

14 (C) A description of the operational and
15 personnel assets required and a dispersal plan
16 for available and projected future Coast Guard
17 cutters and aviation forces to conduct optimum
18 operations in the Western Pacific region.

19 (D) An analysis with respect to whether a
20 national security cutter or fast response cutter
21 located at a United States military installation
22 in a foreign country in the Western Pacific re-
23 gion would enhance United States national se-
24 curity, partner country capacity building, and

1 prevention and effective response to illegal, un-
2 reported, and unregulated fishing.

3 (E) An assessment of the benefits and as-
4 sociated costs involved in—

5 (i) increasing staffing of Coast Guard
6 personnel within the command elements of
7 United States Indo-Pacific Command or
8 subordinate commands; and

9 (ii) designating a Coast Guard patrol
10 force under the direct authority of the
11 Commander of the United States Indo-Pa-
12 cific Command with associated forward-
13 based assets and personnel.

14 (F) An identification of any additional au-
15 thority necessary, including proposals for legis-
16 lative change, to meet the needs identified in
17 accordance with subparagraphs (A) through (E)
18 and any other mission requirement in the West-
19 ern Pacific region.

20 (3) FORM.—The report required under para-
21 graph (1) shall be submitted in unclassified form but
22 may include a classified annex.

23 (b) BRIEFING.—Not later than 60 days after the date
24 on which the Commandant submits the report under sub-
25 section (a), the Commandant, or a designated individual,

1 shall provide to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives a briefing on the findings and conclusions of
5 such report.

6 **SEC. 11203. STUDY AND REPORT ON NATIONAL SECURITY**
7 **AND DRUG TRAFFICKING THREATS IN FLOR-**
8 **IDA STRAITS, CUBA, AND CARIBBEAN RE-**
9 **GION.**

10 (a) IN GENERAL.—The Commandant shall conduct
11 a study on threats to national security, drug trafficking,
12 and other relevant threats the Commandant considers ap-
13 propriate in the Florida Straits and Caribbean region, in-
14 cluding Cuba.

15 (b) ELEMENTS.—The study required under sub-
16 section (a) shall include the following:

17 (1) An assessment of—

18 (A) new technology and evasive maneuvers
19 used by transnational criminal organizations to
20 evade detection and interdiction by Coast
21 Guard law enforcement units and interagency
22 partners; and

23 (B) capability gaps of the Coast Guard
24 with respect to—

1 (i) the detection and interdiction of il-
2 licit drugs in the Florida Straits and Car-
3ibbean region, including Cuba; and

4 (ii) the detection of national security
5 threats in such region.

6 (2) An identification of—

7 (A) the critical technological advancements
8 required for the Coast Guard to meet current
9 and anticipated threats in such region;

10 (B) the capabilities required to enhance in-
11formation sharing and coordination between the
12Coast Guard and interagency partners, foreign
13governments, and related civilian entities; and

14 (C) any significant developing threats to
15the United States posed by illicit actors in such
16region.

17 (c) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Commandant shall submit
19 to the Committee on Commerce, Science, and Transpor-
20tation of the Senate and the Committee on Transportation
21 and Infrastructure of the House of Representatives a re-
22port on the results of the study under subsection (a).

1 **SEC. 11204. COAST GUARD YARD.**

2 (a) IN GENERAL.—With respect to the Coast Guard
3 Yard, the uses of the amounts authorized under sections
4 11105(a)(2) and 11106 are to—

5 (1) improve resilience and capacity;

6 (2) maintain and expand Coast Guard organic
7 manufacturing capacity;

8 (3) expand training and recruitment;

9 (4) enhance safety;

10 (5) improve environmental compliance; and

11 (6) ensure that the Coast Guard Yard is pre-
12 pared to meet the growing needs of the modern
13 Coast Guard fleet.

14 (b) INCLUSIONS.—The Secretary shall ensure that
15 the Coast Guard Yard receives improvements that include
16 the following:

17 (1) Facilities upgrades needed to improve resil-
18 ience of the shipyard, its facilities, and associated in-
19 frastructure.

20 (2) Acquisition of a large-capacity drydock.

21 (3) Improvements to piers and wharves, dry-
22 docks, and capital equipment utilities.

23 (4) Environmental remediation.

24 (5) Construction of a new warehouse and paint
25 facility.

26 (6) Acquisition of a new travel lift.

1 (7) Dredging necessary to facilitate access to
2 the Coast Guard Yard.

3 (c) WORKFORCE DEVELOPMENT PLAN.—Not later
4 than 180 days after the date of enactment of this Act,
5 the Commandant shall submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate and the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives, a workforce development plan
9 that—

10 (1) outlines the workforce needs of the Coast
11 Guard Yard with respect to civilian employees and
12 active duty members of the Coast Guard, including
13 engineers, individuals engaged in trades, cyber spe-
14 cialists, and other personnel necessary to meet the
15 evolving mission set of the Coast Guard Yard; and

16 (2) includes recommendations for Congress with
17 respect to the authorities, training, funding, and ci-
18 vilian and active-duty recruitment, including the re-
19 cruitment of women and underrepresented minori-
20 ties, necessary to meet workforce needs of the Coast
21 Guard Yard for the 10-year period beginning on the
22 date of submission of the plan.

1 **SEC. 11205. AUTHORITY TO ENTER INTO TRANSACTIONS**
2 **OTHER THAN CONTRACTS AND GRANTS TO**
3 **PROCURE COST-EFFECTIVE TECHNOLOGY**
4 **FOR MISSION NEEDS.**

5 (a) IN GENERAL.—Subchapter III of chapter 11 of
6 title 14, United States Code, is amended by adding at the
7 end the following:

8 **“§ 1158. Authority to enter into transactions other**
9 **than contracts and grants to procure**
10 **cost-effective, advanced technology for**
11 **mission-critical needs**

12 “(a) IN GENERAL.—Subject to subsections (b) and
13 (c), the Commandant may enter into transactions (other
14 than contracts, cooperative agreements, and grants) to op-
15 erate, test, and acquire cost-effective technology for the
16 purpose of meeting the mission needs of the Coast Guard.

17 “(b) OPERATION, TESTING, AND ACQUISITION.—Op-
18 eration, testing, and acquisition of technologies under sub-
19 section (a) shall be—

20 “(1) carried out in accordance with Coast
21 Guard policies and guidance; and

22 “(2) consistent with the operational require-
23 ments of the Coast Guard.

24 “(c) LIMITATIONS.—The Commandant may not enter
25 into a transaction under subsection (a) with respect to a
26 technology that—

1 “(1) does not comply with the cybersecurity
2 standards of the Coast Guard; or

3 “(2) is sourced from an entity domiciled in the
4 People’s Republic of China, unless the Commandant
5 determines that the prototype or procurement of
6 such a technology is for the purpose of—

7 “(A) counter-UAS or surrogate testing; or

8 “(B) intelligence, electronic warfare, and
9 information warfare, testing, and analysis.

10 “(d) EDUCATION AND TRAINING.—The Commandant
11 shall ensure that management, technical, and contracting
12 personnel of the Coast Guard involved in the award or
13 administration of transactions under this section are pro-
14 vided adequate education and training with respect to the
15 authority under this section.

16 “(e) REGULATIONS.—The Commandant shall pre-
17 scribe regulations as necessary to carry out this section.

18 “(f) COUNTER-UAS DEFINED.—In this section, the
19 term ‘counter-UAS’ has the meaning given such term in
20 section 44801 of title 49.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 11 of title 14, United States Code, is amended by in-
23 serting after the item relating to section 1157 the fol-
24 lowing:

“1158. Authority to enter into transactions other than contracts and grants to
procure cost-effective, advanced technology for mission-critical
needs.”.

1 (c) REPORT.—

2 (1) IN GENERAL.—Not later than 5 years after
3 the date of the enactment of this Act, the Com-
4 mandant shall submit to the appropriate committees
5 of Congress a report that—

6 (A) describes the use of the authority pur-
7 suant to section 1158 of title 14, United States
8 Code (as added by this section); and

9 (B) assesses the mission and operational
10 benefits of such authority.

11 (2) APPROPRIATE COMMITTEES OF CONGRESS
12 DEFINED.—In this subsection, the term “appro-
13 priate committees of Congress” means—

14 (A) the Committee on Commerce, Science,
15 and Transportation of the Senate; and

16 (B) the Committee on Transportation and
17 Infrastructure of the House of Representatives.

18 **SEC. 11206. IMPROVEMENTS TO INFRASTRUCTURE AND OP-**
19 **ERATIONS PLANNING.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the Commandant shall in-
22 corporate the most recent oceanic and atmospheric data
23 relating to the increasing rates of extreme weather, includ-
24 ing flooding, into planning scenarios for Coast Guard in-

1 frastructure and mission deployments with respect to all
2 Coast Guard Missions.

3 (b) COORDINATION WITH NATIONAL OCEANIC AND
4 ATMOSPHERIC ADMINISTRATION.—In carrying out sub-
5 section (a), the Commandant shall—

6 (1) coordinate with the Under Secretary of
7 Commerce for Oceans and Atmosphere to ensure the
8 incorporation of the most recent environmental and
9 climatic data; and

10 (2) request technical assistance and advice from
11 the Under Secretary in planning scenarios, as appro-
12 priate.

13 (c) BRIEFING.—Not later than 1 year after the date
14 of enactment of this Act, the Commandant shall provide
15 to the Committee on Commerce, Science, and Transpor-
16 tation of the Senate and the Committee on Transportation
17 and Infrastructure of the House of Representatives a
18 briefing on the manner in which the best-available science
19 from the National Oceanic and Atmospheric Administra-
20 tion has been incorporated into at least 1 key mission area
21 of the Coast Guard, and the lessons learned from incor-
22 porating such science.

1 **SEC. 11207. AQUA ALERT NOTIFICATION SYSTEM PILOT**
2 **PROGRAM.**

3 (a) IN GENERAL.—Not later than 2 years after the
4 date of enactment of this Act, the Commandant shall, sub-
5 ject to the availability of appropriations, establish a pilot
6 program to improve the issuance of alerts to facilitate co-
7 operation with the public to render aid to distressed indi-
8 viduals under section 521 of title 14, United States Code.

9 (b) PILOT PROGRAM CONTENTS.—In carrying out
10 the pilot program established under subsection (a), the
11 Commandant shall, to the maximum extent possible—

12 (1) include a voluntary opt-in program under
13 which members of the public, as appropriate, and
14 the entities described in subsection (c), may receive
15 notifications on cellular devices regarding Coast
16 Guard activities to render aid to distressed individ-
17 uals under section 521 of title 14, United States
18 Code;

19 (2) cover areas located within the area of re-
20 sponsibility of 3 different Coast Guard sectors in di-
21 verse geographic regions; and

22 (3) provide that the dissemination of an alert
23 shall be limited to the geographic areas most likely
24 to facilitate the rendering of aid to distressed indi-
25 viduals.

1 (c) CONSULTATION.—In developing the pilot program
2 under subsection (a), the Commandant shall consult—

3 (1) the head of any relevant Federal agency;

4 (2) the government of any relevant State;

5 (3) any Tribal Government;

6 (4) the government of any relevant territory or
7 possession of the United States; and

8 (5) any relevant political subdivision of an enti-
9 ty described in paragraph (2), (3), or (4).

10 (d) REPORT TO CONGRESS.—

11 (1) IN GENERAL.—Not later than 2 years after
12 the date of enactment of this Act, and annually
13 thereafter through 2026, the Commandant shall
14 submit to the Committee on Commerce, Science, and
15 Transportation of the Senate and the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives a report on the implementation of
18 this section.

19 (2) PUBLIC AVAILABILITY.—The Commandant
20 shall make the report submitted under paragraph
21 (1) available to the public.

1 **SEC. 11208. PILOT PROJECT FOR ENHANCING COAST**
2 **GUARD CUTTER READINESS THROUGH CON-**
3 **DITION-BASED MAINTENANCE.**

4 (a) IN GENERAL.—Not later than 3 years after the
5 date of enactment of this Act, the Commandant shall con-
6 duct a pilot project to enhance cutter readiness and reduce
7 lost patrol days through the deployment of condition-based
8 program standards for cutter maintenance, in accordance
9 with the criteria set forth in subsection (b).

10 (b) CRITERIA FOR CONDITION-BASED MAINTENANCE
11 EVALUATION.—In conducting the pilot project under sub-
12 section (a), the Commandant, in cooperation with govern-
13 ment and industry partners, shall—

14 (1) select at least 1 class of cutters under con-
15 struction with respect to which the application of the
16 pilot project would enhance readiness;

17 (2) use condition-based program standards
18 which incorporate artificial, intelligence, prognostic
19 based maintenance planning;

20 (3) create and model a full ship digital twin for
21 the cutters selected under paragraph (1);

22 (4) install or modify instrumentation capable of
23 producing full hull, mechanical, and electrical data
24 necessary to analyze cutter operational conditions
25 with active maintenance alerts; and

1 (5) evaluate and weight efficacy of potential
2 emergent repairs as well as planned depot mainte-
3 nance activities.

4 (c) CONSIDERATION.—Prior to developing the pilot
5 project in this section, the Commandant shall evaluate
6 commercially available products, technology, applications,
7 standards, and technology for development and implemen-
8 tation of the pilot program.

9 (d) REPORT TO CONGRESS.—The Commandant shall
10 submit to the Committee on Commerce, Science, and
11 Transportation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of Rep-
13 resentatives—

14 (1) an interim report not later than 12 months
15 after the date of enactment of this Act on the
16 progress in carrying out the pilot project described
17 in subsection (a); and

18 (2) a final report not later than 3 years after
19 the date of enactment of this Act on the results of
20 the pilot project described in subsection (a) that in-
21 cludes—

22 (A) options to integrate condition-based
23 program standards with prognostic based main-
24 tenance planning to Coast Guard cutters; and

1 (B) plans to deploy condition-based pro-
2 gram standards with prognostic based mainte-
3 nance planning to Coast Guard cutters.

4 **SEC. 11209. STUDY ON LAYDOWN OF COAST GUARD CUT-**
5 **TERS.**

6 Not later than 120 days after the date of enactment
7 of this Act, the Secretary shall conduct a study on the
8 laydown of Coast Guard Fast Response Cutters to assess
9 Coast Guard mission readiness and to identify areas of
10 need for asset coverage.

11 **SEC. 11210. ACQUISITION LIFE-CYCLE COST ESTIMATES.**

12 Section 1132(e) of title 14, United States Code, is
13 amended by striking paragraphs (2) and (3) and inserting
14 the following:

15 “(2) TYPES OF ESTIMATES.—For each Level 1
16 or Level 2 acquisition project or program, in addi-
17 tion to life-cycle cost estimates developed under
18 paragraph (1), the Commandant shall require that—

19 “(A) life-cycle cost estimates developed
20 under paragraph (1) be updated before—

21 “(i) each milestone decision is con-
22 cluded; and

23 “(ii) the project or program enters a
24 new acquisition phase; and

1 “(B) an independent cost estimate or inde-
2 pendent cost assessment, as appropriate, be de-
3 veloped to validate life-cycle cost estimates de-
4 veloped under paragraph (1).”.

5 **SEC. 11211. DISPOSITION OF INFRASTRUCTURE RELATED**
6 **TO E-LORAN.**

7 Section 914 of title 14, United States Code, is
8 amended to read as follows:

9 **“§ 914. Disposition of infrastructure related to E-**
10 **LORAN**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of law, the Commandant may dismantle or dispose
13 of any real or personal property under the administrative
14 control of the Coast Guard and used for the LORAN-
15 C system.

16 “(b) RESTRICTION.—No action described in sub-
17 section (a) may be taken unless and until—

18 “(1) the Commandant notifies the Secretary of
19 Transportation and the Secretary of Defense in writ-
20 ing of the proposed dismantling or disposal of a
21 LORAN-C system; and

22 “(2) a period of 90 calendar days expires fol-
23 lowing the day on which the notice has been sub-
24 mitted.

1 “(c) RECEIPT OF NOTIFICATION.—If, not later than
2 90 calendar days of receipt of the written notification
3 under subsection (b), the Secretary of Transportation or
4 the Secretary of Defense notifies the Commandant, in
5 writing, of a determination under section 312(d) of title
6 49 that the property is required to provide a positioning,
7 navigation, and timing system to provide redundant capa-
8 bility in the event the Global Positioning System signals
9 are disrupted, the Commandant shall transfer the prop-
10 erty to the Department of Transportation without any
11 consideration.

12 “(d) NOTIFICATION EXPIRATION.—If, at the end of
13 the 90 calendar day period no notification under sub-
14 section (b) has been received, the Commandant shall no-
15 tify the Committee on Transportation and Infrastructure
16 and the Committee on Appropriations in the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation and the Committee on Appro-
19 priations of the Senate that the period in subsection (b)(2)
20 has expired, and may proceed with the dismantling and
21 disposal of the personal property, and disposing of the real
22 property in accordance with section 2945 of this title.

23 “(e) EXCEPTION.—The prohibition on actions in sub-
24 section (b) does not apply to actions necessary for the
25 safety of human life.”.

1 **Subtitle B—Great Lakes**

2 **SEC. 11212. GREAT LAKES WINTER COMMERCE.**

3 (a) GREAT LAKES ICEBREAKING OPERATIONS.—

4 (1) GOVERNMENT ACCOUNTABILITY OFFICE RE-
5 PORT.—

6 (A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of this Act, the
8 Comptroller General of the United States shall
9 submit to the Committee on Commerce,
10 Science, and Transportation of the Senate and
11 the Committee on Transportation and Infra-
12 structure of the House of Representatives a re-
13 port on Coast Guard icebreaking in the Great
14 Lakes.

15 (B) ELEMENTS.—The report required
16 under subparagraph (A) shall evaluate—

17 (i) the economic impact of vessel
18 delays or cancellations associated with ice
19 coverage on the Great Lakes;

20 (ii) mission needs of the Coast Guard
21 Great Lakes icebreaking program;

22 (iii) the impact that the proposed
23 standards described in paragraph (2)
24 would have on—

1 (I) Coast Guard operations in the
2 Great Lakes;

3 (II) Northeast icebreaking mis-
4 sions; and

5 (III) inland waterway operations;

6 (iv) a fleet mix analysis for meeting
7 such proposed standards;

8 (v) a description of the resources nec-
9 essary to support the fleet mix resulting
10 from such fleet mix analysis, including bil-
11 lets for crew and operating costs; and

12 (vi) recommendations to the Com-
13 mandant for Improvements to the Great
14 Lakes icebreaking program, including with
15 respect to facilitating commerce and meet-
16 ing all Coast Guard mission needs.

17 (2) PROPOSED STANDARDS FOR ICEBREAKING
18 OPERATIONS.—The proposed standards described in
19 this subsection are the following:

20 (A) Except as provided in subparagraph
21 (B), the Commandant shall keep ice-covered
22 waterways in the Great Lakes open to naviga-
23 tion during not less than 90 percent of the
24 hours that commercial vessels and ferries at-
25 tempt to transit such ice-covered waterways.

1 (B) In a year in which the Great Lakes
2 are not open to navigation, because of ice of a
3 thickness that occurs on average only once
4 every 10 years, the Commandant shall keep ice-
5 covered waterways in the Great Lakes open to
6 navigation during not less than 70 percent of
7 the hours that commercial vessels and ferries
8 attempt to transit such ice-covered waterways.

9 (3) REPORT BY COMMANDANT.—Not later than
10 90 days after the date on which the Comptroller
11 General submits the report under paragraph (1), the
12 Commandant shall submit to the Committee on
13 Commerce, Science, and Transportation of the Sen-
14 ate and the Committee on Transportation and Infra-
15 structure of the House of Representatives a report
16 that includes the following:

17 (A) A plan for Coast Guard implementa-
18 tion of any recommendation made by the Comp-
19 troller General under paragraph (1)(B)(ii) that
20 the Commandant considers appropriate.

21 (B) With respect to any recommendation
22 made under such paragraph that the Com-
23 mandant declines to implement and a justifica-
24 tion for such decision.

1 (C) A review of, and a proposed implemen-
2 tation plan for, the results of the fleet mix anal-
3 ysis under paragraph (1)(B)(iv).

4 (D) Any proposed modifications to the
5 standards for icebreaking operations in the
6 Great Lakes.

7 (b) DEFINITIONS.—In this section:

8 (1) COMMERCIAL VESSEL.—The term “commer-
9 cial vessel” means any privately owned cargo vessel
10 operating in the Great Lakes during the winter sea-
11 son of at least 500 tons, as measured under section
12 14502 of title 46, or an alternate tonnage measured
13 under section 14302 of such title, as prescribed by
14 the Secretary under section 14104 of such title.

15 (2) GREAT LAKES.—The term “Great Lakes”
16 means the United States waters of Lake Superior,
17 Lake Michigan, Lake Huron (including Lake St.
18 Clair), Lake Erie, and Lake Ontario, their con-
19 necting waterways, and their adjacent harbors, and
20 the connecting channels (including the following riv-
21 ers and tributaries of such rivers: Saint Mary’s
22 River, Saint Clair River, Detroit River, Niagara
23 River, Illinois River, Chicago River, Fox River,
24 Grand River, St. Joseph River, St. Louis River, Me-

1 nominee River, Muskegon River, Kalamazoo River,
2 and Saint Lawrence River to the Canadian border).

3 (3) ICE-COVERED WATERWAY.—The term “ice-
4 covered waterway” means any portion of the Great
5 Lakes in which commercial vessels or ferries operate
6 that is 70 percent or greater covered by ice, but does
7 not include any waters adjacent to piers or docks for
8 which commercial icebreaking services are available
9 and adequate for the ice conditions.

10 (4) OPEN TO NAVIGATION.—The term “open to
11 navigation” means navigable to the extent necessary,
12 in no particular order of priority, to meet the rea-
13 sonable demands of commerce, minimize delays to
14 passenger ferries, extricate vessels and individuals
15 from danger, prevent damage due to flooding, and
16 conduct other Coast Guard missions (as required).

17 (5) REASONABLE DEMANDS OF COMMERCE.—
18 The term “reasonable demands of commerce” means
19 the safe movement of commercial vessels and ferries
20 transiting ice-covered waterways in the Great Lakes,
21 regardless of type of cargo, at a speed consistent
22 with the design capability of Coast Guard ice-
23 breakers operating in the Great Lakes and appro-
24 priate to the ice capability of the commercial vessel.

1 **SEC. 11213. DATABASE ON ICEBREAKING OPERATIONS IN**
2 **GREAT LAKES.**

3 (a) IN GENERAL.—The Commandant shall establish
4 and maintain a database for collecting, archiving, and dis-
5 seminating data on icebreaking operations and commercial
6 vessel and ferry transit in the Great Lakes during ice sea-
7 son.

8 (b) ELEMENTS.—The database required under sub-
9 section (a) shall include the following:

10 (1) Attempts by commercial vessels and ferries
11 to transit ice-covered waterways in the Great Lakes
12 that are unsuccessful because of inadequate
13 icebreaking.

14 (2) The period of time that each commercial
15 vessel or ferry was unsuccessful at transit described
16 in paragraph (1) due to inadequate icebreaking.

17 (3) The amount of time elapsed before each
18 such commercial vessel or ferry was successfully bro-
19 ken out of the ice and whether it was accomplished
20 by the Coast Guard or by commercial icebreaking
21 assets.

22 (4) Relevant communications of each such com-
23 mercial vessel or ferry with the Coast Guard and
24 with commercial icebreaking services during such pe-
25 riod.

1 (5) A description of any mitigating cir-
2 cumstance, such as Coast Guard icebreaker diver-
3 sions to higher priority missions, that may have con-
4 tributed to the amount of time described in para-
5 graph (3).

6 (e) VOLUNTARY REPORTING.—Any reporting by op-
7 erators of commercial vessels or ferries under this section
8 shall be voluntary.

9 (d) PUBLIC AVAILABILITY.—The Commandant shall
10 make the database available to the public on a publicly
11 accessible website of the Coast Guard.

12 (e) CONSULTATION WITH INDUSTRY.—With respect
13 to the Great Lakes icebreaking operations of the Coast
14 Guard and the development of the database required
15 under subsection (a), the Commandant shall consult oper-
16 ators of commercial vessels and ferries.

17 (f) PUBLIC REPORT.—Not later than July 1 after the
18 first winter in which the Commandant is subject to the
19 requirements of section 564 of title 14, United States
20 Code, the Commandant shall publish on a publicly acces-
21 sible website of the Coast Guard a report on the cost to
22 the Coast Guard of meeting the requirements of such sec-
23 tion.

24 (g) DEFINITIONS.—In this section:

1 (1) COMMERCIAL VESSEL.—The term “commer-
2 cial vessel” means any privately owned cargo vessel
3 operating in the Great Lakes during the winter sea-
4 son of at least 500 tons, as measured under section
5 14502 of title 46, United States Code, or an alter-
6 nate tonnage measured under section 14302 of such
7 title, as prescribed by the Secretary under section
8 14104 of such title.

9 (2) GREAT LAKES.—The term “Great Lakes”
10 means the United States waters of Lake Superior,
11 Lake Michigan, Lake Huron (including Lake St.
12 Clair), Lake Erie, and Lake Ontario, their con-
13 necting waterways, and their adjacent harbors, and
14 the connecting channels (including the following riv-
15 ers and tributaries of such rivers: Saint Mary’s
16 River, Saint Clair River, Detroit River, Niagara
17 River, Illinois River, Chicago River, Fox River,
18 Grand River, St. Joseph River, St. Louis River, Me-
19 nominee River, Muskegon River, Kalamazoo River,
20 and Saint Lawrence River to the Canadian border).

21 (3) ICE-COVERED WATERWAY.—The term “ice-
22 covered waterway” means any portion of the Great
23 Lakes in which commercial vessels or ferries operate
24 that is 70 percent or greater covered by ice, but does
25 not include any waters adjacent to piers or docks for

1 which commercial icebreaking services are available
2 and adequate for the ice conditions.

3 (4) OPEN TO NAVIGATION.—The term “open to
4 navigation” means navigable to the extent necessary
5 to—

6 (A) extricate vessels and individuals from
7 danger;

8 (B) prevent damage due to flooding;

9 (C) meet the reasonable demands of com-
10 merce;

11 (D) minimize delays to passenger ferries;

12 and

13 (E) conduct other Coast Guard missions as
14 required.

15 (5) REASONABLE DEMANDS OF COMMERCE.—

16 The term “reasonable demands of commerce” means
17 the safe movement of commercial vessels and ferries
18 transiting ice-covered waterways in the Great Lakes,
19 regardless of type of cargo, at a speed consistent
20 with the design capability of Coast Guard ice-
21 breakers operating in the Great Lakes and appro-
22 priate to the ice capability of the commercial vessel.

1 **SEC. 11214. CENTER OF EXPERTISE FOR GREAT LAKES OIL**
2 **SPILL SEARCH AND RESPONSE.**

3 Section 807(d) of the Frank LoBiondo Coast Guard
4 Authorization Act of 2018 (14 U.S.C. 313 note) is amend-
5 ed to read as follows:

6 “(d) DEFINITION.—In this section, the term ‘Great
7 Lakes’ means—

8 “(1) Lake Ontario;

9 “(2) Lake Erie;

10 “(3) Lake Huron (including Lake St. Clair);

11 “(4) Lake Michigan;

12 “(5) Lake Superior; and

13 “(6) the connecting channels (including the fol-
14 lowing rivers and tributaries of such rivers: Saint
15 Mary’s River, Saint Clair River, Detroit River, Niag-
16 ara River, Illinois River, Chicago River, Fox River,
17 Grand River, St. Joseph River, St. Louis River, Me-
18 nominee River, Muskegon River, Kalamazoo River,
19 and Saint Lawrence River to the Canadian bor-
20 der).”.

21 **SEC. 11215. GREAT LAKES SNOWMOBILE ACQUISITION**
22 **PLAN.**

23 (a) IN GENERAL.—The Commandant shall develop a
24 plan to expand snowmobile procurement for Coast Guard
25 units for which snowmobiles may improve ice rescue re-
26 sponse times while maintaining the safety of Coast Guard

1 personnel engaged in ice search and rescue. The plan shall
2 include consideration of input from Officers in Charge,
3 commanding officers, and commanders of such units.

4 (b) ELEMENTS.—The plan required under subsection
5 (a) shall include—

6 (1) a consideration of input from Officers in
7 Charge, commanding officers, and commanders of
8 Coast Guard units described in subsection (a);

9 (2) a detailed description of the estimated costs
10 of procuring, maintaining, and training members of
11 the Coast Guard at such units to use snowmobiles;
12 and

13 (3) an assessment of—

14 (A) the degree to which snowmobiles may
15 improve ice rescue response times while main-
16 taining the safety of Coast Guard personnel en-
17 gaged in ice search and rescue;

18 (B) the operational capabilities of a snow-
19 mobile, as compared to an airboat, and a force
20 laydown assessment with respect to the assets
21 needed for effective operations at Coast Guard
22 units conducting ice search and rescue activi-
23 ties; and

24 (C) the potential risks to members of the
25 Coast Guard and members of the public posed

1 by the use of snowmobiles by members of the
2 Coast Guard for ice search and rescue activi-
3 ties.

4 (c) PUBLIC AVAILABILITY.—Not later than 1 year
5 after the date of enactment of this Act, the Commandant
6 shall finalize the plan required under subsection (a) and
7 make the plan available on a publicly accessible website
8 of the Coast Guard.

9 **SEC. 11216. GREAT LAKES BARGE INSPECTION EXEMPTION.**

10 Section 3302(m) of title 46, United States Code, is
11 amended—

12 (1) in the matter preceding paragraph (1) by
13 inserting “or a Great Lakes barge” after “seagoing
14 barge”; and

15 (2) by striking “section 3301(6) of this title”
16 and inserting “paragraph (6) or (13) of section
17 3301 of this title”.

18 **SEC. 11217. STUDY ON SUFFICIENCY OF COAST GUARD**
19 **AVIATION ASSETS TO MEET MISSION DE-**
20 **MANDS.**

21 (a) IN GENERAL.—Not later than 1 year after the
22 date of enactment of this Act, the Commandant shall sub-
23 mit to the Committee on Commerce, Science, and Trans-
24 portation of the Senate and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives
2 a report on—

3 (1) the force laydown of Coast Guard aviation
4 assets; and

5 (2) any geographic gaps in coverage by Coast
6 Guard assets in areas in which the Coast Guard has
7 search and rescue responsibilities.

8 (b) ELEMENTS.—The report required under sub-
9 section (a) shall include the following:

10 (1) The distance, time, and weather challenges
11 that MH-65 and MH-60 units may face in reaching
12 the outermost limits of the area of operation of
13 Coast Guard District 8 and Coast Guard District 9
14 for which such units are responsible.

15 (2) An assessment of the advantages that Coast
16 Guard fixed-wing assets, or an alternate rotary wing
17 asset, would offer to the outermost limits of any
18 area of operation for purposes of search and rescue,
19 law enforcement, ice operations, and logistical mis-
20 sions.

21 (3) A comparison of advantages and disadvan-
22 tages of the manner in which each of the Coast
23 Guard fixed-wing aircraft would operate in the out-
24 ermost limits of any area of operation.

1 (4) A specific assessment of the coverage gaps,
2 including gaps in fixed-wing coverage, and potential
3 solutions to address such gaps in the area of oper-
4 ation of Coast Guard District 8 and Coast Guard
5 District 9, including the eastern region of such area
6 of operation with regard to Coast Guard District 9
7 and the southern region of such area of operation
8 with regard to Coast Guard District 8.

9 **Subtitle C—Arctic**

10 **SEC. 11218. ESTABLISHMENT OF MEDIUM ICEBREAKER** 11 **PROGRAM OFFICE.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Commandant, in con-
14 sultation with the heads of the other Federal agencies as
15 appropriate, shall submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives a report to establish a fleet mix anal-
19 ysis with respect to polar icebreakers and icebreaking
20 tugs.

21 (b) CONTENTS.—The report required under sub-
22 section (a) shall include—

23 (1) a full fleet mix of heavy and medium ice-
24 breaker and 140-foot icebreaking tug replacements,

1 including cost and timelines for the acquisition of
2 such vessels;

3 (2) a revised time table showing the construc-
4 tion, commissioning, and acceptance of planned
5 Polar Security Cutters 1 through 3, as of the date
6 of report;

7 (3) a comparison and alternatives analysis of
8 the costs and timeline of constructing 2 Polar Secu-
9 rity Cutters beyond the construction of 3 such ves-
10 sels rather than constructing 3 Arctic Security Cut-
11 ters, including the cost of planning, design, and en-
12 gineering of a new class of ships, which shall include
13 the increased costs resulting from the delays in
14 building a new class of cutters rather than building
15 2 additional cutters from an ongoing production line;

16 (4) the operational benefits, limitations, and
17 risks of a common hull design for polar icebreaking
18 cutters for operation in the polar regions;

19 (5) the operational benefits, limitations, and
20 risks of a common hull design for icebreaking tugs
21 for operation in the Northeastern United States; and

22 (6) the cost and timetable for replacing the
23 Coast Guard Cutter *Healy* (WAGB 20) as—

24 (A) a Polar Security Cutter;

25 (B) an Arctic Security Cutter; or

1 (C) other platform as determined by the
2 Commandant.

3 (c) QUARTERLY BRIEFINGS.—As part of quarterly
4 acquisition briefings provided by the Commandant to the
5 Committee on Commerce, Science, and Transportation of
6 the Senate and the Committee on Transportation and In-
7 frastructure of the House of Representatives, the Com-
8 mandant shall include an update on the status of—

9 (1) all acquisition activities related to the Polar
10 Security Cutter;

11 (2) the performance of the entity which the
12 Coast Guard has contracted with for detailed design
13 and construction of the Polar Security Cutter; and

14 (3) the requirements for the planning, detailed
15 design, engineering, and construction of the—

16 (A) Arctic Security Cutter; and

17 (B) Great Lakes Icebreaker.

18 (d) LIMITATION.—The report required to be sub-
19 mitted under subsection (a) shall not include an analysis
20 of the Great Lakes Icebreaker authorized under section
21 11104.

22 (e) ESTABLISHMENT OF THE ARCTIC SECURITY CUT-
23 TER PROGRAM OFFICE.—

24 (1) DETERMINATION.—Not later than 90 days
25 after the submission of the report under subsection

1 (a), the Commandant shall determine if constructing
2 additional Polar Security Cutters is more cost effective
3 and efficient than constructing 3 Arctic Security
4 Cutters.

5 (2) ESTABLISHMENT.—If the Commandant de-
6 termines under paragraph (1) that it is more cost ef-
7 fective to build 3 Arctic Security Cutters than to
8 build additional Polar Security Cutters or if the
9 Commandant fails to make a determination under
10 paragraph (1) by June 1, 2024, the Commandant
11 shall establish a program office for the acquisition of
12 the Arctic Security Cutter not later than January 1,
13 2025.

14 (3) REQUIREMENTS AND DESIGN PHASE.—Not
15 later than 270 days after the date on which the
16 Commandant establishes a program office under
17 paragraph (2), the Commandant shall complete the
18 evaluation of requirements for the Arctic Security
19 Cutter and initiate the design phase of the Arctic
20 Security Cutter vessel class.

21 (f) QUARTERLY BRIEFINGS.—Not less frequently
22 than quarterly until the date on which a contract for ac-
23 quisition of the Arctic Security Cutter is awarded under
24 chapter 11 of title 14, United States Code, the Com-
25 mandant shall provide to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-
2 mittee on Transportation and Infrastructure of the House
3 of Representatives a briefing on the status of requirements
4 evaluations, design of the vessel, and schedule of the pro-
5 gram.

6 **SEC. 11219. ARCTIC ACTIVITIES.**

7 (a) ARCTIC OPERATIONAL IMPLEMENTATION RE-
8 PORT.—Not later than 1 year after the date of enactment
9 of this Act, the Secretary shall submit to the appropriate
10 committees of Congress a report that describes the ability
11 and timeline to conduct a transit of the Northern Sea
12 Route and periodic transits of the Northwest Passage.

13 (b) DEFINITIONS.—In this section:

14 (1) APPROPRIATE COMMITTEES OF CON-
15 GRESS.—The term “appropriate committees of Con-
16 gress” means—

17 (A) the Committee on Commerce, Science,
18 and Transportation of the Senate; and

19 (B) the Committee on Transportation and
20 Infrastructure of the House of Representatives.

21 (2) ARCTIC.—The term “Arctic” has the mean-
22 ing given such term in section 112 of the Arctic Re-
23 search and Policy Act of 1984 (15 U.S.C. 4111).

1 **SEC. 11220. STUDY ON ARCTIC OPERATIONS AND INFRA-**
2 **STRUCTURE.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall commence a study on the Arctic
6 operations and infrastructure of the Coast Guard.

7 (b) ELEMENTS.—The study required under sub-
8 section (a) shall assess the following:

9 (1) The extent of the collaboration between the
10 Coast Guard and the Department of Defense to as-
11 sess, manage, and mitigate security risks in the Arc-
12 tic region.

13 (2) Actions taken by the Coast Guard to man-
14 age risks to Coast Guard operations, infrastructure,
15 and workforce planning in the Arctic.

16 (3) The plans the Coast Guard has in place for
17 managing and mitigating the risks to commercial
18 maritime operations and the environment in the Arc-
19 tic region.

20 (c) REPORT.—Not later than 1 year after com-
21 mencing the study required under subsection (a), the
22 Comptroller General shall submit to the Committee on
23 Commerce, Science, and Transportation of the Senate and
24 the Committee on Transportation and Infrastructure of
25 the House of Representatives a report on the findings of
26 the study.

1 **SEC. 11221. PRIBILOF ISLAND TRANSITION COMPLETION**
2 **ACTIONS.**

3 (a) **ACTUAL USE AND OCCUPANCY REPORTS.**—Not
4 later than 90 days after enactment of this Act, and quar-
5 terly thereafter, the Secretary shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report de-
9 scribing—

10 (1) the degree to which Coast Guard personnel
11 and equipment are deployed to St. Paul Island,
12 Alaska, in actual occupancy of the facilities, as re-
13 quired under section 524 of the Pribilof Island
14 Transition Completion Act of 2016 (Public Law
15 114–120); and

16 (2) the status of the activities described in sub-
17 sections (c) and (d) until such activities have been
18 completed.

19 (b) **AIRCRAFT HANGER.**—The Secretary may—

20 (1) enter into a lease for a hangar to house de-
21 ployed Coast Guard aircraft if such hanger was pre-
22 viously under lease by the Coast Guard for purposes
23 of housing such aircraft; and

24 (2) enter into an agreement with the lessor of
25 such a hanger in which the Secretary may carry out
26 repairs necessary to support the deployment of such

1 aircraft and the cost of such repairs may be offset
2 under the terms of the lease.

3 (c) FUEL TANK.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of enactment of this Act, the Commandant
6 shall notify the Alaska Native Village Corporation
7 for St. Paul Island, Alaska of the availability of any
8 fuel tank—

9 (A) which is located on property on St.
10 Paul Island, Alaska, which is leased by the
11 Coast Guard for the purpose of housing such a
12 fuel tank; and

13 (B) for which the Commandant has deter-
14 mined that the Coast Guard no longer has an
15 operational need.

16 (2) TRANSFER.—If not later than 30 days after
17 a notification under subsection (a), the Alaska Na-
18 tive Village Corporation for St. Paul Island, Alaska
19 requests that the ownership of the tank be trans-
20 ferred to such corporation then the Commandant
21 shall—

22 (A) after conducting any necessary envi-
23 ronmental remediation pursuant to the lease re-
24 ferred to in paragraph (1)(A), transfer owner-
25 ship of such fuel tank to such corporation; and

1 (B) upon the date of such transfer, termi-
2 nate the lease referred to in paragraph (1)(A).

3 (d) SAVINGS CLAUSE.—Nothing in this section shall
4 be construed to limit any rights of the Alaska Native Vil-
5 lage Corporation for St. Paul to receive conveyance of all
6 or part of the lands and improvements related to Tract
7 43 under the same terms and conditions as prescribed in
8 section 524 of the Pribilof Island Transition Completion
9 Act of 2016 (Public Law 114–120).

10 **SEC. 11222. REPORT ON SHIPYARDS OF FINLAND AND SWE-**
11 **DEN.**

12 Not later than 2 years after the date of enactment
13 of this Act, the Commandant, in consultation with the
14 Comptroller General of the United States, shall submit to
15 Congress a report that analyzes the shipyards of Finland
16 and Sweden to assess future opportunities for technical
17 assistance related to engineering to aid the Coast Guard
18 in fulfilling its future mission needs.

19 **SEC. 11223. ACQUISITION OF ICEBREAKER.**

20 (a) IN GENERAL.—The Commandant may acquire or
21 procure 1 United States built available icebreaker.

22 (b) EXEMPTIONS FROM REQUIREMENTS.—

23 (1) IN GENERAL.—Sections 1131, 1132(a)(2),
24 1132(c), 1133, and 1171 of title 14, United States

1 Code, shall not apply to an acquisition or procure-
2 ment under subsection (a).

3 (2) ADDITIONAL EXCEPTIONS.—Paragraphs
4 (1), (3), (4), and (5) of subsection (a) and sub-
5 sections (b), (d), and (e) of section 1132 of title 14,
6 United States Code, shall apply to an acquisition or
7 procurement under subsection (a) until the first
8 phase of the initial acquisition or procurement is
9 complete and initial operating capacity is achieved.

10 (c) SCIENCE MISSION REQUIREMENTS.—For any
11 available icebreaker acquired or procured under subsection
12 (a), the Commandant shall ensure scientific research ca-
13 pacity comparable to the Coast Guard Cutter *Healy*
14 (WAGB 20), for the purposes of hydrographic, bathy-
15 metric, oceanographic, weather, atmospheric, climate, fish-
16 eries, marine mammals, genetic and other data related to
17 the Arctic, and other research as the Under Secretary de-
18 termines appropriate.

19 (d) OPERATIONS AND AGREEMENTS.—

20 (1) COAST GUARD.—With respect to any avail-
21 able icebreaker acquired or procured under sub-
22 section (a), the Secretary shall be responsible for
23 any acquisition, retrofitting, operation, and mainte-
24 nance costs necessary to achieve full operational ca-
25 pability, including testing, installation, and acquisi-

1 tion, including for the suite of hull-mounted, ship-
2 provided scientific instrumentation and equipment
3 for data collection.

4 (2) NATIONAL OCEANIC AND ATMOSPHERIC AD-
5 MINISTRATION.—The Under Secretary shall not be
6 responsible for the costs of retrofitting any available
7 icebreaker acquired or procured under subsection
8 (a), including costs relating to—

9 (A) vessel maintenance, construction, oper-
10 ations, and crewing other than the science
11 party; and

12 (B) making such icebreaker capable of con-
13 ducting the research described in subsection (c),
14 including design, procurement of laboratory
15 space and equipment, and modification of living
16 quarters.

17 (3) RESPONSIBILITY OF UNDER SECRETARY.—
18 The Under Secretary shall be responsible for costs
19 related to—

20 (A) the science party;

21 (B) the scientific mission; and

22 (C) other scientific assets and equipment
23 that augment such icebreaker beyond full oper-
24 ational capacity as determined by the Under
25 Secretary and Commandant.

1 (4) MEMORANDUM OF AGREEMENT.—The Com-
2 mandant and the Under Secretary shall enter into a
3 memorandum of agreement to facilitate science ac-
4 tivities, data collection, and other procedures nec-
5 essary to meet the requirements of this section.

6 (e) RESTRICTION AND BRIEFING.—Not later than 60
7 days after the date of enactment of this Act, the Com-
8 mandant shall brief the appropriate congressional commit-
9 tees with respect to available icebreaker acquired or pro-
10 cured under subsection (a) on—

11 (1) a proposed concept of operations of such
12 icebreaker;

13 (2) a detailed cost estimate for such icebreaker,
14 including estimated costs for acquisition, modifica-
15 tion, shoreside infrastructure, crewing, and main-
16 taining such an icebreaker by year for the estimated
17 service life of such icebreaker; and

18 (3) the expected capabilities of such icebreaker
19 as compared to the capabilities of a fully operational
20 Coast Guard built Polar Security Cutter for each
21 year in which such an icebreaker is anticipated to
22 serve in lieu of such a cutter and the projected an-
23 nual costs to achieve such anticipated capabilities.

24 (f) INTERIM REPORT.—Not later than 30 days after
25 the date of enactment of this Act, and not later than every

1 90 days thereafter until any available icebreaker acquired
2 or procured under subsection (a) has reached full oper-
3 ational capability, the Commandant shall provide to the
4 appropriate Committees of Congress an interim report of
5 the status and progress of all elements under subsection
6 (d).

7 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall effect acquisitions of vessels by the Under Sec-
9 retary.

10 (h) SAVINGS CLAUSE.—

11 (1) IN GENERAL.—Any operations necessary for
12 the saving of life or property at sea, response to en-
13 vironmental pollution, national security, defense
14 readiness, or other missions as determined by the
15 Commandant shall take priority over any scientific
16 or economic missions under subsection (c).

17 (2) AUGMENTATION.—Any available icebreaker
18 acquired or procured under subsection (a) shall aug-
19 ment the Coast Guard mission in the Arctic, includ-
20 ing by conducting operations and missions that are
21 in addition to missions conducted by the Coast
22 Guard Cutter *Healy* (WAGB 20) in the region.

23 (i) DEFINITIONS.—In this section:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committee on Transportation
2 and Infrastructure and the Committee on Appro-
3 priations of the House of Representatives and the
4 Committee on Commerce, Science, and Transpor-
5 tation and the Committee on Appropriations of the
6 Senate.

7 (2) ARCTIC.—The term “Arctic” has the mean-
8 ing given such term in section 112 of the Arctic Re-
9 search and Policy Act of 1984 (15 U.S.C. 4111).

10 (3) AVAILABLE ICEBREAKER.—The term
11 “available icebreaker” means a vessel that—

12 (A) is capable of—

13 (i) supplementing United States Coast
14 Guard polar icebreaking capabilities in the
15 Arctic region of the United States;

16 (ii) projecting United States sov-
17 ereignty;

18 (iii) ensuring a continuous operational
19 capability in the Arctic region of the
20 United States;

21 (iv) carrying out the primary duty of
22 the Coast Guard described in section
23 103(7) of title 14, United States Code; and

24 (v) collecting hydrographic, environ-
25 mental, and climate data; and

1 (B) is documented with a coastwise en-
2 dorsement under chapter 121 of title 46,
3 United States Code.

4 (4) UNDER SECRETARY.—The term “Under
5 Secretary” means the Under Secretary of Commerce
6 for Oceans and Atmosphere.

7 (j) SUNSET.—The authority under subsections (a)
8 through (e) shall expire on the date that is 3 years after
9 the date of enactment of this Act.

10 **Subtitle D—Maritime Cyber and** 11 **Artificial Intelligence**

12 **SEC. 11224. ENHANCING MARITIME CYBERSECURITY.**

13 (a) DEFINITIONS.—In this section:

14 (1) CYBER INCIDENT.—The term “cyber inci-
15 dent” means an occurrence that actually or immi-
16 nently jeopardizes, without lawful authority, the in-
17 tegrity, confidentiality, or availability of information
18 on an information system, or actually or imminently
19 jeopardizes, without lawful authority, an information
20 system.

21 (2) MARITIME OPERATORS.—The term “mari-
22 time operators” means the owners or operators of
23 vessels engaged in commercial service, the owners or
24 operators of facilities, and port authorities.

1 (3) FACILITIES.—The term “facilities” has the
2 meaning given the term “facility” in section 70101
3 of title 46, United States Code.

4 (b) PUBLIC AVAILABILITY OF CYBERSECURITY
5 TOOLS AND RESOURCES.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Commandant,
8 in coordination with the Administrator of the Mari-
9 time Administration, the Director of the Cybersecu-
10 rity and Infrastructure Security Agency, and the Di-
11 rector of the National Institute of Standards and
12 Technology, shall identify and make available to the
13 public a list of tools and resources, including the re-
14 sources of the Coast Guard and the Cybersecurity
15 and Infrastructure Security Agency, designed to as-
16 sist maritime operators in identifying, detecting, pro-
17 tecting against, mitigating, responding to, and recov-
18 ering from cyber incidents.

19 (2) IDENTIFICATION.—In carrying out para-
20 graph (1), the Commandant, the Administrator of
21 the Maritime Administration, the Director of the Cy-
22 bersecurity and Infrastructure Security Agency, and
23 the Director of the National Institute of Standards
24 and Technology shall identify tools and resources
25 that—

1 (A) comply with the cybersecurity frame-
2 work for improving critical infrastructure estab-
3 lished by the National Institute of Standards
4 and Technology; or

5 (B) use the guidelines on maritime cyber
6 risk management issued by the International
7 Maritime Organization on July 5, 2017 (or suc-
8 cessor guidelines).

9 (3) CONSULTATION.—The Commandant, the
10 Administrator of the Maritime Administration, the
11 Director of the Cybersecurity and Infrastructure Se-
12 curity Agency, and the Director of the National In-
13 stitute of Standards and Technology may consult
14 with maritime operators, other Federal agencies, in-
15 dustry stakeholders, and cybersecurity experts to
16 identify tools and resources for purposes of this sec-
17 tion.

18 **SEC. 11225. ESTABLISHMENT OF UNMANNED SYSTEM PRO-**
19 **GRAM AND AUTONOMOUS CONTROL AND**
20 **COMPUTER VISION TECHNOLOGY PROJECT.**

21 (a) IN GENERAL.—Section 319 of title 14, United
22 States Code, is amended to read as follows:

1 **“§ 319. Unmanned system program and autonomous**
2 **control and computer vision technology**
3 **project**

4 “(a) UNMANNED SYSTEM PROGRAM.—Not later than
5 2 years after the date of enactment of this section, the
6 Secretary shall establish, under the control of the Com-
7 mandant, an unmanned system program for the use by
8 the Coast Guard of land-based, cutter-based, and aircraft-
9 based unmanned systems for the purpose of increasing ef-
10 fectiveness and efficiency of mission execution.

11 “(b) AUTONOMOUS CONTROL AND COMPUTER VI-
12 SION TECHNOLOGY PROJECT.—

13 “(1) IN GENERAL.—The Commandant shall
14 conduct a project to retrofit 2 or more existing
15 Coast Guard small boats deployed at operational
16 units with—

17 “(A) commercially available autonomous
18 control and computer vision technology; and

19 “(B) such sensors and methods of commu-
20 nication as are necessary to control, and tech-
21 nology to assist in conducting, search and res-
22 cue, surveillance, and interdiction missions.

23 “(2) DATA COLLECTION.—As part of the
24 project required under paragraph (1), the Com-
25 mandant shall collect and evaluate field-collected

1 operational data from the retrofit described in such
2 paragraph to inform future requirements.

3 “(3) BRIEFING.—Not later than 180 days after
4 the date on which the project required under para-
5 graph (1) is completed, the Commandant shall pro-
6 vide to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of
9 Representatives a briefing on the project that in-
10 cludes an evaluation of the data collected from the
11 project.

12 “(c) UNMANNED SYSTEM DEFINED.—In this section,
13 the term ‘unmanned system’ means—

14 “(1) an unmanned aircraft system (as such
15 term is defined in section 44801 of title 49);

16 “(2) an unmanned marine surface system; and

17 “(3) an unmanned marine subsurface system.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 3 of title 14, United States Code, is amended by strik-
20 ing the item relating to section 319 and inserting the fol-
21 lowing:

“319. Unmanned system program and autonomous control and computer vision
technology project.”.

22 (c) SUBMISSION TO CONGRESS.—Not later than 180
23 days after the date of enactment of this Act, the Com-
24 mandant shall submit to the Committee on Transportation

1 and Infrastructure of the House of Representatives and
2 the Committee on Commerce, Science, and Transportation
3 of the Senate a detailed description of the strategy of the
4 Coast Guard to implement unmanned systems across mis-
5 sion areas, including—

6 (1) the steps taken to implement actions rec-
7 ommended in the consensus study report of the Na-
8 tional Academies of Sciences, Engineering, and Med-
9 icine titled “Leveraging Unmanned Systems for
10 Coast Guard Missions: A Strategic Imperative”,
11 published on November 12, 2020;

12 (2) the strategic goals and acquisition strategies
13 for proposed uses and procurements of unmanned
14 systems;

15 (3) a strategy to sustain competition and inno-
16 vation for procurement of unmanned systems and
17 services for the Coast Guard, including defining op-
18 portunities for new and existing technologies; and

19 (4) an estimate of the timeline, costs, staff re-
20 sources, technology, or other resources necessary to
21 accomplish the strategy.

22 (d) COST ASSESSMENT.—Not later than 1 year after
23 the date of the enactment of this Act, the Commandant
24 shall provide to Congress an estimate of the costs associ-

1 ated with implementing the amendments made by this sec-
2 tion.

3 **SEC. 11226. ARTIFICIAL INTELLIGENCE STRATEGY.**

4 (a) COORDINATION OF DATA AND ARTIFICIAL INTEL-
5 LIGENCE ACTIVITIES RELATING TO IDENTIFYING, DEM-
6 ONSTRATING, AND WHERE APPROPRIATE TRANSITIONING
7 TO OPERATIONAL USE.—

8 (1) IN GENERAL.—The Commandant shall co-
9 ordinate data and artificial intelligence activities re-
10 lating to identifying, demonstrating and where ap-
11 propriate transitioning to operational use of artificial
12 intelligence technologies when such technologies en-
13 hance mission capability or performance.

14 (2) EMPHASIS.—The set of activities estab-
15 lished under paragraph (1) shall—

16 (A) apply data analytics, artificial intel-
17 ligence, and machine-learning solutions to oper-
18 ational and mission-support problems; and

19 (B) coordinate activities involving artificial
20 intelligence and artificial intelligence-enabled
21 capabilities within the Coast Guard.

22 (b) DESIGNATED OFFICIAL.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this Act, the Commandant
25 shall designate a senior official of the Coast Guard

1 (referred to in this section as the “designated offi-
2 cial”) with the principal responsibility for the coordi-
3 nation of data and artificial intelligence activities re-
4 lating to identifying, demonstrating, and, where ap-
5 propriate, transitioning to operational use artificial
6 intelligence and machine learning for the Coast
7 Guard.

8 (2) GOVERNANCE AND OVERSIGHT OF ARTIFI-
9 CIAL INTELLIGENCE AND MACHINE LEARNING POL-
10 ICY.—The designated official shall regularly convene
11 appropriate officials of the Coast Guard—

12 (A) to integrate the functional activities of
13 the Coast Guard with respect to data, artificial
14 intelligence, and machine learning;

15 (B) to ensure that there are efficient and
16 effective data, artificial intelligence, and ma-
17 chine-learning capabilities throughout the Coast
18 Guard, where appropriate; and

19 (C) to develop and continuously improve
20 research, innovation, policy, joint processes, and
21 procedures to facilitate the coordination of data
22 and artificial intelligence activities relating to
23 identification, demonstration, and, where appro-
24 priate, transition into operational use artificial

1 intelligence and machine learning throughout
2 the Coast Guard.

3 (c) STRATEGIC PLAN.—

4 (1) IN GENERAL.—The designated official shall
5 develop a strategic plan to coordinate activities relat-
6 ing to identifying, demonstrating, and transitioning
7 artificial intelligence technologies into operational
8 use where appropriate.

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

11 (A) A strategic roadmap for the coordina-
12 tion of data and artificial intelligence activities
13 for the identification, demonstration, and tran-
14 sition to operational use, where appropriate, ar-
15 tificial intelligence technologies and key ena-
16 bling capabilities.

17 (B) The continuous identification, evalua-
18 tion, and adaptation of relevant artificial intel-
19 ligence capabilities adopted by the Coast Guard
20 and developed and adopted by other organiza-
21 tions for military missions and business oper-
22 ations.

23 (C) Consideration of the identification,
24 adoption, and procurement of artificial intel-

1 intelligence technologies for use in operational and
2 mission support activities.

3 (3) SUBMISSION TO COMMANDANT.—Not later
4 than 2 years after the date of enactment of this Act,
5 the designated official shall submit to the Com-
6 mandant the plan developed under paragraph (1).

7 (4) SUBMISSION TO CONGRESS.—Not later than
8 2 years after the date of enactment of this Act, the
9 Commandant shall submit to the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate and the Committee on Transportation and Infra-
12 structure of the House of Representatives the plan
13 developed under paragraph (1).

14 **SEC. 11227. REVIEW OF ARTIFICIAL INTELLIGENCE APPLI-**
15 **CATIONS AND ESTABLISHMENT OF PER-**
16 **FORMANCE METRICS.**

17 (a) IN GENERAL.—Not later than 2 years after the
18 date of enactment of this Act, the Commandant shall—

19 (1) review the potential applications of artificial
20 intelligence and digital technology to the platforms,
21 processes, and operations of the Coast Guard;

22 (2) identify the resources necessary to improve
23 the use of artificial intelligence and digital tech-
24 nology in such platforms, processes, and operations;
25 and

1 (3) establish performance objectives and accom-
2 panying metrics for the incorporation of artificial in-
3 telligence and digital readiness into such platforms,
4 processes, and operations.

5 (b) PERFORMANCE OBJECTIVES AND ACCOMPANYING
6 METRICS.—

7 (1) SKILL GAPS.—In carrying out subsection
8 (a), the Commandant shall—

9 (A) conduct a comprehensive review and
10 assessment of—

11 (i) skill gaps in the fields of software
12 development, software engineering, data
13 science, and artificial intelligence;

14 (ii) the qualifications of civilian per-
15 sonnel needed for both management and
16 specialist tracks in such fields; and

17 (iii) the qualifications of military per-
18 sonnel (officer and enlisted) needed for
19 both management and specialist tracks in
20 such fields; and

21 (B) establish recruiting, training, and tal-
22 ent management performance objectives and ac-
23 companying metrics for achieving and maintain-
24 ing staffing levels needed to fill identified gaps

1 and meet the needs of the Coast Guard for
2 skilled personnel.

3 (2) AI MODERNIZATION ACTIVITIES.—In car-
4 rying out subsection (a), the Commandant shall—

5 (A) assess investment by the Coast Guard
6 in artificial intelligence innovation, science and
7 technology, and research and development;

8 (B) assess investment by the Coast Guard
9 in test and evaluation of artificial intelligence
10 capabilities;

11 (C) assess the integration of, and the re-
12 sources necessary to better use artificial intel-
13 ligence in wargames, exercises, and experimen-
14 tation;

15 (D) assess the application of, and the re-
16 sources necessary to better use, artificial intel-
17 ligence in logistics and sustainment systems;

18 (E) assess the integration of, and the re-
19 sources necessary to better use, artificial intel-
20 ligence for administrative functions;

21 (F) establish performance objectives and
22 accompanying metrics for artificial intelligence
23 modernization activities of the Coast Guard;
24 and

1 (G) identify the resources necessary to ef-
2 fectively use artificial intelligence to carry out
3 the missions of the Coast Guard.

4 (c) REPORT TO CONGRESS.—Not later than 180 days
5 after the completion of the review required under sub-
6 section (a)(1), the Commandant shall submit to the Com-
7 mittee on Commerce, Science, and Transportation and the
8 Committee on Appropriations of the Senate and the Com-
9 mittee on Transportation and Infrastructure and the
10 Committee on Appropriations of the House of Representa-
11 tives a report on—

12 (1) the findings of the Commandant with re-
13 spect to such review and any action taken or pro-
14 posed to be taken by the Commandant, and the re-
15 sources necessary to address such findings;

16 (2) the performance objectives and accom-
17 panying metrics established under subsections (a)(3)
18 and (b)(1)(B); and

19 (3) any recommendation with respect to pro-
20 posals for legislative change necessary to successfully
21 implement artificial intelligence applications within
22 the Coast Guard.

1 **SEC. 11228. CYBER DATA MANAGEMENT.**

2 (a) IN GENERAL.—The Commandant and the Direc-
3 tor of the Cybersecurity and Infrastructure Security Agen-
4 cy shall—

5 (1) develop policies, processes, and operating
6 procedures governing—

7 (A) access to and the ingestion, structure,
8 storage, and analysis of information and data
9 relevant to the Coast Guard Cyber Mission, in-
10 cluding—

11 (i) intelligence data relevant to Coast
12 Guard missions;

13 (ii) internet traffic, topology, and ac-
14 tivity data relevant to such missions; and

15 (iii) cyber threat information relevant
16 to such missions; and

17 (B) data management and analytic plat-
18 forms relating to such missions; and

19 (2) evaluate data management platforms re-
20 ferred to in paragraph (1)(B) to ensure that such
21 platforms operate consistently with the Coast Guard
22 Data Strategy.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Commandant shall submit
25 to the Committee on Commerce, Science, and Transpor-
26 tation and the Committee on Homeland Security and Gov-

1 ernmental Affairs of the Senate and the Committee on
2 Transportation and Infrastructure and the Committee on
3 Homeland Security of the House of Representatives a re-
4 port that includes—

5 (1) an assessment of the progress on the activi-
6 ties required by subsection (a); and

7 (2) any recommendation with respect to fund-
8 ing or additional authorities necessary, including
9 proposals for legislative change, to improve Coast
10 Guard cyber data management.

11 **SEC. 11229. DATA MANAGEMENT.**

12 Section 504(a) of title 14, United States Code, is
13 amended—

14 (1) in paragraph (24) by striking “; and” and
15 inserting a semicolon;

16 (2) in paragraph (25) by striking the period
17 and inserting “; and”; and

18 (3) by adding at the end the following:

19 “(26) develop data workflows and processes for
20 the leveraging of mission-relevant data by the Coast
21 Guard to enhance operational effectiveness and effi-
22 ciency.”.

1 **SEC. 11230. STUDY ON CYBER THREATS TO UNITED STATES**
2 **MARINE TRANSPORTATION SYSTEM.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall commence a study on cyber
6 threats to the United States marine transportation sys-
7 tem.

8 (b) ELEMENTS.—The study required under para-
9 graph (1) shall assess the following:

10 (1) The extent to which the Coast Guard, in
11 collaboration with other Federal agencies, sets
12 standards for the cybersecurity of facilities and ves-
13 sels regulated under part 104, 105, or 106 of title
14 33, Code of Federal Regulations, as in effect on the
15 date of enactment of this Act.

16 (2) The manner in which the Coast Guard en-
17 sures cybersecurity standards are followed by port,
18 vessel, and facility owners and operators.

19 (3) The extent to which maritime sector-specific
20 planning addresses cybersecurity, particularly for
21 vessels and offshore platforms.

22 (4) The manner in which the Coast Guard,
23 other Federal agencies, and vessel and offshore plat-
24 form operators exchange information regarding
25 cyber risks.

1 (5) The extent to which the Coast Guard is de-
2 veloping and deploying cybersecurity specialists in
3 port and vessel systems and collaborating with the
4 private sector to increase the expertise of the Coast
5 Guard with respect to cybersecurity.

6 (6) The cyber resource and workforce needs of
7 the Coast Guard necessary to meet future mission
8 demands.

9 (c) REPORT.—Not later than 1 year after com-
10 mencing the study required under subsection (a), the
11 Comptroller General shall submit to the Committee on
12 Commerce, Science, and Transportation of the Senate and
13 the Committee on Transportation and Infrastructure of
14 the House of Representatives a report on the findings of
15 the study.

16 (d) FACILITY DEFINED.—In this section, the term
17 “facility” has the meaning given the term in section 70101
18 of title 46, United States Code.

19 **Subtitle E—Aviation**

20 **SEC. 11231. SPACE-AVAILABLE TRAVEL ON COAST GUARD**

21 **AIRCRAFT: PROGRAM AUTHORIZATION AND**

22 **ELIGIBLE RECIPIENTS.**

23 (a) IN GENERAL.—Subchapter I of chapter 5 of title
24 14, United States Code, is amended by adding at the end
25 the following:

1 **“§ 509. Space-available travel on Coast Guard aircraft**

2 “(a) ESTABLISHMENT.—

3 “(1) IN GENERAL.—The Commandant may es-
4 tablish a program to provide transportation on Coast
5 Guard aircraft on a space-available basis to the cat-
6 egories of eligible individuals described in subsection
7 (c) (in this section referred to as the ‘program’).

8 “(2) POLICY DEVELOPMENT.—Not later than 1
9 year after the date on which the program is estab-
10 lished, the Commandant shall develop a policy for
11 the operation of the program.

12 “(b) OPERATION OF PROGRAM.—

13 “(1) IN GENERAL.—The Commandant shall op-
14 erate the program in a budget-neutral manner.

15 “(2) LIMITATIONS.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), no additional funds may be
18 used, or flight hours performed, for the purpose
19 of providing transportation under the program.

20 “(B) DE MINIMIS EXPENDITURES.—The
21 Commandant may make de minimis expendi-
22 tures of resources required for the administra-
23 tive aspects of the program.

24 “(3) REIMBURSEMENT NOT REQUIRED.—Eligi-
25 ble individuals described in subsection (c) shall not

1 be required to reimburse the Coast Guard for travel
2 provided under this section.

3 “(c) CATEGORIES OF ELIGIBLE INDIVIDUALS.—Sub-
4 ject to subsection (d), the categories of eligible individuals
5 described in this subsection are the following:

6 “(1) Members of the armed forces on active
7 duty.

8 “(2) Members of the Selected Reserve who hold
9 a valid Uniformed Services Identification and Privi-
10 lege Card.

11 “(3) Retired members of a regular or reserve
12 component of the armed forces, including retired
13 members of reserve components who, but for being
14 under the eligibility age applicable under section
15 12731 of title 10, would be eligible for retired pay
16 under chapter 1223 of title 10.

17 “(4) Subject to subsection (f), veterans with a
18 permanent service-connected disability rated as total.

19 “(5) Such categories of dependents of individ-
20 uals described in paragraphs (1) through (3) as the
21 Commandant shall specify in the policy under sub-
22 section (a)(2), under such conditions and cir-
23 cumstances as the Commandant shall specify in such
24 policy.

1 “(6) Such other categories of individuals as the
2 Commandant considers appropriate.

3 “(d) REQUIREMENTS.—In operating the program,
4 the Commandant shall—

5 “(1) in the sole discretion of the Commandant,
6 establish an order of priority for transportation for
7 categories of eligible individuals that is based on
8 considerations of military necessity, humanitarian
9 concerns, and enhancement of morale;

10 “(2) give priority in consideration of transpor-
11 tation to the demands of members of the armed
12 forces in the regular components and in the reserve
13 components on active duty and to the need to pro-
14 vide such members, and their dependents, a means
15 of respite from such demands; and

16 “(3) implement policies aimed at ensuring cost
17 control (as required under subsection (b)) and the
18 safety, security, and efficient processing of travelers,
19 including limiting the benefit under the program to
20 1 or more categories of otherwise eligible individuals,
21 as the Commandant considers necessary.

22 “(e) TRANSPORTATION.—

23 “(1) IN GENERAL.—Notwithstanding subsection
24 (d)(1), in establishing space-available transportation
25 priorities under the program, the Commandant shall

1 provide transportation for an individual described in
2 paragraph (2), and a single dependent of the indi-
3 vidual if needed to accompany the individual, at a
4 priority level in the same category as the priority
5 level for an unaccompanied dependent over the age
6 of 18 years traveling on environmental and morale
7 leave.

8 “(2) INDIVIDUALS COVERED.—Subject to para-
9 graph (3), paragraph (1) applies with respect to an
10 individual described in subsection (c)(3) who—

11 “(A) resides in or is located in a Common-
12 wealth or possession of the United States; and

13 “(B) is referred by a military or civilian
14 primary care provider located in that Common-
15 wealth or possession to a specialty care provider
16 for services to be provided outside of such Com-
17 monwealth or possession.

18 “(3) APPLICATION TO CERTAIN RETIRED INDI-
19 VIDUALS.—If an individual described in subsection
20 (c)(3) is a retired member of a reserve component
21 who is ineligible for retired pay under chapter 1223
22 of title 10 by reason of being under the eligibility
23 age applicable under section 12731 of title 10, para-
24 graph (1) applies to the individual only if the indi-
25 vidual is also enrolled in the TRICARE program for

1 certain members of the Retired Reserve authorized
2 under section 1076e of title 10.

3 “(4) PRIORITY.—The priority for space-avail-
4 able transportation required by this subsection ap-
5 plies with respect to—

6 “(A) the travel from the Commonwealth or
7 possession of the United States to receive the
8 specialty care services; and

9 “(B) the return travel.

10 “(5) PRIMARY CARE PROVIDER AND SPECIALTY
11 CARE PROVIDER DEFINED.—In this subsection, the
12 terms ‘primary care provider’ and ‘specialty care
13 provider’ refer to a medical or dental professional
14 who provides health care services under chapter 55
15 of title 10.

16 “(f) LIMITATIONS ON TRAVEL.—

17 “(1) IN GENERAL.—Travel may not be provided
18 under this section to a veteran eligible for travel
19 pursuant to paragraph (4) of subsection (c) in pri-
20 ority over any member eligible for travel under para-
21 graph (1) of that subsection or any dependent of
22 such a member eligible for travel under this section.

23 “(2) RULE OF CONSTRUCTION.—Subsection
24 (c)(4) may not be construed as—

1 “(A) affecting or in any way imposing on
2 the Coast Guard, any armed force, or any com-
3 mercial entity with which the Coast Guard or
4 an armed force contracts, an obligation or ex-
5 pectation that the Coast Guard or such armed
6 force will retrofit or alter, in any way, military
7 aircraft or commercial aircraft, or related
8 equipment or facilities, used or leased by the
9 Coast Guard or such armed force to accommo-
10 date passengers provided travel under such au-
11 thority on account of disability; or

12 “(B) preempting the authority of an air-
13 craft commander to determine who boards the
14 aircraft and any other matters in connection
15 with safe operation of the aircraft.

16 “(g) APPLICATION OF SECTION.—The authority to
17 provide transportation under the program is in addition
18 to any other authority under law to provide transportation
19 on Coast Guard aircraft on a space-available basis.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 5 of title 14, United States Code, is amended by insert-
22 ing after the item relating to section 508 the following:

“509. Space-available travel on Coast Guard aircraft.”.

1 **SEC. 11232. REPORT ON COAST GUARD AIR STATION BAR-**
2 **BERS POINT HANGAR.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Commandant shall sub-
5 mit to the Committee on Commerce, Science, and Trans-
6 portation and the Committee on Appropriations of the
7 Senate and the Committee on Transportation and Infra-
8 structure and the Committee on Appropriations of the
9 House of Representatives a report on facilities require-
10 ments for constructing a hangar at Coast Guard Air Sta-
11 tion Barbers Point at Oahu, Hawaii.

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

14 (1) A description of the—

15 (A) \$45,000,000 phase one design for the
16 hangar at Coast Guard Air Station Barbers
17 Point funded by the Consolidated Appropria-
18 tions Act, 2021 (Public Law 116–260; 134
19 Stat. 1132); and

20 (B) phase two facility improvements ref-
21 erenced in the U.S. Coast Guard Unfunded Pri-
22 ority List for fiscal year 2023.

23 (2) An evaluation of the full facilities require-
24 ments for such hangar and maintenance facility im-
25 provements to house, maintain, and operate the
26 MH–65 and HC–130J, including—

1 (A) storage and provision of fuel; and

2 (B) maintenance and parts storage facili-
3 ties.

4 (3) An evaluation of facilities growth require-
5 ments for possible future basing of the MH-60 with
6 the C-130J at Coast Guard Air Station Barbers
7 Point.

8 (4) A description of and cost estimate for each
9 project phase for the construction of such hangar
10 and maintenance facility improvements.

11 (5) A description of the plan for sheltering in
12 the hangar during extreme weather events aircraft
13 of the Coast Guard and partner agencies, such as
14 the National Oceanic and Atmospheric Administra-
15 tion.

16 (6) A description of the risks posed to oper-
17 ations at Coast Guard Air Station Barbers Point if
18 future project phases for the construction of such
19 hangar are not funded.

20 **SEC. 11233. STUDY ON OPERATIONAL AVAILABILITY OF**
21 **COAST GUARD AIRCRAFT AND STRATEGY**
22 **FOR COAST GUARD AVIATION.**

23 (a) STUDY.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the Comptroller

1 General of the United States shall commence a
2 study on the operational availability of Coast Guard
3 aircraft.

4 (2) ELEMENTS.—The study required under
5 paragraph (1) shall include the following:

6 (A) An assessment of—

7 (i) the extent to which the fixed-wing
8 and rotary-wing aircraft of the Coast
9 Guard have met annual operational avail-
10 ability targets in recent years;

11 (ii) the challenges the Coast Guard
12 may face with respect to such aircraft
13 meeting operational availability targets,
14 and the effects of such challenges on the
15 ability of the Coast Guard to meet mission
16 requirements; and

17 (iii) the status of Coast Guard efforts
18 to upgrade or recapitalize its fleet of such
19 aircraft to meet growth in future mission
20 demands globally, such as in the Western
21 Hemisphere, the Arctic region, and the
22 Western Pacific region.

23 (B) Any recommendation with respect to
24 the operational availability of Coast Guard air-
25 craft.

1 (C) The resource and workforce require-
2 ments necessary for Coast Guard Aviation to
3 meet current and future mission demands spe-
4 cific to each rotary-wing and fixed-wing air-
5 frame type in the current inventory of the
6 Coast Guard.

7 (3) REPORT.—On completion of the study re-
8 quired under paragraph (1), the Comptroller Gen-
9 eral shall submit to the Commandant a report on
10 the findings of the study.

11 (b) COAST GUARD AVIATION STRATEGY.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date on which the study under subsection
14 (a) is completed, the Commandant shall develop a
15 comprehensive strategy for Coast Guard Aviation
16 that is informed by the relevant recommendations
17 and findings of the study.

18 (2) ELEMENTS.—The strategy required under
19 paragraph (1) shall include the following:

20 (A) With respect to aircraft of the Coast
21 Guard—

22 (i) an analysis of—

23 (I) the current and future oper-
24 ations and future resource needs, in-
25 cluding the potential need for a sec-

1 ond rotary wing airframe to carry out
2 cutter-based operations and National
3 Capital Region air interdiction mis-
4 sion; and

5 (II) the manner in which such fu-
6 ture needs are integrated with the Fu-
7 ture Vertical Lift initiatives of the De-
8 partment of Defense; and

9 (ii) an estimated timeline with respect
10 to when such future needs will arise.

11 (B) The projected number of aviation as-
12 sets, the locations at which such assets are to
13 be stationed, the cost of operation and mainte-
14 nance of such assets, and an assessment of the
15 capabilities of such assets as compared to the
16 missions they are expected to execute, at the
17 completion of major procurement and mod-
18 ernization plans.

19 (C) A procurement plan, including an esti-
20 mated timetable and the estimated appropria-
21 tions necessary for all platforms, including un-
22 manned aircraft.

23 (D) A training plan for pilots and aircrew
24 that addresses—

1 (i) the use of simulators owned and
2 operated by the Coast Guard, and simula-
3 tors that are not owned or operated by the
4 Coast Guard, including any such simula-
5 tors based outside the United States; and

6 (ii) the costs associated with attending
7 training courses.

8 (E) Current and future requirements for
9 cutter and land-based deployment of aviation
10 assets globally, including in the Arctic, the
11 Eastern Pacific, the Western Pacific, the Carib-
12 bean, the Atlantic Basin, and any other area
13 the Commandant considers appropriate.

14 (F) A description of the feasibility of de-
15 ploying, and the resource requirements nec-
16 essary to deploy, rotary-winged assets onboard
17 all future Arctic cutter patrols.

18 (G) An evaluation of current and future
19 facilities needs for Coast Guard aviation units.

20 (H) An evaluation of pilot and aircrew
21 training and retention needs, including aviation
22 career incentive pay, retention bonuses, and any
23 other workforce tools the Commandant con-
24 siders necessary.

1 (3) BRIEFING.—Not later than 180 days after
2 the date on which the strategy required under para-
3 graph (1) is completed, the Commandant shall pro-
4 vide to the Committee on Commerce, Science, and
5 Transportation of the Senate and the Committee on
6 Transportation and Infrastructure of the House of
7 Representatives a briefing on the strategy.

8 **Subtitle F—Workforce Readiness**

9 **SEC. 11234. AUTHORIZED STRENGTH.**

10 Section 3702 of title 14, United States Code, is
11 amended by adding at the end the following:

12 “(c) The Secretary may vary the authorized end
13 strength of the Coast Guard Selected Reserves for a fiscal
14 year by a number equal to not more than 3 percent of
15 such end strength upon a determination by the Secretary
16 that varying such authorized end strength is in the na-
17 tional interest.

18 “(d) The Commandant may increase the authorized
19 end strength of the Coast Guard Selected Reserves by a
20 number equal to not more than 2 percent of such author-
21 ized end strength upon a determination by the Com-
22 mandant that such increase would enhance manning and
23 readiness in essential units or in critical specialties or rat-
24 ings.”.

1 **SEC. 11235. CONTINUATION OF OFFICERS WITH CERTAIN**
2 **CRITICAL SKILLS ON ACTIVE DUTY.**

3 (a) IN GENERAL.—Chapter 21 of title 14, United
4 States Code, is amended by inserting after section 2165
5 the following:

6 **“§ 2166. Continuation on active duty; Coast Guard of-**
7 **ficers with certain critical skills**

8 “(a) IN GENERAL.—The Commandant may authorize
9 an officer in a grade above grade O–2 to remain on active
10 duty after the date otherwise provided for the retirement
11 of such officer in section 2154 of this title, if the officer
12 possesses a critical skill, or specialty, or is in a career field
13 designated pursuant to subsection (b).

14 “(b) CRITICAL SKILLS, SPECIALTY, OR CAREER
15 FIELD.—The Commandant shall designate any critical
16 skill, specialty, or career field eligible for continuation on
17 active duty as provided in subsection (a).

18 “(c) DURATION OF CONTINUATION.—An officer con-
19 tinued on active duty pursuant to this section shall, if not
20 earlier retired, be retired on the first day of the month
21 after the month in which the officer completes 40 years
22 of active service.

23 “(d) POLICY.—The Commandant shall carry out this
24 section by prescribing policy which shall specify the cri-
25 teria to be used in designating any critical skill, specialty,
26 or career field for purposes of subsection (b).”

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 21 of title 14, United States Code, is amended by in-
3 serting after the item relating to section 2165 the fol-
4 lowing:

“2166. Continuation on active duty; Coast Guard officers with certain critical skills.”.

5 **SEC. 11236. NUMBER AND DISTRIBUTION OF OFFICERS ON**
6 **ACTIVE DUTY PROMOTION LIST.**

7 (a) MAXIMUM NUMBER OF OFFICERS.—Section
8 2103(a) of title 14, United States Code, is amended to
9 read as follows:

10 “(a) MAXIMUM TOTAL NUMBER.—

11 “(1) IN GENERAL.—The total number of Coast
12 Guard commissioned officers on the active duty pro-
13 motion list, excluding warrant officers, shall not ex-
14 ceed—

15 “(A) 7,100 in fiscal year 2022;

16 “(B) 7,200 in fiscal year 2023;

17 “(C) 7,300 in fiscal year 2024; and

18 “(D) 7,400 in fiscal year 2025 and each
19 subsequent fiscal year.

20 “(2) TEMPORARY INCREASE.—Notwithstanding
21 paragraph (1), the Commandant may temporarily
22 increase the total number of commissioned officers
23 permitted under such paragraph by up to 4 percent

1 for not more than 60 days after the date of the com-
2 missioning of a Coast Guard Academy class.

3 “(3) NOTIFICATION.—Not later than 30 days
4 after exceeding the total number of commissioned of-
5 ficers permitted under paragraphs (1) and (2), and
6 each 30 days thereafter until the total number of
7 commissioned officers no longer exceeds the number
8 of such officers permitted under paragraphs (1) and
9 (2), the Commandant shall notify the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate of the
13 number of officers on the active duty promotion list
14 on the last day of the preceding 30-day period.”.

15 (b) OFFICERS NOT ON ACTIVE DUTY PROMOTION
16 LIST.—

17 (1) IN GENERAL.—Chapter 51 of title 14,
18 United States Code, is amended by adding at the
19 end the following:

20 **“§ 5113. Officers not on active duty promotion list**

21 “Not later than 60 days after the date on which the
22 President submits to Congress a budget pursuant to sec-
23 tion 1105 of title 31, the Commandant shall submit to
24 the Committee on Transportation and Infrastructure of
25 the House of Representatives and the Committee on Com-

1 merce, Science, and Transportation of the Senate the
2 number of Coast Guard officers serving at other Federal
3 entities on a reimbursable basis, and the number of Coast
4 Guard officers who are serving at other Federal agencies
5 on a non-reimbursable basis, but not on the active duty
6 promotion list.”.

7 (2) CLERICAL AMENDMENT.—The analysis for
8 chapter 51 of title 14, United States Code, is
9 amended by adding at the end the following:

“5113. Officers not on active duty promotion list.”.

10 **SEC. 11237. CAREER INCENTIVE PAY FOR MARINE INSPEC-**
11 **TORS.**

12 (a) AUTHORITY TO PROVIDE ASSIGNMENT PAY OR
13 SPECIAL DUTY PAY.—The Secretary may provide assign-
14 ment pay or special duty pay under section 352 of title
15 37, United States Code, to a member of the Coast Guard
16 serving in a prevention position and assigned as a marine
17 inspector or marine investigator pursuant to section 312
18 of title 14, United States Code.

19 (b) ANNUAL BRIEFING.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, and annually
22 thereafter, the Secretary shall provide to the Com-
23 mittee on Commerce, Science, and Transportation of
24 the Senate and the Committee on Transportation
25 and Infrastructure of the House of Representatives

1 a briefing on any uses of the authority under sub-
2 section (a) during the preceding year.

3 (2) ELEMENTS.—Each briefing required under
4 paragraph (1) shall include the following:

5 (A) The number of members of the Coast
6 Guard serving as marine inspectors or marine
7 investigators pursuant to section 312 of title
8 14, United States Code, who are receiving as-
9 signment pay or special duty pay under section
10 352 of title 37, United States Code.

11 (B) An assessment of the impact of the
12 use of the authority under this section on the
13 effectiveness and efficiency of the Coast Guard
14 in administering the laws and regulations for
15 the promotion of safety of life and property on
16 and under the high seas and waters subject to
17 the jurisdiction of the United States.

18 (C) An assessment of the effects of assign-
19 ment pay and special duty pay on retention of
20 marine inspectors and investigators.

21 (D) If the authority provided in subsection
22 (a) is not exercised, a detailed justification for
23 not exercising such authority, including an ex-
24 planation of the efforts the Secretary is taking
25 to ensure that the Coast Guard workforce con-

1 tains an adequate number of qualified marine
2 inspectors.

3 (c) STUDY.—

4 (1) IN GENERAL.—Not later than 2 years after
5 the date of enactment of this Act, the Secretary, in
6 coordination with the Director of the National Insti-
7 tute for Occupational Safety and Health, shall con-
8 duct a study on the health of marine inspectors and
9 marine investigators who have served as such inspec-
10 tors or investigators for a period of not less than 10
11 years.

12 (2) ELEMENTS.—The study required under
13 paragraph (1) shall include the following:

14 (A) An evaluation of—

15 (i) the daily vessel inspection duties of
16 marine inspectors and marine investiga-
17 tors, including the examination of internal
18 cargo tanks and voids and new construc-
19 tion activities;

20 (ii) major incidents to which marine
21 inspectors and marine investigators have
22 had to respond, and any other significant
23 incident, such as a vessel casualty, that
24 has resulted in the exposure of marine in-

1 spectors and marine investigators to haz-
2 ardous chemicals or substances; and

3 (iii) the types of hazardous chemicals
4 or substances to which marine inspectors
5 and marine investigators have been ex-
6 posed relative to the effects such chemicals
7 or substances have had on marine inspec-
8 tors and marine investigators.

9 (B) A review and analysis of the current
10 Coast Guard health and safety monitoring sys-
11 tems, and recommendations for improving such
12 systems, specifically with respect to the expo-
13 sure of members of the Coast Guard to haz-
14 ardous substances while carrying out inspec-
15 tions and investigation duties.

16 (C) Any other element the Secretary con-
17 siders appropriate.

18 (3) REPORT.—Upon completion of the study re-
19 quired under paragraph (1), the Secretary shall sub-
20 mit to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of
23 Representatives a report on the findings of the study
24 and recommendations for actions the Commandant

1 should take to improve the health and exposure of
2 marine inspectors and marine investigators.

3 (d) TERMINATION.—The authority provided by sub-
4 section (a) shall terminate on December 31, 2028.

5 **SEC. 11238. EXPANSION OF ABILITY FOR SELECTION BOARD**
6 **TO RECOMMEND OFFICERS OF PARTICULAR**
7 **MERIT FOR PROMOTION.**

8 Section 2116(c)(1) of title 14, United States Code,
9 is amended, in the second sentence, by inserting “three
10 times” after “may not exceed”.

11 **SEC. 11239. MODIFICATION TO EDUCATION LOAN REPAY-**
12 **MENT PROGRAM.**

13 (a) IN GENERAL.—Section 2772 of title 14, United
14 States Code, is amended to read as follows:

15 **“§ 2772. Education loan repayment program for mem-**
16 **bers on active duty in specified military**
17 **specialties**

18 “(a) IN GENERAL.—

19 “(1) REPAYMENT.—Subject to the provisions of
20 this section, the Secretary may repay—

21 “(A) any loan made, insured, or guar-
22 anteed under part B of title IV of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1071 et seq.);

1 “(B) any loan made under part D of
2 such title (the William D. Ford Federal
3 Direct Loan Program, 20 U.S.C. 1087a et
4 seq.);

5 “(C) any loan made under part E of
6 such title (20 U.S.C. 1087aa et seq.); or

7 “(D) any loan incurred for edu-
8 cational purposes made by a lender that
9 is—

10 “(i) an agency or instrumentality
11 of a State;

12 “(ii) a financial or credit institu-
13 tion (including an insurance company)
14 that is subject to examination and su-
15 pervision by an agency of the United
16 States or any State;

17 “(iii) a pension fund approved by
18 the Secretary for purposes of this sec-
19 tion; or

20 “(iv) a nonprofit private entity
21 designated by a State, regulated by
22 such State, and approved by the Sec-
23 retary for purposes of this section.

1 “(2) REQUIREMENT.—Repayment of any such
2 loan shall be made on the basis of each complete
3 year of service performed by the borrower.

4 “(3) ELIGIBILITY.—The Secretary may repay
5 loans described in paragraph (1) in the case of any
6 person for service performed on active duty as a
7 member in an officer program or military specialty
8 specified by the Secretary.

9 “(b) AMOUNT.—The portion or amount of a loan that
10 may be repaid under subsection (a) is $33\frac{1}{3}$ percent or
11 \$1,500, whichever is greater, for each year of service.

12 “(c) INTEREST ACCRUAL.—If a portion of a loan is
13 repaid under this section for any year, interest on the re-
14 mainder of such loan shall accrue and be paid in the same
15 manner as is otherwise required.

16 “(d) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to authorize refunding any repay-
18 ment of a loan.

19 “(e) FRACTIONAL CREDIT FOR TRANSFER.—An indi-
20 vidual who transfers from service making the individual
21 eligible for repayment of loans under this section (as de-
22 scribed in subsection (a)(3)) to service making the indi-
23 vidual eligible for repayment of loans under section 16301
24 of title 10 (as described in subsection (a)(2) or (g) of that
25 section) during a year shall be eligible to have repaid a

1 portion of such loan determined by giving appropriate
2 fractional credit for each portion of the year so served,
3 in accordance with regulations of the Secretary concerned.

4 “(f) SCHEDULE FOR ALLOCATION.—The Secretary
5 shall prescribe a schedule for the allocation of funds made
6 available to carry out the provisions of this section and
7 section 16301 of title 10 during any year for which funds
8 are not sufficient to pay the sum of the amounts eligible
9 for repayment under subsection (a) and section 16301(a)
10 of title 10.

11 “(g) FAILURE TO COMPLETE PERIOD OF SERVICE.—
12 Except an individual described in subsection (e) who
13 transfers to service making the individual eligible for re-
14 payment of loans under section 16301 of title 10, a mem-
15 ber of the Coast Guard who fails to complete the period
16 of service required to qualify for loan repayment under
17 this section shall be subject to the repayment provisions
18 of section 303a(e) or 373 of title 37.

19 “(h) AUTHORITY TO ISSUE REGULATIONS.—The
20 Secretary may prescribe procedures for implementing this
21 section, including standards for qualified loans and au-
22 thorized payees and other terms and conditions for mak-
23 ing loan repayments. Such regulations may include excep-
24 tions that would allow for the payment as a lump sum
25 of any loan repayment due to a member under a written

1 agreement that existed at the time of a member's death
2 or disability.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 27 of title 14, United States Code, is amended by
5 striking the item relating to section 2772 and inserting
6 the following:

“2772. Education loan repayment program for members on active duty in speci-
fied military specialties.”.

7 **SEC. 11240. RETIREMENT OF VICE COMMANDANT.**

8 Section 303 of title 14, United States Code, is
9 amended—

10 (1) by amending subsection (a)(2) to read as
11 follows:

12 “(2) A Vice Commandant who is retired while serving
13 as Vice Commandant, after serving not less than 2 years
14 as Vice Commandant, shall be retired with the grade of
15 admiral, except as provided in section 306(d).”; and

16 (2) in subsection (c) by striking “or Vice Com-
17 mandant” and inserting “or as an officer serving as
18 Vice Commandant who has served less than 2 years
19 as Vice Commandant”.

20 **SEC. 11241. REPORT ON RESIGNATION AND RETIREMENT**
21 **PROCESSING TIMES AND DENIAL.**

22 (a) IN GENERAL.—Not later than 30 days after the
23 date of enactment of this Act, and annually thereafter,
24 the Commandant shall submit to the Committee on Com-

1 merce, Science, and Transportation of the Senate and the
2 Committee on Transportation and Infrastructure of the
3 House of Representatives a report that evaluates resigna-
4 tion and retirement processing timelines.

5 (b) ELEMENTS.—The report required under sub-
6 section (a) shall include, for the preceding calendar year—

7 (1) statistics on the number of resignations, re-
8 tirements, and other separations that occurred;

9 (2) the processing time for each action de-
10 scribed in paragraph (1);

11 (3) the percentage of requests for such actions
12 that had a command endorsement;

13 (4) the percentage of requests for such actions
14 that did not have a command endorsement; and

15 (5) for each denial of a request for a command
16 endorsement and each failure to take action on such
17 a request, a detailed description of the rationale for
18 such denial or failure to take such action.

19 **SEC. 11242. CALCULATION OF ACTIVE SERVICE.**

20 (a) IN GENERAL.—Subchapter I of chapter 25 of title
21 14, United States Code, is amended by adding at the end
22 the following:

23 **“§ 2515. Calculation of active service**

24 “Any service described, including service described
25 prior to the date of enactment of the Don Young Coast

1 Guard Authorization Act of 2022, in writing, including by
2 electronic communication, by a representative of the Coast
3 Guard Personnel Service Center as service that counts to-
4 ward total active service for regular retirement under sec-
5 tion 2152 or section 2306 shall be considered by the Presi-
6 dent as active service for purposes of applying section
7 2152 or section 2306 with respect to the determination
8 of the retirement qualification for any officer or enlisted
9 member to whom a description was provided.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 25 of title 14, United States Code, is amended by in-
12 serting after the item relating to section 2515 the fol-
13 lowing:

“2515. Calculation of active service.”.

14 (c) RULE OF CONSTRUCTION.—The amendment
15 made by subsection (a)—

16 (1) shall only apply to officers of the Coast
17 Guard that entered active service after January 1,
18 1997, temporarily separated for a period of time,
19 and have retired from the Coast Guard before Janu-
20 ary 1, 2024; and

21 (2) shall not apply to any member of any other
22 uniformed service, or to any Coast Guard member
23 regarding active service of the member in any other
24 uniformed service.

1 **SEC. 11243. PHYSICAL DISABILITY EVALUATION SYSTEM**
2 **PROCEDURE REVIEW.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 3 years after
5 the date of enactment of this Act, the Comptroller
6 General of the United States shall complete a study
7 on the Coast Guard Physical Disability Evaluation
8 System and medical retirement procedures.

9 (2) ELEMENTS.—In completing the study re-
10 quired under paragraph (1), the Comptroller Gen-
11 eral shall review, and provide recommendations to
12 address, the following:

13 (A) Coast Guard compliance with all appli-
14 cable laws, regulations, and policies relating to
15 the Physical Disability Evaluation System and
16 the Medical Evaluation Board.

17 (B) Coast Guard compliance with timelines
18 set forth in—

19 (i) the instruction of the Commandant
20 entitled “Physical Disability Evaluation
21 System” issued on May 19, 2006
22 (COMDTNST M1850.2D); and

23 (ii) the Physical Disability Evaluation
24 System Transparency Initiative
25 (ALCGPSC 030/20).

1 (C) An evaluation of Coast Guard proc-
2 esses in place to ensure the availability, consist-
3 ency, and effectiveness of counsel appointed by
4 the Coast Guard Office of the Judge Advocate
5 General to represent members of the Coast
6 Guard undergoing an evaluation under the
7 Physical Disability Evaluation System.

8 (D) The extent to which the Coast Guard
9 has and uses processes to ensure that such
10 counsel may perform the functions of such
11 counsel in a manner that is impartial, including
12 being able to perform such functions without
13 undue pressure or interference by the command
14 of the affected member of the Coast Guard, the
15 Personnel Service Center, and the Coast Guard
16 Office of the Judge Advocate General.

17 (E) The frequency, including the frequency
18 aggregated by member pay grade, with which
19 members of the Coast Guard seek private coun-
20 sel in lieu of counsel appointed by the Coast
21 Guard Office of the Judge Advocate General.

22 (F) The timeliness of determinations, guid-
23 ance, and access to medical evaluations nec-
24 essary for retirement or rating determinations

1 and overall well-being of the affected member of
2 the Coast Guard.

3 (G) The guidance, formal or otherwise,
4 provided by the Personnel Service Center and
5 the Coast Guard Office of the Judge Advocate
6 General, other than the counsel directly rep-
7 resenting affected members of the Coast Guard,
8 in communication with medical personnel exam-
9 ining members.

10 (H) The guidance, formal or otherwise,
11 provided by the medical professionals reviewing
12 cases within the Physical Disability Evaluation
13 System to affected members of the Coast
14 Guard, and the extent to which such guidance
15 is disclosed to the commanders, commanding
16 officers, or other members of the Coast Guard
17 in the chain of command of such affected mem-
18 bers.

19 (I) The feasibility of establishing a pro-
20 gram to allow members of the Coast Guard to
21 select an expedited review to ensure completion
22 of the Medical Evaluation Board report not
23 later than 180 days after the date on which
24 such review was initiated.

1 (b) REPORT.—The Comptroller General shall submit
2 to the Committee on Commerce, Science, and Transpor-
3 tation of the Senate and the Committee on Transportation
4 and Infrastructure of the House of Representatives a re-
5 port on the findings of the study conducted under sub-
6 section (a) and recommendations for improving the Phys-
7 ical Disability Evaluation System process.

8 (c) UPDATED POLICY GUIDANCE.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date on which the report under subsection
11 (b) is submitted, the Commandant shall issue up-
12 dated policy guidance in response to the findings
13 and recommendations contained in the report.

14 (2) ELEMENTS.—The updated policy guidance
15 required under paragraph (1) shall include the fol-
16 lowing:

17 (A) A requirement that a member of the
18 Coast Guard, or the counsel of such a member,
19 shall be informed of the contents of, and af-
20 farded the option to be present for, any commu-
21 nication between the member's command and
22 the Personnel Service Center, or other Coast
23 Guard entity, with respect to the duty status of
24 the member.

1 (B) An exception to the requirement de-
2 scribed in subparagraph (A) that such a mem-
3 ber, or the counsel of the member, is not re-
4 quired to be informed of the contents of such
5 a communication if it is demonstrated that
6 there is a legitimate health or safety need for
7 the member to be excluded from such commu-
8 nications, supported by a medical opinion that
9 such exclusion is necessary for the health or
10 safety of the member, command, or any other
11 individual.

12 (C) An option to allow a member of the
13 Coast Guard to initiate an evaluation by a Med-
14 ical Evaluation Board if a Coast Guard
15 healthcare provider, or other military healthcare
16 provider, has raised a concern about the ability
17 of the member to continue serving in the Coast
18 Guard, in accordance with existing medical and
19 physical disability policy.

20 (D) An updated policy to remove the com-
21 mand endorsement requirement for retirement
22 or separation unless absolutely necessary for
23 the benefit of the United States.

1 **SEC. 11244. EXPANSION OF AUTHORITY FOR MULTIRATER**
2 **ASSESSMENTS OF CERTAIN PERSONNEL.**

3 (a) IN GENERAL.—Section 2182(a) of title 14,
4 United States Code, is amended by striking paragraph (2)
5 and inserting the following:

6 “(2) OFFICERS.—Each officer of the Coast
7 Guard shall undergo a multirater assessment before
8 promotion to—

9 “(A) the grade of O-4;

10 “(B) the grade of O-5; and

11 “(C) the grade of O-6.

12 “(3) ENLISTED MEMBERS.—Each enlisted
13 member of the Coast Guard shall undergo a
14 multirater assessment before advancement to—

15 “(A) the grade of E-7;

16 “(B) the grade of E-8;

17 “(C) the grade of E-9; and

18 “(D) the grade of E-10.

19 “(4) SELECTION.—An individual assessed shall
20 not be permitted to select the peers and subordi-
21 nates who provide opinions for the multirater assess-
22 ment of such individual.

23 “(5) POST-ASSESSMENT ELEMENTS.—

24 “(A) IN GENERAL.—Following an assess-
25 ment of an individual pursuant to paragraphs
26 (1) through (3), the individual shall be provided

1 appropriate post-assessment counseling and
2 leadership coaching.

3 “(B) AVAILABILITY OF RESULTS.—The su-
4 pervisor of the individual assessed shall be pro-
5 vided with the results of the multirater assess-
6 ment.”.

7 (b) COST ASSESSMENT.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Commandant
10 shall provide to the appropriate committees of Con-
11 gress an estimate of the costs associated with imple-
12 menting the amendment made by subsection (a).

13 (2) APPROPRIATE COMMITTEES OF CONGRESS
14 DEFINED.—In this subsection, the term “appro-
15 priate committees of Congress” means—

16 (A) the Committee on Commerce, Science,
17 and Transportation and the Committee on Ap-
18 propriations of the Senate; and

19 (B) the Committee on Transportation and
20 Infrastructure and the Committee on Appro-
21 priations of the House of Representatives.

22 **SEC. 11245. PROMOTION PARITY.**

23 (a) INFORMATION TO BE FURNISHED.—Section
24 2115(a) of title 14, United States Code, is amended—

1 (1) in paragraph (1) by striking “; and” and in-
2 serting a semicolon;

3 (2) in paragraph (2) by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(3) in the case of an eligible officer considered
7 for promotion to a rank above lieutenant, any cred-
8 ible information of an adverse nature, including any
9 substantiated adverse finding or conclusion from an
10 officially documented investigation or inquiry and
11 any information placed in the personnel service
12 record of the officer under section 1745(a) of the
13 National Defense Authorization Act for Fiscal Year
14 2014 (Public Law 113–66; 10 U.S.C. 1561 note),
15 shall be furnished to the selection board in accord-
16 ance with standards and procedures set out in the
17 regulations prescribed by the Secretary.”.

18 (b) SPECIAL SELECTION REVIEW BOARDS.—

19 (1) IN GENERAL.—Subchapter I of chapter 21
20 of title 14, United States Code, is amended by in-
21 serting after section 2120 the following:

22 **“§ 2120a. Special selection review boards**

23 “(a) IN GENERAL.—(1) If the Secretary determines
24 that a person recommended by a promotion board for pro-
25 motion to a grade at or below the grade of rear admiral

1 is the subject of credible information of an adverse nature,
2 including any substantiated adverse finding or conclusion
3 described in section 2115(a)(3) of this title that was not
4 furnished to the promotion board during its consideration
5 of the person for promotion as otherwise required by such
6 section, the Secretary shall convene a special selection re-
7 view board under this section to review the person and
8 recommend whether the recommendation for promotion of
9 the person should be sustained.

10 “(2) If a person and the recommendation for pro-
11 motion of the person is subject to review under this section
12 by a special selection review board convened under this
13 section, the name of the person—

14 “(A) shall not be disseminated or publicly re-
15 leased on the list of officers recommended for pro-
16 motion by the promotion board recommending the
17 promotion of the person; and

18 “(B) shall not be forwarded to the President or
19 the Senate, as applicable, or included on a pro-
20 motion list under section 2121 of this title.

21 “(b) CONVENING.—(1) Any special selection review
22 board convened under this section shall be convened in ac-
23 cordance with the provisions of section 2120(e) of this
24 title.

1 “(2) Any special selection review board convened
2 under this section may review such number of persons,
3 and recommendations for promotion of such persons, as
4 the Secretary shall specify in convening such special selec-
5 tion review board.

6 “(c) INFORMATION CONSIDERED.—(1) In reviewing
7 a person and recommending whether the recommendation
8 for promotion of the person should be sustained under this
9 section, a special selection review board convened under
10 this section shall be furnished and consider the following:

11 “(A) The record and information concerning
12 the person furnished in accordance with section
13 2115 of this title to the promotion board that rec-
14 ommended the person for promotion.

15 “(B) Any credible information of an adverse na-
16 ture on the person, including any substantiated ad-
17 verse finding or conclusion from an officially docu-
18 mented investigation or inquiry described in section
19 2115(a)(3) of this title.

20 “(2) The furnishing of information to a special selec-
21 tion review board under paragraph (1)(B) shall be gov-
22 erned by the standards and procedures referred to in sec-
23 tion 2115 of this title.

24 “(3)(A) Before information on a person described in
25 paragraph (1)(B) is furnished to a special selection review

1 board for purposes of this section, the Secretary shall en-
2 sure that—

3 “(i) such information is made available to the
4 person; and

5 “(ii) subject to subparagraphs (C) and (D), the
6 person is afforded a reasonable opportunity to sub-
7 mit comments on such information to the special se-
8 lection review board before its review of the person
9 and the recommendation for promotion of the person
10 under this section.

11 “(B) If information on a person described in para-
12 graph (1)(B) is not made available to the person as other-
13 wise required by subparagraph (A)(i) due to the classifica-
14 tion status of such information, the person shall, to the
15 maximum extent practicable, be furnished a summary of
16 such information appropriate to the person’s authorization
17 for access to classified information.

18 “(C)(i) An opportunity to submit comments on infor-
19 mation is not required for a person under subparagraph
20 (A)(ii) if—

21 “(I) such information was made available to the
22 person in connection with the furnishing of such in-
23 formation under section 2115(a) of this title to the
24 promotion board that recommended the promotion of
25 the person subject to review under this section; and

1 “(II) the person submitted comments on such
2 information to that promotion board.

3 “(ii) The comments on information of a person de-
4 scribed in clause (i)(II) shall be furnished to the special
5 selection review board.

6 “(D) A person may waive either or both of the fol-
7 lowing:

8 “(i) The right to submit comments to a special
9 selection review board under subparagraph (A)(ii).

10 “(ii) The furnishing of comments to a special
11 selection review board under subparagraph (C)(ii).

12 “(d) CONSIDERATION.—(1) In considering the record
13 and information on a person under this section, the special
14 selection review board shall compare such record and in-
15 formation with an appropriate sampling of the records of
16 those officers who were recommended for promotion by the
17 promotion board that recommended the person for pro-
18 motion, and an appropriate sampling of the records of
19 those officers who were considered by and not rec-
20 ommended for promotion by that promotion board.

21 “(2) Records and information shall be presented to
22 a special selection review board for purposes of paragraph
23 (1) in a manner that does not indicate or disclose the per-
24 son or persons for whom the special selection review board
25 was convened.

1 “(3) In considering whether the recommendation for
2 promotion of a person should be sustained under this sec-
3 tion, a special selection review board shall, to the greatest
4 extent practicable, apply standards used by the promotion
5 board that recommended the person for promotion.

6 “(4) The recommendation for promotion of a person
7 may be sustained under this section only if the special se-
8 lection review board determines that the person—

9 “(A) ranks on an order of merit created by the
10 special selection review board as better qualified for
11 promotion than the sample officer highest on the
12 order of merit list who was considered by and not
13 recommended for promotion by the promotion board
14 concerned; and

15 “(B) is comparable in qualification for pro-
16 motion to those sample officers who were rec-
17 ommended for promotion by that promotion board.

18 “(5) A recommendation for promotion of a person
19 may be sustained under this section only by a vote of a
20 majority of the members of the special selection review
21 board.

22 “(6) If a special selection review board does not sus-
23 tain a recommendation for promotion of a person under
24 this section, the person shall be considered to have failed
25 of selection for promotion.

1 “(e) REPORTS.—(1) Each special selection review
2 board convened under this section shall submit to the Sec-
3 retary a written report, signed by each member of the
4 board, containing the name of each person whose rec-
5 ommendation for promotion it recommends for
6 sustainment and certifying that the board has carefully
7 considered the record and information of each person
8 whose name was referred to it.

9 “(2) The provisions of sections 2117(a) of this title
10 apply to the report and proceedings of a special selection
11 review board convened under this section in the same man-
12 ner as they apply to the report and proceedings of a pro-
13 motion board convened under section 2106 of this title.

14 “(f) APPOINTMENT OF PERSONS.—(1) If the report
15 of a special selection review board convened under this sec-
16 tion recommends the sustainment of the recommendation
17 for promotion to the next higher grade of a person whose
18 name was referred to it for review under this section, and
19 the President approves the report, the person shall, as
20 soon as practicable, be appointed to that grade in accord-
21 ance with section 2121 of this title.

22 “(2) A person who is appointed to the next higher
23 grade as described in paragraph (1) shall, upon that ap-
24 pointment, have the same date of rank, the same effective
25 date for the pay and allowances of that grade, and the

1 same position on the active-duty list as the person would
2 have had pursuant to the original recommendation for
3 promotion of the promotion board concerned.

4 “(g) REGULATIONS.—The Secretary shall prescribe
5 regulations to carry out this section.

6 “(h) PROMOTION BOARD DEFINED.—In this section,
7 the term ‘promotion board’ means a selection board con-
8 vened by the Secretary under section 2106 of this title.”.

9 (2) CLERICAL AMENDMENT.—The analysis for
10 chapter 21 of title 14, United States Code, is
11 amended by inserting after the item relating to sec-
12 tion 2120 the following:

“2120a. Special selection review boards.”.

13 (c) AVAILABILITY OF INFORMATION.—Section 2118
14 of title 14, United States Code, is amended by adding at
15 the end the following:

16 “(e) If the Secretary makes a recommendation under
17 this section that the name of an officer be removed from
18 a report of a selection board and the recommendation is
19 accompanied by information that was not presented to
20 that selection board, that information shall be made avail-
21 able to that officer. The officer shall then be afforded a
22 reasonable opportunity to submit comments on that infor-
23 mation to the officials making the recommendation and
24 the officials reviewing the recommendation. If an eligible
25 officer cannot be given access to such information because

1 of its classification status, the officer shall, to the max-
2 imum extent practicable, be provided with an appropriate
3 summary of the information.”.

4 (d) DELAY OF PROMOTION.—Section 2121(f) of title
5 14, United States Code, is amended to read as follows:

6 “(f)(1) The promotion of an officer may be delayed
7 without prejudice if any of the following applies:

8 “(A) The officer is under investigation or pro-
9 ceedings of a court-martial or a board of officers are
10 pending against the officer.

11 “(B) A criminal proceeding in a Federal or
12 State court is pending against the officer.

13 “(C) The Secretary determines that credible in-
14 formation of an adverse nature, including a substan-
15 tiated adverse finding or conclusion described in sec-
16 tion 2115(a)(3), with respect to the officer will re-
17 sult in the convening of a special selection review
18 board under section 2120a of this title to review the
19 officer and recommend whether the recommendation
20 for promotion of the officer should be sustained.

21 “(2)(A) Subject to subparagraph (B), a promotion
22 may be delayed under this subsection until, as applica-
23 ble—

24 “(i) the completion of the investigation or pro-
25 ceedings described in subparagraph (A);

1 (1) seek to enter into 1 or more partnerships
2 with eligible institutions—

3 (A) to increase the visibility of Coast
4 Guard careers;

5 (B) to promote curriculum development—

6 (i) to enable acceptance into the Coast
7 Guard; and

8 (ii) to improve success on relevant
9 exams, such as the Armed Services Voca-
10 tional Aptitude Battery; and

11 (C) to provide mentoring for students en-
12 tering and beginning Coast Guard careers; and

13 (2) enter into a partnership with an existing
14 Junior Reserve Officers' Training Corps for the pur-
15 pose of promoting Coast Guard careers.

16 (c) DEFINITIONS.—In this section:

17 (1) ELIGIBLE INSTITUTION.—The term “eligi-
18 ble institution” means an institution—

19 (A) that is—

20 (i) an institution of higher education
21 (as such term is defined in section 101 of
22 the Higher Education Act of 1965 (20
23 U.S.C. 1001)); or

24 (ii) a junior or community college (as
25 such term is defined in section 312 of the

1 Higher Education Act of 1965 (20 U.S.C.
2 1058); and

3 (B) that is—

4 (i) a part B institution (as such term
5 is defined in section 322 of the Higher
6 Education Act of 1965 (20 U.S.C. 1061));

7 (ii) a Tribal College or University (as
8 such term is defined in section 316(b) of
9 such Act (20 U.S.C. 1059c(b)));

10 (iii) a Hispanic-serving institution (as
11 such term is defined in section 502 of such
12 Act (20 U.S.C. 1101a));

13 (iv) an Alaska Native-serving institu-
14 tion or a Native Hawaiian-serving institu-
15 tion (as such term is defined in section
16 317(b) of such Act (20 U.S.C. 1059d(b)));

17 (v) a Predominantly Black institution
18 (as such term is defined in section 371(c)
19 of that Act (20 U.S.C. 1067q(e)));

20 (vi) an Asian American and Native
21 American Pacific Islander-serving institu-
22 tion (as defined in section 320(b) of such
23 Act (20 U.S.C. 1059g(b))); or

1 (vii) a Native American-serving non-
2 tribal institution (as defined in section
3 319(b) of such Act (20 U.S.C. 1059f(b)).

4 (2) RURAL AREA.—The term “rural area”
5 means an area that is outside of an urbanized area,
6 as determined by the Bureau of the Census.

7 **SEC. 11247. EXPANSION OF COAST GUARD JUNIOR RE-**
8 **SERVE OFFICERS’ TRAINING CORPS.**

9 (a) IN GENERAL.—Section 320 of title 14, United
10 States Code, is amended—

11 (1) by redesignating subsection (c) as sub-
12 section (d);

13 (2) in subsection (b) by striking “subsection
14 (c)” and inserting “subsection (d)”; and

15 (3) by inserting after subsection (b) the fol-
16 lowing:

17 “(c) SCOPE.—Beginning on December 31, 2025, the
18 Secretary of the department in which the Coast Guard is
19 operating shall maintain at all times a Junior Reserve Of-
20 ficers’ Training Corps program with not fewer than 1 such
21 program established in each Coast Guard district.”.

22 (b) COST ASSESSMENT.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary shall pro-
24 vide to Congress an estimate of the costs associated with
25 implementing the amendments made by this section.

1 **SEC. 11248. IMPROVING REPRESENTATION OF WOMEN AND**
2 **RACIAL AND ETHNIC MINORITIES AMONG**
3 **COAST GUARD ACTIVE-DUTY MEMBERS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, in consultation with the Ad-
6 visory Board on Women at the Coast Guard Academy es-
7 tablished under section 1904 of title 14, United States
8 Code, and the minority outreach team program established
9 by section 1905 of such title, the Commandant shall—

10 (1) determine which recommendations in the
11 RAND representation report may practicably be im-
12 plemented to promote improved representation in the
13 Coast Guard of—

14 (A) women; and

15 (B) racial and ethnic minorities; and

16 (2) submit to the Committee on Commerce,
17 Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives a report on the actions
20 the Commandant has taken, or plans to take, to im-
21 plement such recommendations.

22 (b) CURRICULUM AND TRAINING.—In the case of any
23 action the Commandant plans to take to implement rec-
24 ommendations described in subsection (a)(1) that relate
25 to modification or development of curriculum and training,

1 such modified curriculum and trainings shall be provided
2 at—

3 (1) officer accession points, including the Coast
4 Guard Academy and the Leadership Development
5 Center;

6 (2) enlisted member accession at the United
7 States Coast Guard Training Center Cape May in
8 Cape May, New Jersey; and

9 (3) the officer, enlisted member, and civilian
10 leadership courses managed by the Leadership De-
11 velopment Center.

12 (c) DEFINITION OF RAND REPRESENTATION RE-
13 PORT.—In this section, the term “RAND representation
14 report” means the report of the Homeland Security Oper-
15 ational Analysis Center of the RAND Corporation entitled
16 “Improving the Representation of Women and Racial/Eth-
17 nic Minorities Among U.S. Coast Guard Active-Duty
18 Members”, issued on August 11, 2021.

19 **SEC. 11249. STRATEGY TO ENHANCE DIVERSITY THROUGH**
20 **RECRUITMENT AND ACCESSION.**

21 (a) IN GENERAL.—The Commandant shall develop a
22 10-year strategy to enhance Coast Guard diversity
23 through recruitment and accession—

24 (1) at educational institutions at the high
25 school and higher education levels; and

1 (2) for the officer and enlisted ranks.

2 (b) REPORT.—

3 (1) IN GENERAL.—Not later than 180 days
4 after the date of enactment of this Act, the Com-
5 mandant shall submit to the Committee on Com-
6 merce, Science, and Transportation of the Senate
7 and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report
9 on the strategy developed under subsection (a).

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

12 (A) A description of existing Coast Guard
13 recruitment and accession programs at edu-
14 cational institutions at the high school and
15 higher education levels.

16 (B) An explanation of the manner in which
17 the strategy supports the overall diversity and
18 inclusion action plan of the Coast Guard.

19 (C) A description of the manner in which
20 existing programs and partnerships will be
21 modified or expanded to enhance diversity in re-
22 cruiting in high school and institutions of high-
23 er education (as such term is defined in section
24 101 of the Higher Education Act of 1965 (20
25 U.S.C. 1001)) and accession.

1 **SEC. 11250. SUPPORT FOR COAST GUARD ACADEMY.**

2 (a) IN GENERAL.—Subchapter II of chapter 9 of title
3 14, United States Code, is amended by adding at the end
4 the following:

5 **“§ 953. Support for Coast Guard Academy**

6 “(a) AUTHORITY.—

7 “(1) CONTRACTS AND COOPERATIVE AGREE-
8 MENTS.—

9 “(A) IN GENERAL.—The Commandant
10 may enter contract and cooperative agreements
11 with 1 or more qualified organizations for the
12 purpose of supporting the athletic programs of
13 the Coast Guard Academy.

14 “(B) AUTHORITY.—Notwithstanding sec-
15 tion 3201(e) of title 10, the Commandant may
16 enter into such contracts and cooperative agree-
17 ments on a sole source basis pursuant to sec-
18 tion 3204(a) of title 10.

19 “(C) ACQUISITIONS.—Notwithstanding
20 chapter 63 of title 31, a cooperative agreement
21 under this section may be used to acquire prop-
22 erty or services for the direct benefit or use of
23 the Coast Guard Academy.

24 “(2) FINANCIAL CONTROLS.—

25 “(A) IN GENERAL.—Before entering into a
26 contract or cooperative agreement under para-

1 graph (1), the Commandant shall ensure that
2 the contract or agreement includes appropriate
3 financial controls to account for the resources
4 of the Coast Guard Academy and the qualified
5 organization concerned in accordance with ac-
6 cepted accounting principles.

7 “(B) CONTENTS.—Any such contract or
8 cooperative agreement shall contain a provision
9 that allows the Commandant to review, as the
10 Commandant considers necessary, the financial
11 accounts of the qualified organization to deter-
12 mine whether the operations of the qualified or-
13 ganization—

14 “(i) are consistent with the terms of
15 the contract or cooperative agreement; and

16 “(ii) would compromise the integrity
17 or appearance of integrity of any program
18 of the Department of Homeland Security.

19 “(3) LEASES.—For the purpose of supporting
20 the athletic programs of the Coast Guard Academy,
21 the Commandant may, consistent with section
22 504(a)(13), rent or lease real property located at the
23 Coast Guard Academy to a qualified organization,
24 except that proceeds from such a lease shall be re-

1 tained and expended in accordance with subsection
2 (f).

3 “(b) SUPPORT SERVICES.—

4 “(1) AUTHORITY.—To the extent required by a
5 contract or cooperative agreement under subsection
6 (a), the Commandant may provide support services
7 to a qualified organization while the qualified organi-
8 zation conducts support activities at the Coast
9 Guard Academy only if the Commandant determines
10 that the provision of such services is essential for the
11 support of the athletic programs of the Coast Guard
12 Academy.

13 “(2) NO LIABILITY OF THE UNITED STATES.—
14 Support services may only be provided without any
15 liability of the United States to a qualified organiza-
16 tion.

17 “(3) SUPPORT SERVICES DEFINED.—In this
18 subsection, the term ‘support services’ includes utili-
19 ties, office furnishings and equipment, communica-
20 tions services, records staging and archiving, audio
21 and video support, and security systems, in conjunc-
22 tion with the leasing or licensing of property.

23 “(c) TRANSFERS FROM NONAPPROPRIATED FUND
24 OPERATION.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (2), the Commandant may, subject to the ac-
3 ceptance of the qualified organization concerned,
4 transfer to the qualified organization all title to and
5 ownership of the assets and liabilities of the Coast
6 Guard nonappropriated fund instrumentality, the
7 function of which includes providing support for the
8 athletic programs of the Coast Guard Academy, in-
9 cluding bank accounts and financial reserves in the
10 accounts of such fund instrumentality, equipment,
11 supplies, and other personal property.

12 “(2) LIMITATION.—The Commandant may not
13 transfer under paragraph (1) any interest in real
14 property.

15 “(d) ACCEPTANCE OF SUPPORT FROM QUALIFIED
16 ORGANIZATION.—

17 “(1) IN GENERAL.—Notwithstanding section
18 1342 of title 31, the Commandant may accept from
19 a qualified organization funds, supplies, and services
20 for the support of the athletic programs of the Coast
21 Guard Academy.

22 “(2) EMPLOYEES OF QUALIFIED ORGANIZA-
23 TION.—For purposes of this section, employees or
24 personnel of the qualified organization may not be
25 considered to be employees of the United States.

1 “(3) FUNDS RECEIVED FROM NCAA.—The Com-
2 mandant may accept funds from the National Colle-
3 giate Athletic Association to support the athletic
4 programs of the Coast Guard Academy.

5 “(4) LIMITATION.—The Commandant shall en-
6 sure that contributions under this subsection and ex-
7 penditure of funds pursuant to subsection (f) do
8 not—

9 “(A) reflect unfavorably on the ability of
10 the Coast Guard, any employee of the Coast
11 Guard, or any member of the armed forces (as
12 such term is defined in section 101(a) of title
13 10) to carry out any responsibility or duty in a
14 fair and objective manner; or

15 “(B) compromise the integrity or appear-
16 ance of integrity of any program of the Coast
17 Guard, or any individual involved in such a pro-
18 gram.

19 “(e) TRADEMARKS AND SERVICE MARKS.—

20 “(1) LICENSING, MARKETING, AND SPONSOR-
21 SHIP AGREEMENTS.—An agreement under sub-
22 section (a) may, consistent with section 2260 of title
23 10 (other than subsection (d) of such section), au-
24 thorize a qualified organization to enter into licens-
25 ing, marketing, and sponsorship agreements relating

1 to trademarks and service marks identifying the
2 Coast Guard Academy, subject to the approval of
3 the Commandant.

4 “(2) LIMITATIONS.—A licensing, marketing, or
5 sponsorship agreement may not be entered into
6 under paragraph (1) if—

7 “(A) such agreement would reflect unfa-
8 vorably on the ability of the Coast Guard, any
9 employee of the Coast Guard, or any member of
10 the armed forces to carry out any responsibility
11 or duty in a fair and objective manner; or

12 “(B) the Commandant determines that the
13 use of the trademark or service mark would
14 compromise the integrity or appearance of in-
15 tegrity of any program of the Coast Guard or
16 any individual involved in such a program.

17 “(f) RETENTION AND USE OF FUNDS.—Funds re-
18 ceived by the Commandant under this section may be re-
19 tained for use to support the athletic programs of the
20 Coast Guard Academy and shall remain available until ex-
21 pended.

22 “(g) CONDITIONS.—The authority provided in this
23 section with respect to a qualified organization is available
24 only so long as the qualified organization continues—

1 “(1) to operate in accordance with this section,
2 the law of the State of Connecticut, and the con-
3 stitution and bylaws of the qualified organization;
4 and

5 “(2) to operate exclusively to support the ath-
6 letic programs of the Coast Guard Academy.

7 “(h) QUALIFIED ORGANIZATION DEFINED.—In this
8 section, the term ‘qualified organization’ means an organi-
9 zation—

10 “(1) that operates as an organization under
11 subsection (c)(3) of section 501 of the Internal Rev-
12 enue Code of 1986 and exempt from taxation under
13 subsection (a) of that section;

14 “(2) for which authorization under sections
15 1033(a) and 1589(a) of title 10 may be provided;
16 and

17 “(3) established by the Coast Guard Academy
18 Alumni Association solely for the purpose of sup-
19 porting Coast Guard athletics.

20 **“§ 954. Mixed-funded athletic and recreational extra-
21 curricular programs**

22 “(a) AUTHORITY.—In the case of a Coast Guard
23 Academy mixed-funded athletic or recreational extra-
24 curricular program, the Commandant may designate
25 funds appropriated to the Coast Guard and available for

1 that program to be treated as nonappropriated funds and
2 expended for that program in accordance with laws appli-
3 cable to the expenditure of nonappropriated funds. Appro-
4 priated funds so designated shall be considered to be non-
5 appropriated funds for all purposes and shall remain avail-
6 able until expended.

7 “(b) COVERED PROGRAMS.—In this section, the term
8 ‘Coast Guard Academy mixed-funded athletic or rec-
9 reational extracurricular program’ means an athletic or
10 recreational extracurricular program of the Coast Guard
11 Academy to which each of the following applies:

12 “(1) The program is not considered a morale,
13 welfare, or recreation program.

14 “(2) The program is supported through appro-
15 priated funds.

16 “(3) The program is supported by a non-
17 appropriated fund instrumentality.

18 “(4) The program is not a private organization
19 and is not operated by a private organization.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 9 of title 14, United States Code, is amended by insert-
22 ing after the item relating to section 952 the following:

“953. Support for Coast Guard Academy.

“954. Mixed-funded athletic and recreational extracurricular programs.”.

1 **SEC. 11251. TRAINING FOR CONGRESSIONAL AFFAIRS PER-**
2 **SONNEL.**

3 (a) IN GENERAL.—Section 315 of title 14, United
4 States Code, is amended to read as follows:

5 **“§ 315. Training for congressional affairs personnel**

6 “(a) IN GENERAL.—The Commandant shall develop
7 a training course, which shall be administered in person,
8 on the workings of Congress for any member of the Coast
9 Guard selected for a position as a fellow, liaison, counsel,
10 or administrative staff for the Coast Guard Office of Con-
11 gressional and Governmental Affairs or as any Coast
12 Guard district or area governmental affairs officer.

13 “(b) COURSE SUBJECT MATTER.—

14 “(1) IN GENERAL.—The training course re-
15 quired under this section shall provide an overview
16 and introduction to Congress and the Federal legis-
17 lative process, including—

18 “(A) the congressional budget process;

19 “(B) the congressional appropriations
20 process;

21 “(C) the congressional authorization proc-
22 ess;

23 “(D) the Senate advice and consent proc-
24 ess for Presidential nominees;

25 “(E) the Senate advice and consent proc-
26 ess for treaty ratification;

1 “(F) the roles of Members of Congress and
2 congressional staff in the legislative process;

3 “(G) the concept and underlying purposes
4 of congressional oversight within the governance
5 framework of separation of powers;

6 “(H) the roles of Coast Guard fellows, liai-
7 sons, counsels, governmental affairs officers,
8 the Coast Guard Office of Program Review, the
9 Coast Guard Headquarters program offices,
10 and any other entity the Commandant considers
11 relevant; and

12 “(I) the roles and responsibilities of Coast
13 Guard public affairs and external communica-
14 tions personnel with respect to Members of
15 Congress and the staff of such Members nec-
16 essary to enhance communication between
17 Coast Guard units, sectors, and districts and
18 Member offices and committees of jurisdiction
19 so as to ensure visibility of Coast Guard activi-
20 ties.

21 “(2) DETAIL WITHIN COAST GUARD OFFICE OF
22 BUDGET AND PROGRAMS.—

23 “(A) IN GENERAL.—At the written request
24 of a receiving congressional office, the training
25 course required under this section shall include

1 a multi-day detail within the Coast Guard Of-
2 fice of Budget and Programs to ensure ade-
3 quate exposure to Coast Guard policy, over-
4 sight, and requests from Congress.

5 “(B) NONCONSECUTIVE DETAIL PER-
6 MITTED.—A detail under this paragraph is not
7 required to be consecutive with the balance of
8 the training.

9 “(c) COMPLETION OF REQUIRED TRAINING.—A
10 member of the Coast Guard selected for a position de-
11 scribed in subsection (a) shall complete the training re-
12 quired by this section before the date on which such mem-
13 ber reports for duty for such position.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 3 of title 14, United States Code, is amended by strik-
16 ing the item relating to section 315 and inserting the fol-
17 lowing:

“315. Training for congressional affairs personnel.”.

18 **SEC. 11252. STRATEGY FOR RETENTION OF CUTTERMEN.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Commandant shall pub-
21 lish a strategy to improve incentives to attract and retain
22 a qualified workforce serving on Coast Guard cutters that
23 includes underrepresented minorities, and servicemembers
24 from rural areas, as such term is defined in section
25 54301(a)(12)(C) of title 46, United States Code.

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

3 (1) Policies to improve flexibility in the afloat
4 career path, including a policy that enables members
5 of the Coast Guard serving on Coast Guard cutters
6 to transition between operations afloat and oper-
7 ations ashore assignments without detriment to the
8 career progression of a member.

9 (2) A review of current officer requirements for
10 afloat assignments at each pay grade, and an assess-
11 ment as to whether such requirements are appro-
12 priate or present undue limitations.

13 (3) Strategies to improve crew comfort afloat,
14 such as berthing modifications to accommodate all
15 crewmembers.

16 (4) Actionable steps to improve access to
17 highspeed internet capable of video conference for
18 the purposes of medical, educational, and personal
19 use by members of the Coast Guard serving on
20 Coast Guard cutters.

21 (5) An assessment of the effectiveness of bo-
22 nuses to attract members to serve at sea and retain
23 talented members of the Coast Guard serving on
24 Coast Guard cutters to serve as leaders in senior en-

1 listed positions, department head positions, and com-
2 mand positions.

3 (6) Policies to ensure that high-performing
4 members of the Coast Guard serving on Coast
5 Guard cutters are competitive for special assign-
6 ments, postgraduate education, senior service
7 schools, and other career-enhancing positions.

8 (c) **RULE OF CONSTRUCTION.**—The Commandant
9 shall ensure that the elements described in subsection (b)
10 do not result in discrimination based on race, color, reli-
11 gion, sexual orientation, national origin, or gender.

12 **SEC. 11253. STUDY ON PERFORMANCE OF COAST GUARD**
13 **FORCE READINESS COMMAND.**

14 (a) **IN GENERAL.**—Not later than 1 year after the
15 date of enactment of this Act, the Comptroller General
16 of the United States shall commence a study on the per-
17 formance of the Coast Guard Force Readiness Command.

18 (b) **ELEMENTS.**—The study required under sub-
19 section (a) shall include an assessment of the following:

20 (1) The actions the Force Readiness Command
21 has taken to develop and implement training for the
22 Coast Guard workforce.

23 (2) The extent to which the Force Readiness
24 Command—

1 (A) has made an assessment of perform-
2 ance, policy, and training compliance across
3 Force Readiness Command headquarters and
4 field units, and the results of any such assess-
5 ment; and

6 (B) is modifying and expanding Coast
7 Guard training to match the future demands of
8 the Coast Guard with respect to growth in
9 workforce numbers, modernization of assets and
10 infrastructure, and increased global mission de-
11 mands relating to the Arctic and Western Pa-
12 cific regions and cyberspace.

13 (c) REPORT.—Not later than 1 year after the study
14 required by subsection (a) commences, the Comptroller
15 General shall submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives a report on the findings of the study.

19 **SEC. 11254. STUDY ON FREQUENCY OF WEAPONS TRAINING**
20 **FOR COAST GUARD PERSONNEL.**

21 (a) IN GENERAL.—The Commandant shall conduct
22 a study to assess whether current weapons training re-
23 quired for Coast Guard law enforcement and other rel-
24 evant personnel is sufficient.

1 (b) ELEMENTS.—The study required under sub-
2 section (a) shall—

3 (1) assess whether there is a need to improve
4 weapons training for Coast Guard law enforcement
5 and other relevant personnel; and

6 (2) identify—

7 (A) the frequency of such training most
8 likely to ensure adequate weapons training, pro-
9 ficiency, and safety among such personnel;

10 (B) Coast Guard law enforcement and
11 other applicable personnel who should be
12 prioritized to receive such improved training;
13 and

14 (C) any challenge posed by a transition to
15 improving such training and offering such
16 training more frequently, and the resources nec-
17 essary to address such a challenge.

18 (c) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Commandant shall submit
20 to the Committee on Commerce, Science, and Transpor-
21 tation of the Senate and the Committee on Transportation
22 and Infrastructure of the House of Representatives a re-
23 port on the findings of the study conducted under sub-
24 section (a).

1 **Subtitle G—Miscellaneous**
2 **Provisions**

3 **SEC. 11255. MODIFICATION OF PROHIBITION ON OPER-**
4 **ATION OR PROCUREMENT OF FOREIGN-MADE**
5 **UNMANNED AIRCRAFT SYSTEMS.**

6 Section 8414 of the William M. (Mac) Thornberry
7 National Defense Authorization Act for Fiscal Year 2021
8 (Public Law 116–283; 14 U.S.C. 1156 note) is amend-
9 ed—

10 (1) by amending subsection (b) to read as fol-
11 lows:

12 “(b) EXEMPTION.—The Commandant is exempt from
13 the restriction under subsection (a) if the operation or pro-
14 curement is for the purposes of—

15 “(1) counter-UAS system surrogate testing and
16 training; or

17 “(2) intelligence, electronic warfare, and infor-
18 mation warfare operations, testing, analysis, and
19 training.”;

20 (2) by amending subsection (c) to read as fol-
21 lows:

22 “(c) WAIVER.—The Commandant may waive the re-
23 striction under subsection (a) on a case-by-case basis by
24 certifying in writing not later than 15 days after exer-
25 cising such waiver to the Department of Homeland Secu-

1 rity, the Committee on Commerce, Science, and Transpor-
2 tation of the Senate, and the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives
4 that the operation or procurement of a covered unmanned
5 aircraft system is required in the national interest of the
6 United States.”;

7 (3) in subsection (d)—

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

10 “(1) COVERED FOREIGN COUNTRY.—The term
11 ‘covered foreign country’ means any of the following:

12 “(A) The People’s Republic of China.

13 “(B) The Russian Federation.

14 “(C) The Islamic Republic of Iran.

15 “(D) The Democratic People’s Republic of
16 Korea.”;

17 (B) by redesignating paragraphs (2) and
18 (3) as paragraphs (3) and (4), respectively;

19 (C) by inserting after paragraph (1) the
20 following:

21 “(2) COVERED UNMANNED AIRCRAFT SYS-
22 TEM.—The term ‘covered unmanned aircraft system’
23 means an unmanned aircraft system described in
24 paragraph (1) of subsection (a).”; and

1 (D) in paragraph (4), as so redesignated,
2 by inserting “, and any related services and
3 equipment” after “United States Code”; and
4 (4) by adding at the end the following:

5 “(e) REPLACEMENT.—Not later than 90 days after
6 the date of the enactment of the Don Young Coast Guard
7 Authorization Act of 2022, the Commandant shall replace
8 covered unmanned aircraft systems of the Coast Guard
9 with unmanned aircraft systems manufactured in the
10 United States or an allied country (as that term is defined
11 in section 2350f(d)(1) of title 10, United States Code).”.

12 **SEC. 11256. BUDGETING OF COAST GUARD RELATING TO**
13 **CERTAIN OPERATIONS.**

14 (a) IN GENERAL.—Chapter 51 of title 14, United
15 States Code, is further amended by adding at the end the
16 following:

17 **“§ 5114. Expenses of performing and executing de-**
18 **fense readiness missions**

19 “Not later than 1 year after the date of enactment
20 of this section, and every February 1 thereafter, the Com-
21 mandant shall submit to the Committee on Commerce,
22 Science, and Transportation of the Senate and the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives a report that adequately represents a
25 calculation of the annual costs and expenditures of per-

1 forming and executing all defense readiness mission activi-
2 ties, including—

3 “(1) all expenses related to the Coast Guard’s
4 coordination, training, and execution of defense
5 readiness mission activities in the Coast Guard’s ca-
6 pacity as an armed force (as such term is defined in
7 section 101 of title 10) in support of Department of
8 Defense national security operations and activities or
9 for any other military department or Defense Agen-
10 cy (as such terms are defined in such section);

11 “(2) costs associated with Coast Guard detach-
12 ments assigned in support of the defense readiness
13 mission of the Coast Guard; and

14 “(3) any other related expenses, costs, or mat-
15 ters the Commandant considers appropriate or oth-
16 erwise of interest to Congress.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 51 of title 14, United States Code, as amended by sec-
19 tion 252(b), is further amended by adding at the end the
20 following:

“5114. Expenses of performing and executing defense readiness missions.”.

21 **SEC. 11257. REPORT ON SAN DIEGO MARITIME DOMAIN**
22 **AWARENESS.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Commandant shall submit to the Com-
25 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a report con-
3 taining—

4 (1) an overview of the maritime domain aware-
5 ness in the area of responsibility of the Coast Guard
6 sector responsible for San Diego, California, includ-
7 ing—

8 (A) the average volume of known maritime
9 traffic that transited the area during fiscal
10 years 2020 through 2022;

11 (B) current sensor platforms deployed by
12 such sector to monitor illicit activity occurring
13 at sea in such area;

14 (C) the number of illicit activity incidents
15 at sea in such area that the sector responded to
16 during fiscal years 2020 through 2022;

17 (D) an estimate of the volume of traffic
18 engaged in illicit activity at sea in such area
19 and the type and description of any vessels used
20 to carry out illicit activities that such sector re-
21 sponded to during fiscal years 2020 through
22 2022; and

23 (E) the maritime domain awareness re-
24 quirements to effectively meet the mission of
25 such sector;

1 (2) a description of current actions taken by the
2 Coast Guard to partner with Federal, regional,
3 State, and local entities to meet the maritime do-
4 main awareness needs of such area;

5 (3) a description of any gaps in maritime do-
6 main awareness within the area of responsibility of
7 such sector resulting from an inability to meet the
8 enduring maritime domain awareness requirements
9 of the sector or adequately respond to maritime dis-
10 order;

11 (4) an identification of current technology and
12 assets the Coast Guard has to mitigate the gaps
13 identified in paragraph (3);

14 (5) an identification of capabilities needed to
15 mitigate such gaps, including any capabilities the
16 Coast Guard currently possesses that can be de-
17 ployed to the sector;

18 (6) an identification of technology and assets
19 the Coast Guard does not currently possess and are
20 needed to acquire in order to address such gaps; and

21 (7) an identification of any financial obstaeles
22 that prevent the Coast Guard from deploying exist-
23 ing commercially available sensor technology to ad-
24 dress such gaps.

1 **SEC. 11258. CONVEYANCE OF COAST GUARD VESSELS FOR**
2 **PUBLIC PURPOSES.**

3 (a) TRANSFER.—Section 914 of the Coast Guard Au-
4 thorization Act of 2010 (14 U.S.C. 501 note; Public Law
5 111–281) is—

6 (1) transferred to subchapter I of chapter 5 of
7 title 14, United States Code;

8 (2) added at the end so as to follow section 509
9 of such title, as added by this Act;

10 (3) redesignated as section 510 of such title;
11 and

12 (4) amended so that the enumerator, the sec-
13 tion heading, typeface, and typestyle conform to
14 those appearing in other sections of title 14, United
15 States Code.

16 (b) CLERICAL AMENDMENTS.—

17 (1) COAST GUARD AUTHORIZATION ACT OF
18 2010.—The table of contents in section 1(b) of the
19 Coast Guard Authorization Act of 2010 (Public Law
20 111–281) is amended by striking the item relating
21 to section 914.

22 (2) TITLE 14.—The analysis for subchapter I of
23 chapter 5 of title 14, United States Code, is further
24 amended by adding at the end the following:

“510. Conveyance of Coast Guard vessels for public purposes.”.

1 (c) CONVEYANCE OF COAST GUARD VESSELS FOR
2 PUBLIC PURPOSES.—Section 510 of title 14, United
3 States Code, as transferred and redesignated by sub-
4 section (a), is amended—

5 (1) by amending subsection (a) to read as fol-
6 lows:

7 “(a) IN GENERAL.—On request by the Commandant,
8 the Administrator of the General Services Administration
9 may transfer ownership of a Coast Guard vessel or aircraft
10 to an eligible entity for educational, cultural, historical,
11 charitable, recreational, or other public purposes if such
12 transfer is authorized by law.”; and

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) by inserting “as if the request were
16 being processed” after “vessels”; and

17 (ii) by inserting “, as in effect on the
18 date of the enactment of the Don Young
19 Coast Guard Authorization Act of 2022”
20 after “Code of Federal Regulations”;

21 (B) in paragraph (2) by inserting “, as in
22 effect on the date of the enactment of the Don
23 Young Coast Guard Authorization Act of 2022”
24 after “such title”; and

1 (C) in paragraph (3) by striking “of the
2 Coast Guard”.

3 **SEC. 11259. NATIONAL COAST GUARD MUSEUM FUNDING**
4 **PLAN.**

5 Section 316(c)(4) of title 14, United States Code, is
6 amended by striking “the Inspector General of the depart-
7 ment in which the Coast Guard is operating” and insert-
8 ing “a third party entity qualified to undertake such a
9 certification process”.

10 **SEC. 11260. REPORT ON COAST GUARD EXPLOSIVE ORD-**
11 **NANCE DISPOSAL.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Commandant shall sub-
14 mit to the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 a report on the viability of establishing an explosive ord-
18 nance disposal program (in this section referred to as the
19 “Program”) in the Coast Guard.

20 (b) CONTENTS.—The report required under sub-
21 section (a) shall contain, at a minimum, an explanation
22 of the following with respect to such a Program:

23 (1) Where within the organizational structure
24 of the Coast Guard the Program would be located,

1 including a discussion of whether the Program
2 should reside in—

3 (A) Maritime Safety and Security Teams;

4 (B) Maritime Security Response Teams;

5 (C) a combination of the teams described
6 under subparagraphs (A) and (B); or

7 (D) elsewhere within the Coast Guard.

8 (2) The vehicles and dive craft that are Coast
9 Guard airframe and vessel transportable that would
10 be required for the transportation of explosive ord-
11 nance disposal elements.

12 (3) The Coast Guard stations at which—

13 (A) portable explosives storage magazines
14 would be available for explosive ordnance dis-
15 posal elements; and

16 (B) explosive ordnance disposal elements
17 equipment would be pre-positioned.

18 (4) How the Program would support other ele-
19 ments within the Department of Homeland Security,
20 the Department of Justice, and, in wartime, the De-
21 partment of Defense to—

22 (A) counter improvised explosive devices;

23 (B) counter unexploded ordnance;

24 (C) combat weapons of destruction;

1 (D) provide service in support of the Presi-
2 dent; and

3 (E) support national security special
4 events.

5 (5) The career progression of members of the
6 Coast Guard participating in the Program from—

7 (A) Seaman Recruit to Command Master
8 Chief Petty Officer;

9 (B) Chief Warrant Officer 2 to that of
10 Chief Warrant Officer 4; and

11 (C) Ensign to that of Rear Admiral.

12 (6) Initial and annual budget justification esti-
13 mates on a single program element of the Program
14 for—

15 (A) civilian and military pay with details
16 on military pay, including special and incentive
17 pays such as—

18 (i) officer responsibility pay;

19 (ii) officer SCUBA diving duty pay;

20 (iii) officer demolition hazardous duty
21 pay;

22 (iv) enlisted SCUBA diving duty pay;

23 (v) enlisted demolition hazardous duty
24 pay;

- 1 (vi) enlisted special duty assignment
2 pay at level special duty-5;
- 3 (vii) enlisted assignment incentive
4 pays;
- 5 (viii) enlistment and reenlistment bo-
6 nuses;
- 7 (ix) officer and enlisted full civilian
8 clothing allowances;
- 9 (x) an exception to the policy allowing
10 a third hazardous duty pay for explosive
11 ordnance disposal-qualified officers and en-
12 listed; and
- 13 (xi) parachutist hazardous duty pay;
- 14 (B) research, development, test, and eval-
15 uation;
- 16 (C) procurement;
- 17 (D) other transaction agreements;
- 18 (E) operations and support; and
- 19 (F) overseas contingency operations.

20 **SEC. 11261. TRANSFER AND CONVEYANCE.**

21 (a) IN GENERAL.—

22 (1) REQUIREMENT.—In accordance with section
23 120(h) of the Comprehensive Environmental Re-
24 sponse, Compensation, and Liability Act (42 U.S.C.
25 9620(h)), the Commandant shall, without consider-

1 ation, transfer in accordance with subsection (b) and
2 convey in accordance with subsection (c) a parcel of
3 the real property described in paragraph (2), includ-
4 ing any improvements thereon.

5 (2) PROPERTY.—The property described in this
6 paragraph is real property at Dauphin Island, Ala-
7 bama, located at 100 Agassiz Street, and consisting
8 of a total of approximately 35.63 acres. The exact
9 acreage and legal description of the parcel of such
10 property to be transferred or conveyed in accordance
11 with subsection (b) or (c), respectively, shall be de-
12 termined by a survey satisfactory to the Com-
13 mandant.

14 (b) TO THE SECRETARY OF HEALTH AND HUMAN
15 SERVICES.—The Commandant shall transfer, as described
16 in subsection (a), to the Secretary of Health and Human
17 Services (in this section referred to as the “Secretary”),
18 for use by the Food and Drug Administration, custody
19 and control of a portion, consisting of approximately 4
20 acres, of the parcel of real property described in such sub-
21 section, to be identified by agreement between the Com-
22 mandant and the Secretary.

23 (c) TO THE STATE OF ALABAMA.—The Commandant
24 shall convey, as described in subsection (a), to the Marine
25 Environmental Sciences Consortium, a unit of the govern-

1 ment of the State of Alabama, located at Dauphin Island,
2 Alabama, all rights, title, and interest of the United States
3 in and to such portion of the parcel described in such sub-
4 section that is not transferred to the Secretary under sub-
5 section (b).

6 (d) PAYMENTS AND COSTS OF TRANSFER AND CON-
7 VEYANCE.—

8 (1) PAYMENTS.—

9 (A) IN GENERAL.—The Secretary shall pay
10 costs to be incurred by the Coast Guard, or re-
11 imburse the Coast Guard for such costs in-
12 curred by the Coast Guard, to carry out the
13 transfer and conveyance required by this sec-
14 tion, including survey costs, appraisal costs,
15 costs for environmental documentation related
16 to the transfer and conveyance, and any other
17 necessary administrative costs related to the
18 transfer and conveyance.

19 (B) FUNDS.—Notwithstanding section 780
20 of division B of the Further Consolidated Ap-
21 propriations Act, 2020 (Public Law 116–94),
22 any amounts that are made available to the
23 Secretary under such section and not obligated
24 on the date of enactment of this Act shall be

1 available to the Secretary for the purpose de-
2 scribed in subparagraph (A).

3 (2) TREATMENT OF AMOUNTS RECEIVED.—

4 Amounts received by the Commandant as reimburse-
5 ment under paragraph (1) shall be credited to the
6 Coast Guard Housing Fund established under sec-
7 tion 2946 of title 14, United States Code, or the ac-
8 count that was used to pay the costs incurred by the
9 Coast Guard in carrying out the transfer or convey-
10 ance under this section, as determined by the Com-
11 mandant, and shall be made available until ex-
12 pended. Amounts so credited shall be merged with
13 amounts in such fund or account and shall be avail-
14 able for the same purposes, and subject to the same
15 conditions and limitations, as amounts in such fund
16 or account.

17 **SEC. 11262. TRANSPARENCY AND OVERSIGHT.**

18 (a) IN GENERAL.—Chapter 51 of title 14, United
19 States Code, is further amended by adding at the end the
20 following:

21 **“§ 5115. Major grants, contracts, or other trans-**
22 **actions**

23 “(a) NOTIFICATION.—

24 “(1) IN GENERAL.—Subject to subsection (b),
25 the Commandant shall notify the appropriate com-

1 mittees of Congress and the Coast Guard Office of
2 Congressional and Governmental Affairs not later
3 than 3 full business days in advance of the Coast
4 Guard—

5 “(A) making or awarding a grant alloca-
6 tion or grant in excess of \$1,000,000;

7 “(B) making or awarding a contract, other
8 transaction agreement, or task or delivery order
9 for the Coast Guard on the multiple award con-
10 tract, or issuing a letter of intent totaling more
11 than \$4,000,000;

12 “(C) awarding a task or delivery order re-
13 quiring an obligation of funds in an amount
14 greater than \$10,000,000 from multi-year
15 Coast Guard funds;

16 “(D) making a sole-source grant award; or

17 “(E) announcing publicly the intention to
18 make or award an item described in subpara-
19 graph (A), (B), (C), or (D), including a con-
20 tract covered by the Federal Acquisition Regu-
21 lation.

22 “(2) ELEMENT.—A notification under this sub-
23 section shall include—

24 “(A) the amount of the award;

1 “(B) the fiscal year for which the funds for
2 the award were appropriated;

3 “(C) the type of contract;

4 “(D) an identification of the entity award-
5 ed the contract, such as the name and location
6 of the entity; and

7 “(E) the account from which the funds are
8 to be drawn.

9 “(b) EXCEPTION.—If the Commandant determines
10 that compliance with subsection (a) would pose a substan-
11 tial risk to human life, health, or safety, the Com-
12 mandant—

13 “(1) may make an award or issue a letter de-
14 scribed in such subsection without the notification
15 required under such subsection; and

16 “(2) shall notify the appropriate committees of
17 Congress not later than 5 full business days after
18 such an award is made or letter issued.

19 “(c) APPLICABILITY.—Subsection (a) shall not apply
20 to funds that are not available for obligation.

21 “(d) APPROPRIATE COMMITTEES OF CONGRESS DE-
22 FINED.—In this section, the term ‘appropriate committees
23 of Congress’ means—

1 “(1) the Committee on Commerce, Science, and
2 Transportation and the Committee on Appropria-
3 tions of the Senate; and

4 “(2) the Committee on Transportation and In-
5 frastructure and the Committee on Appropriations
6 of the House of Representatives.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 51 of title 14, United States Code, is further amended
9 by adding at the end the following:

 “5115. Major grants, contracts, or other transactions.”.

10 **SEC. 11263. STUDY ON SAFETY INSPECTION PROGRAM FOR**
11 **CONTAINERS AND FACILITIES.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Commandant shall com-
14 plete a study on the safety inspection program for con-
15 tainers (as such term is defined in section 80501 of title
16 46, United States Code) and designated waterfront facili-
17 ties receiving containers.

18 (b) ELEMENTS.—The study required under sub-
19 section (a) shall include the following:

20 (1) An evaluation and review of such safety in-
21 spection program.

22 (2) A determination of—

23 (A) the number of container inspections
24 conducted annually by the Coast Guard during
25 the preceding 10-year period, as compared to

1 the number of containers moved through United
2 States ports annually during such period; and

3 (B) the number of qualified Coast Guard
4 container and facility inspectors, and an assess-
5 ment as to whether, during the preceding 10-
6 year period, there have been a sufficient num-
7 ber of such inspectors to carry out the mission
8 of the Coast Guard.

9 (3) An evaluation of the training programs
10 available to such inspectors and the adequacy of
11 such training programs during the preceding 10-year
12 period.

13 (4) An identification of areas of improvement
14 for such program in the interest of commerce and
15 national security, and the costs associated with such
16 improvements.

17 (c) REPORT TO CONGRESS.—Not later than 180 days
18 after the completion of the study required under sub-
19 section (a), the Commandant shall submit to the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate and the Committee on Transportation and Infra-
22 structure of the House of Representatives a report on the
23 findings of the study required by subsection (a), including
24 the personnel and resource requirements necessary for
25 such program.

1 **SEC. 11264. OPERATIONAL DATA SHARING CAPABILITY.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Secretary shall, con-
4 sistent with the ongoing Integrated Multi-Domain Enter-
5 prise joint effort by the Department of Homeland Security
6 and the Department of Defense, establish a secure, cen-
7 tralized capability to allow real-time, or near real-time,
8 data and information sharing between Customs and Bor-
9 der Protection and the Coast Guard for purposes of mari-
10 time boundary domain awareness and enforcement activi-
11 ties along the maritime boundaries of the United States,
12 including the maritime boundaries in the northern and
13 southern continental United States and Alaska.

14 (b) PRIORITY.—In establishing the capability under
15 subsection (a), the Secretary shall prioritize enforcement
16 areas experiencing the highest levels of enforcement activi-
17 ty.

18 (c) REQUIREMENTS.—The capability established
19 under subsection (a) shall be sufficient for the secure shar-
20 ing of data, information, and surveillance necessary for
21 operational missions, including data from governmental
22 assets, irrespective of whether an asset located in or
23 around mission operation areas belongs to the Coast
24 Guard, Customs and Border Protection, or any other part-
25 ner agency.

1 (d) ELEMENTS.—The Commissioner of Customs and
2 Border Protection and the Commandant shall jointly—

3 (1) assess and delineate the types of data and
4 quality of data sharing needed to meet the respective
5 operational missions of Customs and Border Protec-
6 tion and the Coast Guard, including video surveil-
7 lance, seismic sensors, infrared detection, space-
8 based remote sensing, and any other data or infor-
9 mation necessary;

10 (2) develop appropriate requirements and proc-
11 esses for the credentialing of personnel of Customs
12 and Border Protection and personnel of the Coast
13 Guard to access and use the capability established
14 under subsection (a); and

15 (3) establish a cost-sharing agreement for the
16 long-term operation and maintenance of the capa-
17 bility and the assets that provide data to the capa-
18 bility.

19 (e) REPORT.—Not later than 2 years after the date
20 of enactment of this Act, the Secretary shall submit to
21 the Committee on Commerce, Science, and Transportation
22 and the Committee on Homeland Security and Govern-
23 mental Affairs of the Senate and the Committee on Trans-
24 portation and Infrastructure and the Committee on
25 Homeland Security of the House of Representatives a re-

1 port on the establishment of the capability under this sec-
2 tion.

3 (f) **RULE OF CONSTRUCTION.**—Nothing in this sec-
4 tion may be construed to authorize the Coast Guard, Cus-
5 toms and Border Protection, or any other partner agency
6 to acquire, share, or transfer personal information relating
7 to an individual in violation of any Federal or State law
8 or regulation.

9 **SEC. 11265. FEASIBILITY STUDY ON CONSTRUCTION OF**
10 **COAST GUARD STATION AT PORT MANS-**
11 **FIELD.**

12 (a) **STUDY.**—

13 (1) **IN GENERAL.**—Not later than 180 days
14 after the date of the enactment of this Act, the
15 Commandant shall commence a feasibility study on
16 construction of a Coast Guard station at Port Mans-
17 field, Texas.

18 (2) **ELEMENTS.**—The study required under
19 paragraph (1) shall include the following:

20 (A) An assessment of the resources and
21 workforce requirements necessary for a new
22 Coast Guard station at Port Mansfield.

23 (B) An identification of the enhancements
24 to the missions and capabilities of the Coast

1 Guard that a new Coast Guard station at Port
2 Mansfield would provide.

3 (C) An estimate of the life-cycle costs of
4 such a facility, including the costs of construc-
5 tion, maintenance costs, and staffing costs.

6 (D) A cost-benefit analysis of the enhance-
7 ments and capabilities provided, as compared to
8 the costs of construction, maintenance, and
9 staffing.

10 (b) REPORT.—Not later than 180 days after com-
11 mencing the study required by subsection (a), the Com-
12 mandant shall submit to the Committee on Commerce,
13 Science, and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives a report on the findings of the study.

16 **SEC. 11266. PROCUREMENT OF TETHERED AEROSTAT**
17 **RADAR SYSTEM FOR COAST GUARD STATION**
18 **SOUTH PADRE ISLAND.**

19 Subject to the availability of appropriations, the Sec-
20 retary shall procure not fewer than 1 tethered aerostat
21 radar system, or similar technology, for use by the Coast
22 Guard at and around Coast Guard Station South Padre
23 Island.

1 **SEC. 11267. PROHIBITION ON MAJOR ACQUISITION CON-**
2 **TRACTS WITH ENTITIES ASSOCIATED WITH**
3 **CHINESE COMMUNIST PARTY.**

4 (a) IN GENERAL.—The Commandant may not award
5 any major acquisition contract until the Commandant re-
6 ceives a certification from the party that it has not, during
7 the 10-year period preceding the planned date of award,
8 directly or indirectly held an economic interest in an entity
9 that is—

10 (1) owned or controlled by the People’s Repub-
11 lic of China; and

12 (2) part of the defense industry of the Chinese
13 Communist Party.

14 (b) INAPPLICABILITY TO TAIWAN.—Subsection (a)
15 shall not apply with respect to an economic interest in an
16 entity owned or controlled by Taiwan.

17 **SEC. 11268. REVIEW OF DRUG INTERDICTION EQUIPMENT**
18 **AND STANDARDS; TESTING FOR FENTANYL**
19 **DURING INTERDICTION OPERATIONS.**

20 (a) REVIEW.—

21 (1) IN GENERAL.—The Commandant, in con-
22 sultation with the Administrator of the Drug En-
23 forcement Administration and the Secretary of
24 Health and Human Services, shall—

25 (A) conduct a review of—

1 (i) the equipment, testing kits, and
2 rescue medications used to conduct Coast
3 Guard drug interdiction operations; and

4 (ii) the safety and training standards,
5 policies, and procedures with respect to
6 such operations; and

7 (B) determine whether the Coast Guard is
8 using the latest equipment and technology and
9 up-to-date training and standards for recog-
10 nizing, handling, testing, and securing illegal
11 drugs, fentanyl and other synthetic opioids, and
12 precursor chemicals during such operations.

13 (2) REPORT.—Not later than 180 days after
14 the date of enactment of this Act, the Commandant
15 shall submit to the appropriate committees of Con-
16 gress a report on the results of the review conducted
17 under paragraph (1).

18 (3) APPROPRIATE COMMITTEES OF CONGRESS
19 DEFINED.—In this subsection, the term “appro-
20 priate committees of Congress” means—

21 (A) the Committee on Commerce, Science,
22 and Transportation and the Committee on Ap-
23 propriations of the Senate; and

1 (B) the Committee on Transportation and
2 Infrastructure and the Committee on Appro-
3 priations of the House of Representatives.

4 (b) REQUIREMENT.—If, as a result of the review re-
5 quired by subsection (a), the Commandant determines
6 that the Coast Guard is not using the latest equipment
7 and technology and up-to-date training and standards for
8 recognizing, handling, testing, and securing illegal drugs,
9 fentanyl and other synthetic opioids, and precursor chemi-
10 cals during drug interdiction operations, the Commandant
11 shall ensure that the Coast Guard acquires and uses such
12 equipment and technology, carries out such training, and
13 implements such standards.

14 (c) TESTING FOR FENTANYL.—The Commandant
15 shall ensure that Coast Guard drug interdiction operations
16 include the testing of substances encountered during such
17 operations for fentanyl, as appropriate.

18 **SEC. 11269. PUBLIC AVAILABILITY OF INFORMATION ON**
19 **MONTHLY MIGRANT INTERDICTIONS.**

20 Not later than the 15th day of each month, the Com-
21 mandant shall make available to the public on the website
22 of the Coast Guard the number of migrant interdictions
23 carried out by the Coast Guard during the preceding
24 month.

1 **SEC. 11270. CARGO WAITING TIME REDUCTION.**

2 Not later than 90 days after the date of enactment
3 of this Act, the Commandant shall submit to the Com-
4 mittee on Transportation and Infrastructure of the House
5 of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report that
7 includes—

8 (1) an explanation of the extent to which ves-
9 sels carrying cargo are complying with the require-
10 ments of chapter 700 of title 46, United States
11 Code;

12 (2) the status of the investigation on the cause
13 of the oil spill that occurred in October 2021 on the
14 waters over the San Pedro Shelf related to an an-
15 chor strike, including the expected date on which the
16 Marine Casualty Investigation Report with respect
17 to such spill will be released; and

18 (3) with respect to such vessels, a summary of
19 actions taken or planned to be taken by the Com-
20 mandant to provide additional protections against oil
21 spills or other hazardous discharges caused by an-
22 chor strikes.

23 **SEC. 11271. STUDY ON COAST GUARD OVERSIGHT AND IN-**
24 **VESTIGATIONS.**

25 (a) **IN GENERAL.**—Not later than 2 years after the
26 date of enactment of this Act, the Comptroller General

1 of the United States shall commence a study to assess the
2 oversight over Coast Guard activities, including investiga-
3 tions, personnel management, whistleblower protection,
4 and other activities carried out by the Department of
5 Homeland Security Office of Inspector General.

6 (b) ELEMENTS.—The study required under sub-
7 section (a) shall include the following:

8 (1) An analysis of the ability of the Department
9 of Homeland Security Office of Inspector General to
10 ensure timely, thorough, complete, and appropriate
11 oversight over the Coast Guard, including oversight
12 over both civilian and military activities.

13 (2) An assessment of—

14 (A) the best practices with respect to such
15 oversight; and

16 (B) the ability of the Department of
17 Homeland Security Office of Inspector General
18 and the Commandant to identify and achieve
19 such best practices.

20 (3) An analysis of the methods, standards, and
21 processes employed by the Department of Defense
22 Office of Inspector General and the inspectors gen-
23 erals of the armed forces (as such term is defined
24 in section 101 of title 10, United States Code), other

1 than the Coast Guard, to conduct oversight and in-
2 vestigation activities.

3 (4) An analysis of the methods, standards, and
4 processes of the Department of Homeland Security
5 Office of Inspector General with respect to oversight
6 over the civilian and military activities of the Coast
7 Guard, as compared to the methods, standards, and
8 processes described in paragraph (3).

9 (5) An assessment of the extent to which the
10 Coast Guard Investigative Service completes inves-
11 tigations or other disciplinary measures after refer-
12 ral of complaints from the Department of Homeland
13 Security Office of Inspector General.

14 (6) A description of the staffing, expertise,
15 training, and other resources of the Department of
16 Homeland Security Office of Inspector General, and
17 an assessment as to whether such staffing, expertise,
18 training, and other resources meet the requirements
19 necessary for meaningful, timely, and effective over-
20 sight over the activities of the Coast Guard.

21 (c) REPORT.—Not later than 1 year after com-
22 mencing the study required under subsection (a), the
23 Comptroller General shall submit to the Committee on
24 Commerce, Science, and Transportation of the Senate and
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives a report on the findings of
2 the study, including recommendations with respect to
3 oversight over Coast Guard activities.

4 (d) OTHER REVIEWS.—The study required under
5 subsection (a) may rely upon recently completed or ongo-
6 ing reviews by the Comptroller General or other entities,
7 as applicable.

8 **Subtitle H—Sexual Assault and**
9 **Sexual Harassment Response**
10 **and Prevention**

11 **SEC. 11272. ADMINISTRATION OF SEXUAL ASSAULT FOREN-**
12 **SIC EXAMINATION KITS.**

13 (a) IN GENERAL.—Subchapter IV of chapter 5 of
14 title 14, United States Code, is amended by adding at the
15 end the following:

16 **“§ 564. Administration of sexual assault forensic ex-**
17 **amination kits**

18 **“(a) SEXUAL ASSAULT FORENSIC EXAM PROCE-**
19 **DURE.—**

20 **“(1) IN GENERAL.—**Before embarking on any
21 prescheduled voyage, a Coast Guard vessel shall
22 have in place a written operating procedure that en-
23 sures that an embarked victim of sexual assault
24 shall have access to a sexual assault forensic exam-
25 ination—

1 “(A) as soon as possible after the victim
2 requests an examination; and

3 “(B) that is treated with the same level of
4 urgency as emergency medical care.

5 “(2) REQUIREMENTS.—The written operating
6 procedure required by paragraph (1), shall, at a
7 minimum, account for—

8 “(A) the health, safety, and privacy of a
9 victim of sexual assault;

10 “(B) the proximity of ashore or afloat
11 medical facilities, including coordination as nec-
12 essary with the Department of Defense, includ-
13 ing other military departments (as defined in
14 section 101 of title 10);

15 “(C) the availability of aeromedical evacu-
16 ation;

17 “(D) the operational capabilities of the
18 vessel concerned;

19 “(E) the qualifications of medical per-
20 sonnel onboard;

21 “(F) coordination with law enforcement
22 and the preservation of evidence;

23 “(G) the means of accessing a sexual as-
24 sult forensic examination and medical care
25 with a restricted report of sexual assault;

1 “(H) the availability of nonprescription
2 pregnancy prophylactics; and

3 “(I) other unique military considerations.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 5 of title 14, United States Code, is amended by insert-
6 ing after the item relating to section 563 the following:

“564. Administration of sexual assault forensic examination kits.”.

7 (c) STUDY.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of the enactment of this Act, the Secretary
10 shall seek to enter into an agreement with the Na-
11 tional Academy of Sciences under which the Na-
12 tional Academy of Sciences shall conduct a study to
13 assess challenges and prospective solutions associ-
14 ated with sexual assault at sea, to include the provi-
15 sion of survivor care, forensic examination of the vic-
16 tim, and evidence collection.

17 (2) CONTENTS.—The study under paragraph
18 (1) shall, at a minimum, address the feasibility of
19 crisis response services and physical evaluation
20 through telemedicine and other options concerning
21 immediate access to care whether onboard the vessel
22 or at the nearest shore side facility, including best
23 practices for administering sexual assault forensic
24 examinations.

1 (3) ELEMENTS.—The study under paragraph

2 (1) shall—

3 (A) take into account—

4 (i) the safety and security of the al-
5 leged victim of sexual assault;

6 (ii) the ability to properly identify,
7 document, and preserve any evidence rel-
8 evant to the allegation of sexual assault;

9 (iii) the applicable criminal procedural
10 laws relating to authenticity, relevance,
11 preservation of evidence, chain of custody,
12 and any other matter relating to evi-
13 dentiary admissibility; and

14 (iv) best practices of conducting sex-
15 ual assault forensic examinations, as such
16 term is defined in section 40723 of title
17 34, United States Code;

18 (B) provide any appropriate recommenda-
19 tion for changes to existing laws, regulations, or
20 employer policies;

21 (C) solicit public stakeholder input from
22 individuals and organizations with relevant ex-
23 pertise in sexual assault response including
24 healthcare, advocacy services, law enforcement,
25 and prosecution;

1 (D) evaluate the operational capabilities of
2 the Coast Guard since 2013 in providing al-
3 leged victims of sexual assault immediate access
4 to care onboard a vessel undertaking a
5 prescheduled voyage that, at any point during
6 such voyage, would require the vessel to travel
7 3 consecutive days or longer to reach a land-
8 based or afloat medical facility, including—

9 (i) the average of and range in the re-
10 ported hours taken to evacuate an indi-
11 vidual with any medical emergency to a
12 land-based or afloat medical facility; and

13 (ii) the number of alleged victims,
14 subjects, and total incidents of sexual as-
15 sault and sexual harassment occurring
16 while underway reported annually; and

17 (E) summarize the financial cost, required
18 operational adjustments, and potential benefits
19 to the Coast Guard to provide sexual assault fo-
20 rensic examination kits onboard Coast Guard
21 vessels undertaking a prescheduled voyage that,
22 at any point during such voyage, would require
23 the vessel to travel 3 consecutive days or longer
24 to reach a land-based or afloat medical facility.

1 (4) REPORT.—Upon completion of the study
2 under paragraph (1), the National Academy of
3 Sciences shall submit to the Committee on Com-
4 merce, Science, and Transportation of the Senate,
5 the Committee on Transportation and Infrastructure
6 of the House of Representatives, and the Secretary
7 a report on the findings of the study.

8 (5) ANNUAL REPORT.—The Commandant shall
9 submit to the Transportation and Infrastructure
10 Committee of the House and the Commerce,
11 Science, and Transportation Committee of the Sen-
12 ate a report containing the number of sexual assault
13 forensic examinations that were requested by, but
14 not administered within 3 days to, alleged victims of
15 sexual assault when such victims were onboard a
16 vessel.

17 (6) SAVINGS CLAUSE.—In collecting the infor-
18 mation required under paragraphs (2) and (3), the
19 Commandant shall collect such information in a
20 manner which protects the privacy rights of individ-
21 uals who are subjects of such information.

1 **SEC. 11273. POLICY ON REQUESTS FOR PERMANENT**
2 **CHANGES OF STATION OR UNIT TRANSFERS**
3 **BY PERSONS WHO REPORT BEING THE VIC-**
4 **TIM OF SEXUAL ASSAULT.**

5 (a) INTERIM UPDATE.—Not later than 30 days after
6 the date of enactment of this Act, the Commandant, in
7 consultation with the Director of the Health, Safety, and
8 Work Life Directorate, shall issue an interim update to
9 Coast Guard policy guidance to allow a member of the
10 Coast Guard who has reported being the victim of a sexual
11 assault, or any other offense covered by section 920, 920c,
12 or 930 of title 10, United States Code (article 120, 120c,
13 or 130 of the Uniform Code of Military Justice), to re-
14 quest an immediate change of station or an immediate
15 unit transfer.

16 (b) FINAL POLICY.—The Commandant shall issue a
17 final policy based on the interim updates issued under the
18 preceding sentence not later than 1 year after the date
19 of enactment of this Act.

20 **SEC. 11274. SEX OFFENSES AND PERSONNEL RECORDS.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Commandant shall issue final regulations
23 or policy guidance required to fully implement section
24 1745 of the National Defense Authorization Act for Fiscal
25 Year 2014 (Public Law 113–66; 10 U.S.C. 1561 note)
26 with respect to members of the Coast Guard.

1 **SEC. 11275. STUDY ON SPECIAL VICTIMS' COUNSEL PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Not later than 30 days after the
4 date of enactment of this Act, the Secretary shall enter
5 into an agreement with a federally funded research and
6 development center for the conduct of a study on—

7 (1) the Special Victims' Counsel program of the
8 Coast Guard;

9 (2) Coast Guard investigations of sexual assault
10 offenses for cases in which the subject of the inves-
11 tigation is no longer under jeopardy for the alleged
12 misconduct for reasons including the death of the
13 accused, a lapse in the statute of limitations for the
14 alleged offense, and a fully adjudicated criminal trial
15 of the alleged offense in which all appeals have been
16 exhausted; and

17 (3) legal support and representation provided to
18 members of the Coast Guard who are victims of sex-
19 ual assault, including in instances in which the ac-
20 cused is a member of the Army, Navy, Air Force,
21 Marine Corps, or Space Force.

22 (b) ELEMENTS.—The study required by subsection
23 (a) shall assess the following:

24 (1) The Special Victims' Counsel program of
25 the Coast Guard, including training, effectiveness,
26 capacity to handle the number of cases referred, and

1 experience with cases involving members of the
2 Coast Guard or members of another armed force (as
3 defined in section 101 of title 10, United States
4 Code).

5 (2) The experience of Special Victims' Counsels
6 in representing members of the Coast Guard during
7 a court-martial.

8 (3) Policies concerning the availability and de-
9 tailing of Special Victims' Counsels for sexual as-
10 sult allegations, in particular such allegations in
11 which the accused is a member of another armed
12 force (as defined in section 101 of title 10, United
13 States Code), and the impact that the cross-service
14 relationship had on—

15 (A) the competence and sufficiency of serv-
16 ices provided to the alleged victim; and

17 (B) the interaction between—

18 (i) the investigating agency and the
19 Special Victims' Counsels; and

20 (ii) the prosecuting entity and the
21 Special Victims' Counsels.

22 (4) Training provided to, or made available for,
23 Special Victims' Counsels and paralegals with re-
24 spect to Department of Defense processes for con-
25 ducting sexual assault investigations and Special

1 Victims' Counsel representation of sexual assault
2 victims.

3 (5) The ability of Special Victims' Counsels to
4 operate independently without undue influence from
5 third parties, including the command of the accused,
6 the command of the victim, the Judge Advocate
7 General of the Coast Guard, and the Deputy Judge
8 Advocate General of the Coast Guard.

9 (6) The skill level and experience of Special Vic-
10 tims' Counsels, as compared to special victims' coun-
11 sels available to members of the Army, Navy, Air
12 Force, Marine Corps, and Space Force.

13 (7) Policies regarding access to an alternate
14 Special Victims' Counsel, if requested by the mem-
15 ber of the Coast Guard concerned, and potential im-
16 provements for such policies.

17 (c) REPORT.—Not later than 180 days after entering
18 into an agreement under subsection (a), the federally
19 funded research and development center shall submit to
20 the Committee on Commerce, Science, and Transportation
21 of the Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives a report
23 that includes—

24 (1) the findings of the study required by such
25 subsection;

1 (2) recommendations to improve the coordina-
2 tion, training, and experience of Special Victims’
3 Counsels of the Coast Guard so as to improve out-
4 comes for members of the Coast Guard who have re-
5 ported sexual assault; and

6 (3) any other recommendation the federally
7 funded research and development center considers
8 appropriate.

9 **TITLE CXIII—ENVIRONMENT**

10 **Subtitle A—Marine Mammals**

11 **SEC. 11301. DEFINITIONS.**

12 In this subtitle:

13 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
14 **TEES.**—The term “appropriate congressional com-
15 mittees” means—

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

18 (B) the Committees on Transportation and
19 Infrastructure and Natural Resources of the
20 House of Representatives.

21 (2) **CORE FORAGING HABITATS.**—The term
22 “core foraging habitats” means areas—

23 (A) with biological and physical oceano-
24 graphic features that aggregate *Calanus*
25 *finmarchicus*; and

1 (B) where North Atlantic right whales for-
2 aging aggregations have been well documented.

3 (3) EXCLUSIVE ECONOMIC ZONE.—The term
4 “exclusive economic zone” has the meaning given
5 that term in section 107 of title 46, United States
6 Code.

7 (4) INSTITUTION OF HIGHER EDUCATION.—The
8 term “institution of higher education” has the
9 meaning given that term in section 101(a) of the
10 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

11 (5) LARGE CETACEAN.—The term “large ceta-
12 cean” means all endangered or threatened species
13 within—

14 (A) the suborder Mysticeti;

15 (B) the genera *Physeter*; or

16 (C) the genera *Orcinus*.

17 (6) NEAR REAL-TIME.—The term “near real-
18 time”, with respect to monitoring of whales, means
19 that visual, acoustic, or other detections of whales
20 are processed, transmitted, and reported as close to
21 the time of detection as is technically feasible.

22 (7) NONPROFIT ORGANIZATION.—The term
23 “nonprofit organization” means an organization that
24 is described in section 501(c) of the Internal Rev-

1 enue Code of 1986 and exempt from tax under sec-
2 tion 501(a) of such Code.

3 (8) PUGET SOUND REGION.—The term “Puget
4 Sound region” means the Vessel Traffic Service
5 Puget Sound area described in section 161.55 of
6 title 33, Code of Federal Regulations (as of the date
7 of enactment of this Act).

8 (9) TRIBAL GOVERNMENT.—The term “Tribal
9 government” means the recognized governing body
10 of any Indian or Alaska Native Tribe, band, nation,
11 pueblo, village, community, component band, or com-
12 ponent reservation, individually identified (including
13 parenthetically) in the list published most recently as
14 of the date of enactment of this Act pursuant to sec-
15 tion 104 of the Federally Recognized Indian Tribe
16 List Act of 1994 (25 U.S.C. 5131).

17 (10) UNDER SECRETARY.—The term “Under
18 Secretary” means the Under Secretary of Commerce
19 for Oceans and Atmosphere.

20 **SEC. 11302. ASSISTANCE TO PORTS TO REDUCE IMPACTS**
21 **OF VESSEL TRAFFIC AND PORT OPERATIONS**
22 **ON MARINE MAMMALS.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Under Secretary, in con-
25 sultation with the Director of the United States Fish and

1 Wildlife Service, the Secretary, the Secretary of Defense,
2 and the Administrator of the Maritime Administration,
3 shall establish a grant program to provide assistance to
4 eligible entities to develop and implement mitigation meas-
5 ures that will lead to a quantifiable reduction in threats
6 to marine mammals from vessel traffic, including shipping
7 activities and port operations.

8 (b) ELIGIBLE USES.—Assistance provided under sub-
9 section (a) may be used to develop, assess, and carry out
10 activities that reduce threats to marine mammals by—

11 (1) reducing underwater stressors related to
12 marine traffic;

13 (2) reducing mortality and serious injury from
14 vessel strikes and other physical disturbances;

15 (3) monitoring sound;

16 (4) reducing vessel interactions with marine
17 mammals;

18 (5) conducting other types of monitoring that
19 are consistent with reducing the threats to, and en-
20 hancing the habitats of, marine mammals; or

21 (6) supporting State agencies and Tribal gov-
22 ernments in developing the capacity to receive assist-
23 ance under this section through education, training,
24 information sharing, and collaboration to participate
25 in the grant program under this section.

1 (c) PRIORITY.—The Under Secretary shall prioritize
2 providing assistance under subsection (a) for projects
3 that—

4 (1) are based on the best available science with
5 respect to methods to reduce threats to marine
6 mammals;

7 (2) collect data on the effects of such methods
8 and the reduction of such threats;

9 (3) assist ports that pose a higher relative
10 threat to marine mammals listed as threatened or
11 endangered under the Endangered Species Act of
12 1973 (16 U.S.C. 1531 et seq.);

13 (4) are in close proximity to areas in which
14 threatened or endangered cetaceans are known to
15 experience other stressors; or

16 (5) allow eligible entities to conduct risk assess-
17 ments and to track progress toward threat reduc-
18 tion.

19 (d) OUTREACH.—The Under Secretary, in coordina-
20 tion with the Secretary, the Administrator of the Maritime
21 Administration, and the Director of the United States
22 Fish and Wildlife Service, as appropriate, shall conduct
23 coordinated outreach to ports to provide information with
24 respect to—

1 (1) how to apply for assistance under sub-
2 section (a);

3 (2) the benefits of such assistance; and

4 (3) facilitation of best practices and lessons, in-
5 cluding the best practices and lessons learned from
6 activities carried out using such assistance.

7 (e) REPORT REQUIRED.—Not less frequently than
8 annually, the Under Secretary shall make available to the
9 public on a publicly accessible website of the National Oce-
10 anic and Atmospheric Administration a report that in-
11 cludes the following information:

12 (1) The name and location of each entity to
13 which assistance was awarded under subsection (a)
14 during the year preceding submission of the report.

15 (2) The amount of each such award.

16 (3) A description of the activities carried out
17 with each such award.

18 (4) An estimate of the likely impact of such ac-
19 tivities on the reduction of threats to marine mam-
20 mals.

21 (f) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
22 tion, the term “eligible entity” means—

23 (1) a port authority for a port;

24 (2) a State, regional, local, or Tribal govern-
25 ment, or an Alaska Native or Native Hawaiian enti-

1 ty that has jurisdiction over a maritime port author-
2 ity or a port;

3 (3) an academic institution, research institu-
4 tion, or nonprofit organization working in partner-
5 ship with a port; or

6 (4) a consortium of entities described in para-
7 graphs (1) through (3).

8 (g) FUNDING.—From funds otherwise appropriated
9 to the Under Secretary, \$10,000,000 is authorized to
10 carry out this section for each of fiscal years 2023 through
11 2028.

12 (h) SAVINGS CLAUSE.—An activity may not be car-
13 ried out under this section if the Secretary of Defense,
14 in consultation with the Under Secretary, determines that
15 the activity would negatively impact the defense readiness
16 or the national security of the United States.

17 **SEC. 11303. NEAR REAL-TIME MONITORING AND MITIGA-**
18 **TION PROGRAM FOR LARGE CETACEANS.**

19 (a) ESTABLISHMENT.—The Under Secretary, in co-
20 ordination with the heads of other relevant Federal agen-
21 cies, shall design and deploy a cost-effective, efficient, and
22 results-oriented near real-time monitoring and mitigation
23 program (referred to in this section as the “Program”)
24 for threatened or endangered cetaceans.

1 (b) PURPOSE.—The purpose of the Program shall be
2 to reduce the risk to large cetaceans posed by vessel colli-
3 sions and to minimize other impacts on large cetaceans
4 through the use of near real-time location monitoring and
5 location information.

6 (c) REQUIREMENTS.—The Program shall—

7 (1) prioritize species of large cetaceans for
8 which impacts from vessel collisions are of particular
9 concern;

10 (2) prioritize areas where such impacts are of
11 particular concern;

12 (3) be capable of detecting and alerting ocean
13 users and enforcement agencies of the probable loca-
14 tion of large cetaceans on an actionable real-time
15 basis, including through real-time data whenever
16 possible;

17 (4) inform sector-specific mitigation protocols
18 to effectively reduce takes (as defined in section
19 216.3 of title 50, Code of Federal Regulations, or
20 successor regulations) of large cetaceans;

21 (5) integrate technology improvements; and

22 (6) be informed by technologies, monitoring
23 methods, and mitigation protocols developed under
24 the pilot project required under subsection (d).

25 (d) PILOT PROJECT.—

1 (1) ESTABLISHMENT.—In carrying out the Pro-
2 gram, the Under Secretary shall first establish a
3 pilot monitoring and mitigation project (referred to
4 in this section as the “pilot project”) for North At-
5 lantic right whales for the purposes of informing the
6 Program.

7 (2) REQUIREMENTS.—In designing and deploy-
8 ing the pilot project, the Under Secretary, in coordi-
9 nation with the heads of other relevant Federal
10 agencies, shall, using the best available scientific in-
11 formation, identify and ensure coverage of—

12 (A) core foraging habitats; and

13 (B) important feeding, breeding, calving,
14 rearing, or migratory habitats of North Atlantic
15 right whales that co-occur with areas of high
16 risk of mortality or serious injury of such
17 whales from vessels, vessel strikes, or disturb-
18 ance.

19 (3) COMPONENTS.—Not later than 3 years
20 after the date of enactment of this Act, the Under
21 Secretary, in consultation with relevant Federal
22 agencies and Tribal governments, and with input
23 from affected stakeholders, shall design and deploy
24 a near real-time monitoring system for North Atlan-
25 tic right whales that—

1 (A) comprises the best available detection
2 power, spatial coverage, and survey effort to de-
3 tect and localize North Atlantic right whales
4 within habitats described in paragraph (2);

5 (B) is capable of detecting North Atlantic
6 right whales, including visually and acoustically;

7 (C) uses dynamic habitat suitability models
8 to inform the likelihood of North Atlantic right
9 whale occurrence habitats described in para-
10 graph (2) at any given time;

11 (D) coordinates with the Integrated Ocean
12 Observing System of the National Oceanic and
13 Atmospheric Administration and Regional
14 Ocean Partnerships to leverage monitoring as-
15 sets;

16 (E) integrates historical data;

17 (F) integrates new near real-time moni-
18 toring methods and technologies as such meth-
19 ods and technologies become available;

20 (G) accurately verifies and rapidly commu-
21 nicates detection data to appropriate ocean
22 users;

23 (H) creates standards for contributing,
24 and allows ocean users to contribute, data to

1 the monitoring system using comparable near
2 real-time monitoring methods and technologies;

3 (I) communicates the risks of injury to
4 large cetaceans to ocean users in a manner that
5 is most likely to result in informed decision-
6 making regarding the mitigation of those risks;
7 and

8 (J) minimizes additional stressors to large
9 cetaceans as a result of the information avail-
10 able to ocean users.

11 (4) REPORTS.—

12 (A) PRELIMINARY REPORT.—

13 (i) IN GENERAL.—Not later than 2
14 years after the date of enactment of this
15 Act, the Under Secretary shall submit to
16 the Committee on Commerce, Science, and
17 Transportation of the Senate and the
18 Committee on Natural Resources of the
19 House of Representatives, and make avail-
20 able to the public, a preliminary report on
21 the pilot project.

22 (ii) ELEMENTS.—The report required
23 under clause (i) shall include the following:

24 (I) A description of the moni-
25 toring methods and technology in use

1 or planned for deployment under the
2 pilot project.

3 (II) An analysis of the efficacy of
4 the methods and technology in use or
5 planned for deployment for detecting
6 North Atlantic right whales.

7 (III) An assessment of the man-
8 ner in which the monitoring system
9 designed and deployed under this sub-
10 section is directly informing and im-
11 proving the management, health, and
12 survival of North Atlantic right
13 whales.

14 (IV) A prioritized identification
15 of technology or research gaps.

16 (V) A plan to communicate the
17 risks of injury to large cetaceans to
18 ocean users in a manner that is most
19 likely to result in informed decision
20 making regarding the mitigation of
21 such risks.

22 (VI) Any other information on
23 the potential benefits and efficacy of
24 the pilot project the Under Secretary
25 considers appropriate.

1 (B) FINAL REPORT.—

2 (i) IN GENERAL.—Not later than 6
3 years after the date of enactment of this
4 Act, the Under Secretary, in coordination
5 with the heads of other relevant Federal
6 agencies, shall submit to the Committee on
7 Commerce, Science, and Transportation of
8 the Senate and the Committee on Natural
9 Resources of the House of Representatives,
10 and make available to the public, a final
11 report on the pilot project.

12 (ii) ELEMENTS.—The report required
13 under clause (i) shall—

14 (I) address the preliminary re-
15 port required under subparagraph
16 (A); and

17 (II) include—

18 (aa) an assessment of the
19 benefits and efficacy of the pilot
20 project;

21 (bb) a strategic plan to ex-
22 pand the pilot project to provide
23 near real-time monitoring and
24 mitigation measures—

1 (AA) to additional large
2 cetaceans of concern for
3 which such measures would
4 reduce risk of serious injury
5 or death; and

6 (BB) in important feed-
7 ing, breeding, calving,
8 rearing, or migratory habi-
9 tats of large cetaceans that
10 co-occur with areas of high
11 risk of mortality or serious
12 injury from vessel strikes or
13 disturbance;

14 (cc) a budget and descrip-
15 tion of funds necessary to carry
16 out such plan;

17 (dd) a prioritized plan for
18 acquisition, deployment, and
19 maintenance of monitoring tech-
20 nologies; and

21 (ee) the locations or species
22 to which such plan would apply.

23 (e) MITIGATION PROTOCOLS.—The Under Secretary,
24 in consultation with the Secretary, the Secretary of De-
25 fense, the Secretary of Transportation, and the Secretary

1 of the Interior, and with input from affected stakeholders,
2 shall develop and deploy mitigation protocols that make
3 use of any monitoring system designed and deployed under
4 this section to direct sector-specific mitigation measures
5 that avoid and significantly reduce risk of serious injury
6 and mortality to North Atlantic right whales.

7 (f) ACCESS TO DATA.—The Under Secretary shall
8 provide access to data generated by any monitoring system
9 designed and deployed under this section for purposes of
10 scientific research and evaluation and public awareness
11 and education, including through the Right Whale Sight-
12 ing Advisory System of the National Oceanic and Atmos-
13 pheric Administration and WhaleMap or other successor
14 public website portals, subject to review for national secu-
15 rity considerations.

16 (g) ADDITIONAL AUTHORITY.—The Under Secretary
17 may enter into and perform such contracts, leases, grants,
18 or cooperative agreements as may be necessary to carry
19 out this section on such terms as the Under Secretary con-
20 siders appropriate, consistent with the Federal Acquisition
21 Regulation.

22 (h) SAVINGS CLAUSE.—An activity may not be car-
23 ried out under this section if the Secretary of Defense,
24 in consultation with the Under Secretary, determines that

1 the activity would negatively impact the defense readiness
2 or the national security of the United States.

3 (i) FUNDING.—From funds otherwise appropriated
4 to the Under Secretary \$5,000,000 is authorized to sup-
5 port development, deployment, application, and ongoing
6 maintenance of the Program and to otherwise carry out
7 this section for each of fiscal years 2023 through 2027.

8 **SEC. 11304. PILOT PROGRAM TO ESTABLISH A CETACEAN**
9 **DESK FOR PUGET SOUND REGION.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Not later than 1 year after
12 the date of enactment of this Act, the Secretary,
13 with the concurrence of the Under Secretary, shall
14 carry out a pilot program to establish a Cetacean
15 Desk, which shall be—

16 (A) located and manned within the Puget
17 Sound Vessel Traffic Service; and

18 (B) designed—

19 (i) to improve coordination with the
20 maritime industry to reduce the risk of
21 vessel impacts on large cetaceans, includ-
22 ing impacts from vessel strikes, disturb-
23 ances, and other sources; and

24 (ii) to monitor the presence and loca-
25 tion of large cetaceans during the months

1 during which such large cetaceans are
2 present in Puget Sound, the Strait of Juan
3 de Fuca, and the United States portion of
4 the Salish Sea.

5 (2) DURATION AND STAFFING.—The pilot pro-
6 gram required under paragraph (1)—

7 (A) shall—

8 (i) be for a duration of 4 years; and

9 (ii) require not more than 1 full-time
10 equivalent position, who shall also con-
11 tribute to other necessary Puget Sound
12 Vessel Traffic Service duties and respon-
13 sibilities as needed; and

14 (B) may be supported by other existing
15 Federal employees, as appropriate.

16 (b) ENGAGEMENT WITH VESSEL OPERATORS.—

17 (1) IN GENERAL.—In carrying out the pilot
18 program required under subsection (a), the Sec-
19 retary shall require personnel of the Cetacean Desk
20 to engage with vessel operators in areas where large
21 cetaceans have been seen or could reasonably be
22 present to ensure compliance with applicable laws,
23 regulations, and voluntary guidance, to reduce the
24 impact of vessel traffic on large cetaceans.

1 (2) CONTENTS.—In engaging with vessel opera-
2 tors as required under paragraph (1), personnel of
3 the Cetacean Desk shall communicate where and
4 when sightings of large cetaceans have occurred.

5 (c) MEMORANDUM OF UNDERSTANDING.—The Sec-
6 retary and the Under Secretary may enter into a memo-
7 randum of understanding to facilitate real-time sharing of
8 data relating to large cetaceans between the Quiet Sound
9 program of the State of Washington, the National Oceanic
10 and Atmospheric Administration, the Puget Sound Vessel
11 Traffic Service, and other relevant entities, as appropriate.

12 (d) DATA.—The Under Secretary shall leverage exist-
13 ing data collection methods, the program required by sec-
14 tion 11303, and public data to ensure accurate and timely
15 information on the sighting of large cetaceans.

16 (e) CONSULTATIONS.—

17 (1) IN GENERAL.—In carrying out the pilot
18 program required under subsection (a), the Sec-
19 retary shall consult with Tribal governments, the
20 State of Washington, institutions of higher edu-
21 cation, the maritime industry, ports in the Puget
22 Sound region, and nongovernmental organizations.

23 (2) COORDINATION WITH CANADA.—When ap-
24 propriate, the Secretary shall coordinate with the
25 Government of Canada, consistent with policies and

1 agreements relating to management of vessel traffic
2 in Puget Sound.

3 (f) PUGET SOUND VESSEL TRAFFIC SERVICE LOCAL
4 VARIANCE AND POLICY.—The Secretary, with the concur-
5 rence of the Under Secretary and in consultation with the
6 Captain of the Port for the Puget Sound region—

7 (1) shall implement local variances, as author-
8 ized by subsection (c) of section 70001 of title 46,
9 United States Code, to reduce the impact of vessel
10 traffic on large cetaceans; and

11 (2) may enter into cooperative agreements, in
12 accordance with subsection (d) of such section, with
13 Federal, State, Tribal, and local officials to reduce
14 the likelihood of vessel interactions with protected
15 large cetaceans, which may include—

16 (A) communicating marine mammal pro-
17 tection guidance to vessels;

18 (B) training on requirements imposed by
19 local, State, Tribal, and Federal laws and regu-
20 lations and guidelines concerning—

21 (i) vessel buffer zones;

22 (ii) vessel speed;

23 (iii) seasonal no-go zones for vessels;

1 (iv) protected areas, including areas
2 designated as critical habitat, as applicable
3 to marine operations; and

4 (v) any other activities to reduce the
5 direct and indirect impact of vessel traffic
6 on large cetaceans;

7 (C) training to understand, utilize, and
8 communicate large cetacean location data; and

9 (D) training to understand and commu-
10 nicate basic large cetacean detection, identifica-
11 tion, and behavior, including—

12 (i) cues of the presence of large
13 cetaceans such as spouts, water disturb-
14 ances, breaches, or presence of prey;

15 (ii) important feeding, breeding,
16 calving, and rearing habitats that co-occur
17 with areas of high risk of vessel strikes;

18 (iii) seasonal large cetacean migration
19 routes that co-occur with areas of high risk
20 of vessel strikes; and

21 (iv) areas designated as critical habi-
22 tat for large cetaceans.

23 (g) REPORT REQUIRED.—Not later than 1 year after
24 the date of enactment of this Act, and every 2 years there-
25 after for the duration of the pilot program, the Com-

1 mandant, in coordination with the Under Secretary and
2 the Administrator of the Maritime Administration, shall
3 submit to the appropriate congressional committees a re-
4 port that—

5 (1) evaluates the functionality, utility, reli-
6 ability, responsiveness, and operational status of the
7 Cetacean Desk established under this section, in-
8 cluding a quantification of reductions in vessel
9 strikes to large cetaceans as a result of the pilot pro-
10 gram;

11 (2) assesses the efficacy of communication be-
12 tween the Cetacean Desk and the maritime industry
13 and provides recommendations for improvements;

14 (3) evaluates the integration and interoper-
15 ability of existing data collection methods, as well as
16 public data, into the Cetacean Desk operations;

17 (4) assesses the efficacy of collaboration and
18 stakeholder engagement with Tribal governments,
19 the State of Washington, institutions of higher edu-
20 cation, the maritime industry, ports in the Puget
21 Sound region, and nongovernmental organizations;
22 and

23 (5) evaluates the progress, performance, and
24 implementation of guidance and training procedures

1 for Puget Sound Vessel Traffic Service personnel, as
2 required under subsection (f).

3 **SEC. 11305. MONITORING OCEAN SOUNDSCAPES.**

4 (a) IN GENERAL.—The Under Secretary shall main-
5 tain and expand an ocean soundscape development pro-
6 gram to—

7 (1) award grants to expand the deployment of
8 Federal and non-Federal observing and data man-
9 agement systems capable of collecting measurements
10 of underwater sound for purposes of monitoring and
11 analyzing baselines and trends in the underwater
12 soundscape to protect and manage marine life;

13 (2) continue to develop and apply standardized
14 forms of measurements to assess sounds produced
15 by marine animals, physical processes, and anthro-
16 pogenic activities; and

17 (3) after coordinating with the Secretary of De-
18 fense, coordinate and make accessible to the public
19 the datasets, modeling and analysis, and user-driven
20 products and tools resulting from observations of
21 underwater sound funded through grants awarded
22 under paragraph (1).

23 (b) COORDINATION.—The program described in sub-
24 section (a) shall—

1 (1) include the Ocean Noise Reference Station
2 Network of the National Oceanic and Atmospheric
3 Administration and the National Park Service;

4 (2) use and coordinate with the Integrated
5 Ocean Observing System; and

6 (3) coordinate with the Regional Ocean Part-
7 nerships and the Director of the United States Fish
8 and Wildlife Service, as appropriate.

9 (c) PRIORITY.—In awarding grants under subsection
10 (a), the Under Secretary shall consider the geographic di-
11 versity of the recipients of such grants.

12 (d) SAVINGS CLAUSE.—An activity may not be car-
13 ried out under this section if the Secretary of Defense,
14 in consultation with the Under Secretary, determines that
15 the activity would negatively impact the defense readiness
16 or the national security of the United States.

17 (e) FUNDING.—From funds otherwise appropriated
18 to the Under Secretary, \$1,500,000 is authorized for each
19 of fiscal years 2023 through 2028 to carry out this sec-
20 tion.

21 **Subtitle B—Oil Spills**

22 **SEC. 11306. REPORT ON CHANGING SALVORS.**

23 Section 311(c)(3) of the Federal Water Pollution
24 Control Act (33 U.S.C. 1321(c)(3)) is amended by adding
25 at the end the following:

1 “(C) In any case in which the President or the
2 Federal On-Scene Coordinator authorizes a deviation
3 from the salvor as part of a deviation under sub-
4 paragraph (B) from the applicable response plan re-
5 quired under subsection (j), the Commandant of the
6 Coast Guard shall submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 describing the deviation and the reasons for such de-
11 viation not less than 3 days after such deviation is
12 authorized.”.

13 **SEC. 11307. LIMITED INDEMNITY PROVISIONS IN STANDBY**
14 **OIL SPILL RESPONSE CONTRACTS.**

15 (a) IN GENERAL.—Subject to subsections (b) and (c),
16 a contract with the Coast Guard for the containment or
17 removal of a discharge entered into by the President under
18 section 311(c) of the Federal Water Pollution Control Act
19 (33 U.S.C. 1321(c)) shall contain a provision to indemnify
20 a contractor for liabilities and expenses incidental to the
21 containment or removal arising out of the performance of
22 the contract that is substantially identical to the terms
23 contained in subsections (d) through (h) of section H.4
24 (except for paragraph (1) of subsection (d)) of the con-
25 tract offered by the Coast Guard in the solicitation num-

1 bered DTCG89-98- A-68F953, dated November 17,
2 1998.

3 (b) REQUIREMENTS.—

4 (1) SOURCE OF FUNDS.—The provision re-
5 quired under subsection (a) shall include a provision
6 that the obligation to indemnify is limited to funds
7 available in the Oil Spill Liability Trust Fund estab-
8 lished by section 9509(a) of the Internal Revenue
9 Code of 1986 at the time the claim for indemnity is
10 made.

11 (2) UNCOMPENSATED REMOVAL.—A claim for
12 indemnity under a contract described in subsection
13 (a) shall be made as a claim for uncompensated re-
14 moval costs under section 1012(a)(4) of the Oil Pol-
15 lution Act of 1990 (33 U.S.C. 2712(a)(4)).

16 (3) LIMITATION.—The total indemnity for a
17 claim under a contract described in subsection (a)
18 may not be more than \$50,000 per incident.

19 (c) APPLICABILITY OF EXEMPTIONS.—Notwith-
20 standing subsection (a), the United States shall not be ob-
21 ligated to indemnify a contractor for any act or omission
22 of the contractor carried out pursuant to a contract en-
23 tered into under this section where such act or omission
24 is grossly negligent or which constitutes willful mis-
25 conduct.

1 **SEC. 11308. IMPROVING OIL SPILL PREPAREDNESS.**

2 The Under Secretary of Commerce for Oceans and
3 Atmosphere shall include in the Automated Data Inquiry
4 for Oil Spills database (or a successor database) used by
5 National Oceanic and Atmospheric Administration oil
6 weathering models new data, including peer-reviewed data,
7 on properties of crude and refined oils, including data on
8 diluted bitumen, as such data becomes publicly available.

9 **SEC. 11309. WESTERN ALASKA OIL SPILL PLANNING CRI-**
10 **TERIA.**

11 (a) ALASKA OIL SPILL PLANNING CRITERIA PRO-
12 GRAM.—

13 (1) IN GENERAL.—Chapter 3 of title 14, United
14 States Code, is amended by adding at the end the
15 following:

16 **“§ 323. Western Alaska Oil Spill Planning Criteria**
17 **Program**

18 “(a) ESTABLISHMENT.—There is established within
19 the Coast Guard a Western Alaska Oil Spill Planning Cri-
20 teria Program (referred to in this section as the ‘Pro-
21 gram’) to develop and administer the Western Alaska oil
22 spill planning criteria.

23 “(b) PROGRAM MANAGER.—

24 “(1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this section, the Com-
26 mandant shall select a permanent civilian career em-

1 ployee through a competitive search process for a
2 term of not less than 5 years to serve as the West-
3 ern Alaska Oil Spill Criteria Program Manager (re-
4 ferred to in this section as the ‘Program Man-
5 ager’)—

6 “(A) the primary duty of whom shall be to
7 administer the Program; and

8 “(B) who shall not be subject to frequent
9 or routine reassignment.

10 “(2) CONFLICTS OF INTEREST.—The individual
11 selected to serve as the Program Manager shall not
12 have conflicts of interest relating to entities regu-
13 lated by the Coast Guard.

14 “(3) DUTIES.—

15 “(A) DEVELOPMENT OF GUIDANCE.—The
16 Program Manager shall develop guidance for—

17 “(i) approval, drills, and testing relat-
18 ing to the Western Alaska oil spill plan-
19 ning criteria; and

20 “(ii) gathering input concerning such
21 planning criteria from Federal agencies,
22 State and local governments, Tribes, and
23 relevant industry and nongovernmental en-
24 tities.

1 “(B) ASSESSMENTS.—Not less frequently
2 than once every 5 years, the Program Manager
3 shall—

4 “(i) assess whether such existing plan-
5 ning criteria adequately meet the needs of
6 vessels operating in the geographic area;
7 and

8 “(ii) identify methods for advancing
9 response capability so as to achieve, with
10 respect to a vessel, compliance with na-
11 tional planning criteria.

12 “(C) ONSITE VERIFICATIONS.—The Pro-
13 gram Manager shall address the relatively small
14 number and limited nature of verifications of
15 response capabilities for vessel response plans
16 by increasing, within the Seventeenth Coast
17 Guard District, the quantity and frequency of
18 onsite verifications of the providers identified in
19 vessel response plans.

20 “(c) TRAINING.—The Commandant shall enhance the
21 knowledge and proficiency of Coast Guard personnel with
22 respect to the Program by—

23 “(1) developing formalized training on the Pro-
24 gram that, at a minimum—

25 “(A) provides in-depth analysis of—

1 “(i) the national planning criteria de-
2 scribed in part 155 of title 33, Code of
3 Federal Regulations (as in effect on the
4 date of enactment of this section);

5 “(ii) alternative planning criteria;

6 “(iii) Western Alaska oil spill plan-
7 ning criteria;

8 “(iv) Captain of the Port and Federal
9 On-Scene Coordinator authorities related
10 to activation of a vessel response plan;

11 “(v) the responsibilities of vessel own-
12 ers and operators in preparing a vessel re-
13 sponse plan for submission; and

14 “(vi) responsibilities of the Area Com-
15 mittee, including risk analysis, response
16 capability, and development of alternative
17 planning criteria;

18 “(B) explains the approval processes of
19 vessel response plans that involve alternative
20 planning criteria or Western Alaska oil spill
21 planning criteria; and

22 “(C) provides instruction on the processes
23 involved in carrying out the actions described in
24 paragraphs (9)(D) and (9)(F) of section 311(j)
25 of the Federal Water Pollution Control Act (33

1 U.S.C. 1321(j)), including instruction on car-
2 rying out such actions—

3 “(i) in any geographic area in the
4 United States; and

5 “(ii) specifically in the Seventeenth
6 Coast Guard District; and

7 “(2) providing such training to all Coast Guard
8 personnel involved in the Program.

9 “(d) DEFINITIONS.—In this section:

10 “(1) ALTERNATIVE PLANNING CRITERIA.—The
11 term ‘alternative planning criteria’ means criteria
12 submitted under section 155.1065 or 155.5067 of
13 title 33, Code of Federal Regulations (as in effect on
14 the date of enactment of this section), for vessel re-
15 sponse plans.

16 “(2) TRIBE.—The term ‘Tribe’ has the mean-
17 ing given the term ‘Indian Tribe’ in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5304).

20 “(3) VESSEL RESPONSE PLAN.—The term ‘ves-
21 sel response plan’ means a plan required to be sub-
22 mitted by the owner or operator of a tank vessel or
23 a nontank vessel under regulations issued by the
24 President under section 311(j)(5) of the Federal
25 Water Pollution Control Act (33 U.S.C. 1321(j)(5)).

1 “(4) WESTERN ALASKA OIL SPILL PLANNING
2 CRITERIA.—The term ‘Western Alaska oil spill plan-
3 ning criteria’ means the criteria required to be es-
4 tablished under paragraph (9) of section 311(j) of
5 the Federal Water Pollution Control Act (33 U.S.C.
6 1321(j)).”.

7 (2) CLERICAL AMENDMENT.—The analysis for
8 chapter 3 of title 14, United States Code, is amend-
9 ed by adding at the end the following:

 “323. Western Alaska Oil Spill Planning Criteria Program.”.

10 (b) WESTERN ALASKA OIL SPILL PLANNING CRI-
11 TERIA.—

12 (1) AMENDMENT.—Section 311(j) of the Fed-
13 eral Water Pollution Control Act (33 U.S.C.
14 1321(j)) is amended by adding at the end the fol-
15 lowing:

16 “(9) WESTERN ALASKA OIL SPILL PLANNING
17 CRITERIA PROGRAM.—

18 “(A) DEFINITIONS.—In this paragraph:

19 “(i) ALTERNATIVE PLANNING CRI-
20 TERIA.—The term ‘alternative planning
21 criteria’ means criteria submitted under
22 section 155.1065 or 155.5067 of title 33,
23 Code of Federal Regulations (as in effect
24 on the date of enactment of this para-
25 graph), for vessel response plans.

1 “(ii) PRINCE WILLIAM SOUND CAP-
2 TAIN OF THE PORT ZONE.—The term
3 ‘Prince William Sound Captain of the Port
4 Zone’ means the area described in section
5 3.85–15(b) of title 33, Code of Federal
6 Regulations (or successor regulations).

7 “(iii) SECRETARY.—The term ‘Sec-
8 retary’ means the Secretary of the depart-
9 ment in which the Coast Guard is oper-
10 ating.

11 “(iv) VESSEL RESPONSE PLAN.—The
12 term ‘vessel response plan’ means a plan
13 required to be submitted by the owner or
14 operator of a tank vessel or a nontank ves-
15 sel under regulations issued by the Presi-
16 dent under paragraph (5).

17 “(v) WESTERN ALASKA CAPTAIN OF
18 THE PORT ZONE.—The term ‘Western
19 Alaska Captain of the Port Zone’ means
20 the area described in section 3.85–15(a) of
21 title 33, Code of Federal Regulations (as
22 in effect on the date of enactment of this
23 paragraph).

24 “(B) REQUIREMENT.—Except as provided
25 in subparagraph (I), for any part of the area of

1 responsibility of the Western Alaska Captain of
2 the Port Zone or the Prince William Sound
3 Captain of the Port Zone for which the Sec-
4 retary has determined that the national plan-
5 ning criteria established pursuant to this sub-
6 section are inappropriate for a vessel operating
7 in such area, a vessel response plan with re-
8 spect to a discharge of oil for such a vessel shall
9 comply with the Western Alaska oil spill plan-
10 ning criteria established under subparagraph
11 (D)(i).

12 “(C) RELATION TO NATIONAL PLANNING
13 CRITERIA.—The Western Alaska oil spill plan-
14 ning criteria established under subparagraph
15 (D)(i) shall, with respect to a discharge of oil
16 from a vessel described in subparagraph (B),
17 apply in lieu of any alternative planning criteria
18 accepted for vessels operating, prior to the date
19 on which the Western Alaska oil spill planning
20 criteria are established, in any part of the area
21 of responsibility of the Western Alaska Captain
22 of the Port Zone or the Prince William Sound
23 Captain of the Port Zone for which the Sec-
24 retary has determined that the national plan-
25 ning criteria established pursuant to this sub-

1 section are inappropriate for a vessel operating
2 in such area.

3 “(D) ESTABLISHMENT OF WESTERN ALAS-
4 KA OIL SPILL PLANNING CRITERIA.—

5 “(i) IN GENERAL.—The President,
6 acting through the Commandant, in con-
7 sultation with the Western Alaska Oil Spill
8 Criteria Program Manager selected under
9 section 323 of title 14, United States
10 Code, shall establish—

11 “(I) Western Alaska oil spill
12 planning criteria for a worst case dis-
13 charge of oil, and a substantial threat
14 of such a discharge, within any part
15 of the area of responsibility of the
16 Western Alaska Captain of the Port
17 Zone or Prince William Sound Cap-
18 tain of the Port Zone for which the
19 Secretary has determined that the na-
20 tional planning criteria established
21 pursuant to this subsection are inap-
22 propriate for a vessel operating in
23 such area; and

24 “(II) standardized submission,
25 review, approval, and compliance

1 verification processes for the Western
2 Alaska oil spill planning criteria es-
3 tablished under this clause, including
4 the quantity and frequency of drills
5 and on-site verifications of vessel re-
6 sponse plans approved pursuant to
7 such planning criteria.

8 “(ii) DEVELOPMENT OF SUB-
9 REGIONS.—

10 “(I) DEVELOPMENT.—After es-
11 tablishing the Western Alaska oil spill
12 planning criteria under clause (i), and
13 if necessary to adequately reflect the
14 needs and capabilities of various loca-
15 tions within the Western Alaska Cap-
16 tain of the Port Zone, the President,
17 acting through the Commandant, and
18 in consultation with the Western Alas-
19 ka Oil Spill Criteria Program Man-
20 ager selected under section 323 of
21 title 14, United States Code, may de-
22 velop subregions for which planning
23 criteria may differ from planning cri-
24 teria for other subregions in the West-
25 ern Alaska Captain of the Port Zone.

1 “(II) LIMITATION.—Any plan-
2 ning criteria for a subregion developed
3 under this clause may not be less
4 stringent than the Western Alaska oil
5 spill planning criteria established
6 under clause (i).

7 “(iii) ASSESSMENT.—

8 “(I) IN GENERAL.—Prior to de-
9 veloping a subregion, the President,
10 acting through the Commandant, shall
11 conduct an assessment on any poten-
12 tial impacts to the entire Western
13 Alaska Captain of the Port Zone to
14 include quantity and availability of re-
15 sponse resources in the proposed sub-
16 region and in surrounding areas and
17 any changes or impacts to sur-
18 rounding areas resulting in the devel-
19 opment of a subregion with different
20 standards.

21 “(II) CONSULTATION.—In con-
22 ducting an assessment under this
23 clause, the President, acting through
24 the Commandant, shall consult with
25 State and local governments, Tribes

1 (as defined in section 323 of title 14,
2 United States Code), the owners and
3 operators that would operate under
4 the proposed subregions, oil spill re-
5 moval organizations, Alaska Native
6 organizations, and environmental non-
7 governmental organizations, and shall
8 take into account any experience with
9 the prior use of subregions within the
10 State of Alaska.

11 “(III) SUBMISSION.—The Presi-
12 dent, acting through the Com-
13 mandant, shall submit the results of
14 an assessment conducted under this
15 clause to the Committee on Transpor-
16 tation and Infrastructure of the
17 House of Representatives and the
18 Committee on Commerce, Science,
19 and Transportation of the Senate.

20 “(E) INCLUSIONS.—

21 “(i) REQUIREMENTS.—The Western
22 Alaska oil spill planning criteria estab-
23 lished under subparagraph (D)(i) shall in-
24 clude planning criteria for the following:

1 “(I) Mechanical oil spill response
2 resources that are required to be lo-
3 cated within any part of the area of
4 responsibility of the Western Alaska
5 Captain of the Port Zone or the
6 Prince William Sound Captain of the
7 Port Zone for which the Secretary has
8 determined that the national planning
9 criteria established pursuant to this
10 subsection are inappropriate for a ves-
11 sel operating in such area.

12 “(II) Response times for mobili-
13 zation of oil spill response resources
14 and arrival on the scene of a worst
15 case discharge of oil, or substantial
16 threat of such a discharge, occurring
17 within such part of such area.

18 “(III) Pre-identified vessels for
19 oil spill response that are capable of
20 operating in the ocean environment.

21 “(IV) Ensuring the availability of
22 at least 1 oil spill removal organiza-
23 tion that is classified by the Coast
24 Guard and that—

1 “(aa) is capable of respond-
2 ing in all operating environments
3 in such part of such area;

4 “(bb) controls oil spill re-
5 sponse resources of dedicated and
6 nondedicated resources within
7 such part of such area, through
8 ownership, contracts, agreements,
9 or other means approved by the
10 President, sufficient—

11 “(AA) to mobilize and
12 sustain a response to a
13 worst case discharge of oil;
14 and

15 “(BB) to contain, re-
16 cover, and temporarily store
17 discharged oil;

18 “(cc) has pre-positioned oil
19 spill response resources in stra-
20 tegic locations throughout such
21 part of such area in a manner
22 that ensures the ability to sup-
23 port response personnel, marine
24 operations, air cargo, or other re-
25 lated logistics infrastructure;

1 “(dd) has temporary storage
2 capability using both dedicated
3 and non-dedicated assets located
4 within such part of such area;

5 “(ee) has non-mechanical oil
6 spill response resources capable
7 of responding to a discharge of
8 persistent oil and a discharge of
9 nonpersistent oil, whether the
10 discharged oil was carried by a
11 vessel as fuel or cargo; and

12 “(ff) has wildlife response
13 resources for primary, secondary,
14 and tertiary responses to support
15 carcass collection, sampling, de-
16 terrence, rescue, and rehabilita-
17 tion of birds, sea turtles, marine
18 mammals, fishery resources, and
19 other wildlife.

20 “(V) With respect to tank barges
21 carrying nonpersistent oil in bulk as
22 cargo, oil spill response resources that
23 are required to be carried on board.

24 “(VI) Specifying a minimum
25 length of time that approval of a ves-

1 sel response plan under this para-
2 graph is valid.

3 “(VII) Managing wildlife protec-
4 tion and rehabilitation, including iden-
5 tified wildlife protection and rehabili-
6 tation resources in that area.

7 “(ii) ADDITIONAL CONSIDER-
8 ATIONS.—The Western Alaska oil spill
9 planning criteria established under sub-
10 paragraph (D)(i) may include planning cri-
11 teria for the following:

12 “(I) Vessel routing measures con-
13 sistent with international routing
14 measure deviation protocols.

15 “(II) Maintenance of real-time
16 continuous vessel tracking, moni-
17 toring, and engagement protocols with
18 the ability to detect and address vessel
19 operation anomalies.

20 “(F) REQUIREMENT FOR APPROVAL.—The
21 President may approve a vessel response plan
22 for a vessel under this paragraph only if the
23 owner or operator of the vessel demonstrates
24 the availability of the oil spill response re-
25 sources required to be included in the vessel re-

1 sponse plan under the Western Alaska oil spill
2 planning criteria established under subpara-
3 graph (D)(i).

4 “(G) PERIODIC AUDITS.—The Secretary
5 shall conduct periodic audits to ensure compli-
6 ance of vessel response plans and oil spill re-
7 moval organizations within the Western Alaska
8 Captain of the Port Zone and the Prince Wil-
9 liam Sound Captain of the Port Zone with the
10 Western Alaska oil spill planning criteria estab-
11 lished under subparagraph (D)(i).

12 “(H) REVIEW OF DETERMINATION.—Not
13 less frequently than once every 5 years, the Sec-
14 retary shall review each determination of the
15 Secretary under subparagraph (B) that the na-
16 tional planning criteria established pursuant to
17 this subsection are inappropriate for a vessel
18 operating in the area of responsibility of the
19 Western Alaska Captain of the Port Zone and
20 the Prince William Sound Captain of the Port
21 Zone.

22 “(I) VESSELS IN COOK INLET.—Unless
23 otherwise authorized by the Secretary, a vessel
24 may only operate in Cook Inlet, Alaska, under
25 a vessel response plan approved under para-

1 graph (5) that meets the requirements of the
2 national planning criteria established pursuant
3 to this subsection.

4 “(J) SAVINGS PROVISIONS.—Nothing in
5 this paragraph affects—

6 “(i) the requirements under this sub-
7 section applicable to vessel response plans
8 for vessels operating within the area of re-
9 sponsibility of the Western Alaska Captain
10 of the Port Zone, within Cook Inlet, Alas-
11 ka;

12 “(ii) the requirements under this sub-
13 section applicable to vessel response plans
14 for vessels operating within the area of re-
15 sponsibility of the Prince William Sound
16 Captain of the Port Zone that are subject
17 to section 5005 of the Oil Pollution Act of
18 1990 (33 U.S.C. 2735); or

19 “(iii) the authority of a Federal On-
20 Scene Coordinator to use any available re-
21 sources when responding to an oil spill.”.

22 (2) ESTABLISHMENT OF WESTERN ALASKA OIL
23 SPILL PLANNING CRITERIA.—

24 (A) DEADLINE.—Not later than 2 years
25 after the date of enactment of this Act, the

1 President shall establish the Western Alaska oil
2 spill planning criteria required to be established
3 under paragraph (9)(D)(i) of section 311(j) of
4 the Federal Water Pollution Control Act (33
5 U.S.C. 1321(j)).

6 (B) CONSULTATION.—In establishing the
7 Western Alaska oil spill planning criteria de-
8 scribed in subparagraph (A), the President
9 shall consult with the Federal agencies, State
10 and local governments, Tribes (as defined in
11 section 323 of title 14, United States Code),
12 the owners and operators that would be subject
13 to such planning criteria, oil spill removal orga-
14 nizations, Alaska Native organizations, and en-
15 vironmental nongovernmental organizations.

16 (C) CONGRESSIONAL REPORT.—Not later
17 than 2 years after the date of enactment of this
18 Act, the Secretary shall submit to Congress a
19 report describing the status of implementation
20 of paragraph (9) of section 311(j) of the Fed-
21 eral Water Pollution Control Act (33 U.S.C.
22 1321(j)).

23 **SEC. 11310. COAST GUARD CLAIMS PROCESSING COSTS.**

24 Section 1012(a)(4) of the Oil Pollution Act of 1990
25 (33 U.S.C. 2712(a)(4)) is amended by striking “dam-

1 ages;” and inserting “damages, including, in the case of
2 a spill of national significance that results in extraordinary
3 Coast Guard claims processing activities, the administra-
4 tive and personnel costs of the Coast Guard to process
5 such claims (including the costs of commercial claims
6 processing, expert services, training, and technical serv-
7 ices), subject to the condition that the Coast Guard shall
8 submit to Congress a report describing each spill of na-
9 tional significance not later than 30 days after the date
10 on which the Coast Guard determines it necessary to proc-
11 ess such claims;”.

12 **SEC. 11311. CALCULATION OF INTEREST ON DEBT OWED TO**
13 **NATIONAL POLLUTION FUND.**

14 Section 1005(b)(4) of the Oil Pollution Act of 1990
15 (33 U.S.C. 2705(b)(4)) is amended—

16 (1) by striking “The interest paid” and insert-
17 ing the following:

18 “(A) IN GENERAL.—The interest paid for
19 claims, other than Federal Government cost re-
20 covery claims,”; and

21 (2) by adding at the end the following:

22 “(B) FEDERAL COST RECOVERY CLAIMS.—
23 The interest paid for Federal Government cost
24 recovery claims under this section shall be cal-

1 culated in accordance with section 3717 of title
2 31, United States Code.”.

3 **SEC. 11312. PER-INCIDENT LIMITATION.**

4 Subparagraph (A) of section 9509(c)(2) of the Inter-
5 nal Revenue Code of 1986 is amended—

6 (1) in clause (i) by striking “\$1,000,000,000”
7 and inserting “\$1,500,000,000”;

8 (2) in clause (ii) by striking “\$500,000,000”
9 and inserting “\$750,000,000”; and

10 (3) in the heading by striking “\$1,000,000,000”
11 and inserting “\$1,500,000,000”.

12 **SEC. 11313. ACCESS TO OIL SPILL LIABILITY TRUST FUND.**

13 Section 6002 of the Oil Pollution Act of 1990 (33
14 U.S.C. 2752) is amended by striking subsection (b) and
15 inserting the following:

16 “(b) EXCEPTIONS.—

17 “(1) IN GENERAL.—Subsection (a) shall not
18 apply to—

19 “(A) section 1006(f), 1012(a)(4), or 5006;

20 or

21 “(B) an amount, which may not exceed
22 \$50,000,000 in any fiscal year, made available
23 by the President from the Fund—

1 “(i) to carry out section 311(c) of the
2 Federal Water Pollution Control Act (33
3 U.S.C. 1321(c)); and

4 “(ii) to initiate the assessment of nat-
5 ural resources damages required under sec-
6 tion 1006.

7 “(2) FUND ADVANCES.—

8 “(A) IN GENERAL.—To the extent that the
9 amount described in subparagraph (B) of para-
10 graph (1) is not adequate to carry out the ac-
11 tivities described in such subparagraph, the
12 Coast Guard may obtain 1 or more advances
13 from the Fund as may be necessary, up to a
14 maximum of \$100,000,000 for each advance,
15 with the total amount of advances not to exceed
16 the amounts available under section 9509(c)(2)
17 of the Internal Revenue Code of 1986.

18 “(B) NOTIFICATION TO CONGRESS.—Not
19 later than 30 days after the date on which the
20 Coast Guard obtains an advance under sub-
21 paragraph (A), the Coast Guard shall notify
22 Congress of—

23 “(i) the amount advanced; and

24 “(ii) the facts and circumstances that
25 necessitated the advance.

1 “(C) REPAYMENT.—Amounts advanced
2 under this paragraph shall be repaid to the
3 Fund when, and to the extent that, removal
4 costs are recovered by the Coast Guard from re-
5 sponsible parties for the discharge or substan-
6 tial threat of discharge.

7 “(3) AVAILABILITY.—Amounts to which this
8 subsection applies shall remain available until ex-
9 pended.”.

10 **SEC. 11314. COST-REIMBURSABLE AGREEMENTS.**

11 Section 1012 of the Oil Pollution Act of 1990 (33
12 U.S.C. 2712) is amended—

13 (1) in subsection (a)(1)(B) by striking “by a
14 Governor or designated State official” and inserting
15 “by a State, a political subdivision of a State, or an
16 Indian tribe, pursuant to a cost-reimbursable agree-
17 ment”;

18 (2) by striking subsections (d) and (e) and in-
19 serting the following:

20 “(d) COST-REIMBURSABLE AGREEMENT.—

21 “(1) IN GENERAL.—In carrying out section
22 311(c) of the Federal Water Pollution Control Act
23 (33 U.S.C. 1321(c)), the President may enter into
24 cost-reimbursable agreements with a State, a polit-
25 ical subdivision of a State, or an Indian tribe to obli-

1 gate the Fund for the payment of removal costs con-
2 sistent with the National Contingency Plan.

3 “(2) INAPPLICABILITY.—Chapter 63 and sec-
4 tion 1535 of title 31, United States Code shall not
5 apply to a cost-reimbursable agreement entered into
6 under this subsection.”; and

7 (3) by redesignating subsections (f), (h), (i), (j),
8 (k), and (l) as subsections (e), (f), (g), (h), (i), and
9 (j), respectively.

10 **SEC. 11315. OIL SPILL RESPONSE REVIEW.**

11 (a) IN GENERAL.—Subject to the availability of ap-
12 propriations, the Commandant shall develop and carry out
13 a program—

14 (1) to increase collection and improve the qual-
15 ity of incident data on oil spill location and response
16 capability by periodically evaluating the data, docu-
17 mentation, and analysis of—

18 (A) Coast Guard-approved vessel response
19 plans, including vessel response plan audits and
20 assessments;

21 (B) oil spill response drills conducted
22 under section 311(j)(7) of the Federal Water
23 Pollution Control Act (33 U.S.C. 1321(j)(7))
24 that occur within the Marine Transportation
25 System; and

1 (C) responses to oil spill incidents that re-
2 quire mobilization of contracted response re-
3 sources;

4 (2) to improve the effectiveness of vessel re-
5 sponse plans by—

6 (A) systematically reviewing the capacity
7 of an oil spill response organization identified in
8 a vessel response plan to provide the specific re-
9 sponse resources, such as private personnel,
10 equipment, other vessels identified in such ves-
11 sel response plan; and

12 (B) approving a vessel response plan only
13 after confirming the identified oil spill response
14 organization has the capacity to provide such
15 response resources;

16 (3) to update, not less frequently than annually,
17 information contained in the Coast Guard Response
18 Resource Inventory and other Coast Guard tools
19 used to document the availability and status of oil
20 spill response equipment, so as to ensure that such
21 information remains current; and

22 (4) subject to section 552 of title 5, United
23 States Code (commonly known as the “Freedom of
24 Information Act”), to make data collected under
25 paragraph (1) available to the public.

1 (b) POLICY.—Not later than 1 year after the date
2 of enactment of this Act, the Commandant shall issue a
3 policy—

4 (1) to establish processes to maintain the pro-
5 gram under subsection (a) and support Coast Guard
6 oil spill prevention and response activities, including
7 by incorporating oil spill incident data from after-ac-
8 tion oil spill reports and data ascertained from vessel
9 response plan exercises and audits into—

10 (A) review and approval process standards
11 and metrics;

12 (B) alternative planning criteria review
13 processes;

14 (C) Area Contingency Plan development;

15 (D) risk assessments developed under sec-
16 tion 70001 of title 46, United States Code, in-
17 cluding lessons learned from reportable marine
18 casualties;

19 (E) processes and standards which miti-
20 gate the impact of military personnel rotations
21 in Coast Guard field units on knowledge and
22 awareness of vessel response plan requirements,
23 including knowledge relating to the evaluation
24 of proposed alternatives to national planning re-
25 quirements; and

1 (F) processes and standards which evalu-
2 ate the consequences of reporting inaccurate
3 data in vessel response plans submitted to the
4 Commandant pursuant to part 300 of title 40,
5 Code of Federal Regulations, and submitted for
6 storage in the Marine Information for Safety
7 and Law Enforcement database pursuant to
8 section 300.300 of such title (or any successor
9 regulation);

10 (2) to standardize and develop tools, training,
11 and other relevant guidance that may be shared with
12 vessel owners and operators to assist with accurately
13 calculating and measuring the performance and via-
14 bility of proposed alternatives to national planning
15 criteria requirements and Area Contingency Plans
16 administered by the Coast Guard;

17 (3) to improve training of Coast Guard per-
18 sonnel to ensure continuity of planning activities
19 under this section, including by identifying ways in
20 which civilian staffing may improve the continuity of
21 operations; and

22 (4) to increase Federal Government engage-
23 ment with State, local, and Tribal governments and
24 stakeholders so as to strengthen coordination and ef-
25 ficiency of oil spill responses.

1 (c) PERIODIC UPDATES.—Not less frequently than
2 every 5 years, the Commandant shall update the processes
3 established under subsection (b)(1) to incorporate relevant
4 analyses of—

5 (1) incident data on oil spill location and re-
6 sponse quality;

7 (2) oil spill risk assessments;

8 (3) oil spill response effectiveness and the ef-
9 fects of such response on the environment;

10 (4) oil spill response drills conducted under sec-
11 tion 311(j)(7) of the Federal Water Pollution Con-
12 trol Act (33 U.S.C. 1321(j)(7));

13 (5) marine casualties reported to the Coast
14 Guard; and

15 (6) near miss incidents documented by a vessel
16 traffic service center (as such terms are defined in
17 sections 70001(m) of title 46, United States Code).

18 (d) REPORT.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, and annually
21 thereafter for 5 years, the Commandant shall pro-
22 vide to the Committee on Commerce, Science, and
23 Transportation of the Senate and the Committee on
24 Transportation and Infrastructure of the House of
25 Representatives a briefing on the status of ongoing

1 and planned efforts to improve the effectiveness and
2 oversight of the program established under sub-
3 section (a) and vessel response plan approvals.

4 (2) PUBLIC AVAILABILITY.—The Commandant
5 shall publish the briefing required under paragraph
6 (1) on a publicly accessible website of the Coast
7 Guard.

8 **SEC. 11316. ADDITIONAL EXCEPTIONS TO REGULATIONS**
9 **FOR TOWING VESSELS.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of enactment of this Act, the Secretary shall review
12 existing Coast Guard policies with respect to exceptions
13 to the applicability of subchapter M of chapter I of title
14 46, Code of Federal Regulations (or successor regula-
15 tions), for—

16 (1) an oil spill response vessel, or a vessel of op-
17 portunity, while such vessel is—

18 (A) towing boom for oil spill response; or

19 (B) participating in an oil response exer-
20 cise; and

21 (2) a fishing vessel while that vessel is oper-
22 ating as a vessel of opportunity.

23 (b) POLICY.—Not later than 180 days after the con-
24 clusion of the review required under subsection (a), the
25 Secretary shall revise or issue any necessary policy to clar-

1 ify the applicability of subchapter M of chapter I of title
2 46, Code of Federal Regulations (or successor regulations)
3 to the vessels described in subsection (a). Such a policy
4 shall ensure safe and effective operation of such vessels.

5 (c) DEFINITIONS.—In this section:

6 (1) FISHING VESSEL; OIL SPILL RESPONSE VES-
7 SEL.—The terms “fishing vessel” and “oil spill re-
8 sponse vessel” have the meanings given such terms
9 in section 2101 of title 46, United States Code.

10 (2) VESSEL OF OPPORTUNITY.—The term “ves-
11 sel of opportunity” means a vessel engaged in spill
12 response activities that is normally and substantially
13 involved in activities other than spill response and
14 not a vessel carrying oil as a primary cargo.

15 **SEC. 11317. PORT COORDINATION COUNCIL FOR POINT**
16 **SPENCER.**

17 Section 541 of the Coast Guard Authorization Act
18 of 2016 (Public Law 114–120) is amended—

19 (1) in subsection (b)(2) by striking “BSNC”
20 and inserting the following: “BSNC (to serve as
21 Council Chair).

22 “(3) The Denali Commission.

23 “(4) An oil spill removal organization that
24 serves the area in which such Port is located.

1 “(5) A salvage and marine firefighting organi-
2 zation that serves the area in which such Port is lo-
3 cated.”; and

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in subparagraph (B) by striking
7 the semicolon and inserting “; and”;

8 (ii) by striking “; and” and inserting
9 the following: “at Point Spencer in support
10 of the activities for which Congress finds a
11 compelling need in section 531 of this sub-
12 title.”; and

13 (iii) by striking subparagraph (D);
14 and

15 (B) by striking paragraph (3) and insert-
16 ing the following:

17 “(3) Facilitate coordination among members of
18 the Council on the development and use of the land
19 and coastline of Point Spencer, as such development
20 and use relate to activities of the Council at the Port
21 of Point Spencer.”.

1 **Subtitle C—Environmental**
2 **Compliance**

3 **SEC. 11318. PROVIDING REQUIREMENTS FOR VESSELS AN-**
4 **CHORED IN ESTABLISHED ANCHORAGE**
5 **GROUNDS.**

6 (a) IN GENERAL.—Subchapter I of chapter 700 of
7 title 46, United States Code, is amended by adding at the
8 end the following:

9 **“§ 70007. Anchorage grounds**

10 “(a) ANCHORAGE GROUNDS.—

11 “(1) ESTABLISHMENT.—The Secretary of the
12 department in which the Coast Guard is operating
13 shall define and establish anchorage grounds in the
14 navigable waters of the United States for vessels op-
15 erating in such waters.

16 “(2) RELEVANT FACTORS FOR ESTABLISH-
17 MENT.—In carrying out paragraph (1), the Sec-
18 retary shall take into account all relevant factors
19 concerning navigational safety, protection of the ma-
20 rine environment, proximity to undersea pipelines
21 and cables, safe and efficient use of Marine Trans-
22 portation System, and national security.

23 “(b) VESSEL REQUIREMENTS.—Vessels, of certain
24 sizes or type determined by the Secretary, shall—

1 “(1) set and maintain an anchor alarm for the
2 duration of an anchorage;

3 “(2) comply with any directions or orders
4 issued by the Captain of the Port; and

5 “(3) comply with any applicable anchorage reg-
6 ulations.

7 “(c) PROHIBITIONS.—A vessel may not—

8 “(1) anchor in any Federal navigation channel
9 unless authorized or directed to by the Captain of
10 the Port;

11 “(2) anchor in near proximity, within distances
12 determined by the Coast Guard, to an undersea
13 pipeline or cable, unless authorized or directed to by
14 the Captain of the Port; and

15 “(3) anchor or remain anchored in an anchor-
16 age ground during any period in which the Captain
17 of the Port orders closure of the anchorage ground
18 due to inclement weather, navigational hazard, a
19 threat to the environment, or other safety or secu-
20 rity concern.

21 “(d) SAFETY EXCEPTION.—Nothing in this section
22 shall be construed to prevent a vessel from taking actions
23 necessary to maintain the safety of the vessel or to prevent
24 the loss of life or property.”.

25 (b) REGULATORY REVIEW.—

1 (1) REVIEW REQUIRED.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary shall review existing policies, final agency ac-
4 tions, regulations, or other rules relating to anchor-
5 age promulgated under section 70006 of title 46,
6 United States Code and—

7 (A) identify any such regulations or rules
8 that may need modification or repeal—

9 (i) in the interest of marine safety, se-
10 curity, and environmental concerns, taking
11 into account undersea pipelines, cables, or
12 other infrastructure; or

13 (ii) to implement the amendments
14 made by this section; and

15 (B) complete a cost-benefit analysis for
16 any modification or repeal identified under
17 paragraph (1).

18 (2) BRIEFING.—Upon completion of the review
19 under paragraph (1), but not later than 2 years
20 after the date of enactment of this Act, the Sec-
21 retary shall provide a briefing to the Committee on
22 Commerce, Science, and Transportation of the Sen-
23 ate and the Committee on Transportation and Infra-
24 structure of the House of Representatives that sum-
25 marizes such review.

1 (c) SAVINGS CLAUSE.—Nothing in this section shall
2 limit any authority available, as of the date of enactment
3 of this Act, to the captain of a port with respect to safety
4 measures or any other authority as necessary for the safe-
5 ty of vessels located in anchorage grounds in the navigable
6 waters of the United States.

7 (d) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 700 of title 46, United States Code, is amended by
9 inserting after the item relating to section 70006 the fol-
10 lowing:

“70007. Anchorage grounds.”.

11 (e) APPLICABILITY OF REGULATIONS.—The amend-
12 ments made by subsection (a) may not be construed to
13 alter any existing rules, regulations, or final agency ac-
14 tions issued under section 70006 of title 46, United States
15 Code, as in effect on the day before the date of enactment
16 of this Act, until all regulations required under subsection
17 (b) take effect.

18 **SEC. 11319. STUDY ON IMPACTS ON SHIPPING AND COM-**
19 **MERCIAL, TRIBAL, AND RECREATIONAL FISH-**
20 **ERIES FROM DEVELOPMENT OF RENEWABLE**
21 **ENERGY ON WEST COAST.**

22 (a) STUDY.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary, the Secretary of
24 the Interior, and the Under Secretary of Commerce for
25 Oceans and Atmosphere, shall seek to enter into an agree-

1 ment with the National Academies of Science, Engineer-
2 ing, and Medicine under which the National Academy of
3 Sciences, Engineering, and Medicine shall carry out a
4 study to—

5 (1) identify, document, and analyze—

6 (A) historic and current, as of the date of
7 the study, Tribal, commercial, and recreational
8 fishing grounds, as well as areas where fish
9 stocks are likely to shift in the future in all cov-
10 ered waters;

11 (B) usual and accustomed fishing areas in
12 all covered waters;

13 (C) historic, current, and potential future
14 shipping lanes, based on projected growth in
15 shipping traffic in all covered waters;

16 (D) current and expected Coast Guard op-
17 erations relevant to commercial fishing activi-
18 ties, including search and rescue, radar, naviga-
19 tion, communications, and safety within and
20 near renewable energy sites; and

21 (E) key types of data needed to properly
22 site renewable energy sites on the West Coast,
23 with regard to assessing and mitigating con-
24 flicts;

25 (2) analyze—

1 (A) methods used to manage fishing, ship-
2 ping, and other maritime activities; and

3 (B) potential future interactions between
4 such activities and the placement of renewable
5 energy infrastructure and the associated con-
6 struction, maintenance, and operation of such
7 infrastructure, including potential benefits and
8 methods of mitigating adverse impacts; and

9 (3) review the current decision-making process
10 for offshore wind in covered waters, and outline rec-
11 ommendations for governmental consideration of all
12 impacted coastal communities, particularly Tribal
13 governments and fisheries communities, in the deci-
14 sion-making process for offshore wind in covered
15 waters, including recommendations for—

16 (A) ensuring the appropriate governmental
17 consideration of potential benefits of offshore
18 wind in covered waters; and

19 (B) risk reduction and mitigation of ad-
20 verse impacts on Coast Guard operations rel-
21 evant to commercial fishing activities.

22 (b) SUBMISSION.—Not later than 1 year after com-
23 mencing the study under subsection (a), the Secretary
24 shall—

1 (1) submit the study to the Committees on
2 Commerce, Science, and Transportation, and Energy
3 and Natural Resources of the Senate and the Com-
4 mittees on Transportation and Infrastructure, Nat-
5 ural Resources, and Energy and Commerce of the
6 House of Representatives, including the review and
7 outline provided under subsection (a)(3); and

8 (2) make the study publicly available.

9 (c) DEFINITIONS.—In this section:

10 (1) COVERED WATERS.—The term “covered
11 waters” means Federal or State waters off of the
12 Canadian border and out to the furthest extent of
13 the exclusive economic zone along the West Coast of
14 the United States.

15 (2) EXCLUSIVE ECONOMIC ZONE.—The term
16 “exclusive economic zone” has the meaning given
17 such term in section 107 of title 46, United States
18 Code.

19 **SEC. 11320. USE OF DEVICES BROADCASTING ON AIS FOR**
20 **PURPOSES OF MARKING FISHING GEAR.**

21 The Secretary shall, within the Eleventh Coast Guard
22 District, Thirteenth Coast Guard District, Fourteenth
23 Coast Guard District, and Seventeenth Coast Guard Dis-
24 trict, suspend enforcement of individuals using automatic
25 identification systems devices to mark fishing equipment

1 during the period beginning on the date of enactment of
2 this Act and ending on the earlier of—

3 (1) the date that is 2 years after such date of
4 enactment; or

5 (2) the date on which the Federal Communica-
6 tions Commission promulgates a final rule to author-
7 ize a device used to mark fishing equipment to oper-
8 ate in radio frequencies assigned for Automatic
9 Identification System stations.

10 **Subtitle D—Environmental Issues**

11 **SEC. 11321. NOTIFICATION OF COMMUNICATION OUTAGES.**

12 (a) **UPGRADES TO RESCUE 21 SYSTEM IN ALASKA.—**
13 Not later than August 30, 2023, the Commandant shall
14 ensure the timely upgrade of the Rescue 21 system in
15 Alaska so as to achieve 98 percent operational availability
16 of remote fixed facility sites.

17 (b) **PLAN TO REDUCE OUTAGES.—**

18 (1) **IN GENERAL.—**Not later than 180 days
19 after the date of enactment of this Act, the Com-
20 mandant shall develop an operations and mainte-
21 nance plan for the Rescue 21 system in Alaska that
22 anticipates maintenance needs so as to reduce Res-
23 cue 21 system outages to the maximum extent prac-
24 ticable.

1 (2) PUBLIC AVAILABILITY.—The plan required
2 under paragraph (1) shall be made available to the
3 public on a publicly accessible website.

4 (c) REPORT REQUIRED.—Not later than 180 days
5 after the date of enactment of this Act, the Commandant
6 shall submit to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of Rep-
9 resentatives a report that—

10 (1) contains a plan for the Coast Guard to no-
11 tify mariners of radio outages for towers owned and
12 operated by the Seventeenth Coast Guard District;

13 (2) addresses in such plan how the Seventeenth
14 Coast Guard will—

15 (A) disseminate updates regarding outages
16 on social media not less frequently than every
17 48 hours;

18 (B) provide updates on a publicly acces-
19 sible website not less frequently than every 48
20 hours;

21 (C) develop methods for notifying mariners
22 in areas in which cellular connectivity does not
23 exist; and

1 (D) develop and advertise a web-based
2 communications update hub on AM/FM radio
3 for mariners; and

4 (3) identifies technology gaps that need to be
5 mitigated in order to implement the plan and pro-
6 vides a budgetary assessment necessary to imple-
7 ment the plan.

8 (d) CONTINGENCY PLAN.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this Act, the Com-
11 mandant shall, in collaboration with relevant Fed-
12 eral, State, Tribal, and other relevant entities (in-
13 cluding the North Pacific Fishery Management
14 Council, the National Oceanic and Atmospheric Ad-
15 ministration Weather Service, the National Oceanic
16 and Atmospheric Administration Fisheries Service,
17 agencies of the State of Alaska, local radio stations,
18 and stakeholders), establish a contingency plan to
19 ensure that notifications of an outage of the Rescue
20 21 system in Alaska are broadly disseminated in ad-
21 vance of such an outage.

22 (2) ELEMENTS.—The contingency plan re-
23 quired under paragraph (1) shall require the Coast
24 Guard to—

1 (A) disseminate updates regarding outages
2 of the Rescue 21 system in Alaska on social
3 media not less frequently than every 48 hours
4 during an outage;

5 (B) provide updates on a publicly acces-
6 sible website not less frequently than every 48
7 hours during an outage;

8 (C) notify mariners in areas in which cel-
9 lular connectivity does not exist;

10 (D) develop and advertise a web-based
11 communications update hub on AM/FM radio
12 for mariners; and

13 (E) identify technology gaps necessary to
14 implement the plan and provides a budgetary
15 assessment necessary to implement the plan.

16 **SEC. 11322. IMPROVEMENTS TO COMMUNICATION WITH**
17 **FISHING INDUSTRY AND RELATED STAKE-**
18 **HOLDERS.**

19 (a) IN GENERAL.—The Commandant, in coordina-
20 tion with the National Commercial Fishing Safety Advi-
21 sory Committee established by section 15102 of title 46,
22 United States Code, shall develop a publicly accessible
23 website that contains all information related to fishing in-
24 dustry activities, including vessel safety, inspections, en-
25 forcement, hazards, training, regulations (including pro-

1 posed regulations), outages of the Rescue 21 system in
2 Alaska and similar outages, and any other fishing-related
3 activities.

4 (b) **AUTOMATIC COMMUNICATIONS.**—The Com-
5 mandant shall provide methods for regular and automatic
6 email communications with stakeholders who elect,
7 through the website developed under subsection (a), to re-
8 ceive such communications.

9 **SEC. 11323. ADVANCE NOTIFICATION OF MILITARY OR**
10 **OTHER EXERCISES.**

11 In consultation with the Secretary of Defense, the
12 Secretary of State, and commercial fishing industry par-
13 ticipants, the Commandant shall develop and publish on
14 a publicly available website a plan for notifying United
15 States mariners and the operators of United States fishing
16 vessels in advance of—

17 (1) military exercises in the exclusive economic
18 zone (as defined in section 3 of the Magnuson-Ste-
19 vens Fishery Conservation and Management Act (16
20 U.S.C. 1802)); or

21 (2) other military activities that will impact rec-
22 reational or commercial activities.

1 **SEC. 11324. MODIFICATIONS TO SPORT FISH RESTORATION**
2 **AND BOATING TRUST FUND ADMINISTRA-**
3 **TION.**

4 (a) DINGELL-JOHNSON SPORT FISH RESTORATION
5 ACT AMENDMENTS.—

6 (1) AVAILABLE AMOUNTS.—Section
7 4(b)(1)(B)(i) of the Dingell-Johnson Sport Fish
8 Restoration Act (16 U.S.C. 777e(b)(1)(B)(i)) is
9 amended to read as follows:

10 “(i) for the fiscal year that includes
11 November 15, 2021, the product obtained
12 by multiplying—

13 “(I) \$12,786,434; and

14 “(II) the change, relative to the
15 preceding fiscal year, in the Consumer
16 Price Index for All Urban Consumers
17 published by the Department of
18 Labor; and”.

19 (2) AUTHORIZED EXPENSES.—Section 9(a) of
20 the Dingell-Johnson Sport Fish Restoration Act (16
21 U.S.C. 777h(a)) is amended—

22 (A) in paragraph (7) by striking “full-
23 time”; and

24 (B) in paragraph (9) by striking “on a
25 full-time basis”.

1 (b) PITTMAN-ROBERTSON WILDLIFE RESTORATION
2 ACT AMENDMENTS.—

3 (1) AVAILABLE AMOUNTS.—Section
4 4(a)(1)(B)(i) of the Pittman-Robertson Wildlife Res-
5 toration Act (16 U.S.C. 669c(a)(1)(B)(i)) is amend-
6 ed to read as follows:

7 “(i) for the fiscal year that includes
8 November 15, 2021, the product obtained
9 by multiplying—

10 “(I) \$12,786,434; and

11 “(II) the change, relative to the
12 preceding fiscal year, in the Consumer
13 Price Index for All Urban Consumers
14 published by the Department of
15 Labor; and”.

16 (2) AUTHORIZED EXPENSES.—Section 9(a) of
17 the Pittman-Robertson Wildlife Restoration Act (16
18 U.S.C. 669h(a)) is amended—

19 (A) in paragraph (7) by striking “full-
20 time”; and

21 (B) in paragraph (9) by striking “on a
22 full-time basis”.

23 **SEC. 11325. LOAD LINES.**

24 (a) APPLICATION TO CERTAIN VESSELS.—During
25 the period beginning on the date of enactment of this Act

1 and ending on the date that is 3 years after the date on
2 which the report required under subsection (b) is sub-
3 mitted, the load line requirements of chapter 51 of title
4 46, United States Code, shall not apply to covered fishing
5 vessels.

6 (b) GAO REPORT.—

7 (1) IN GENERAL.—Not later than 12 months
8 after the date of enactment of this Act, the Comp-
9 troller General of the United States shall submit to
10 the Committee on Commerce, Science, and Trans-
11 portation of the Senate and the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives—

14 (A) a report on the safety and seaworthi-
15 ness of vessels described in section 5102(b)(5)
16 of title 46, United States Code; and

17 (B) recommendations for exempting cer-
18 tain vessels from the load line requirements
19 under chapter 51 of title 46 of such Code.

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

22 (A) An assessment of stability require-
23 ments of vessels referenced in section
24 5102(b)(5) of title 46, United States Code.

1 (B) An analysis of vessel casualties, mis-
2 haps, or other safety information relevant to
3 load line requirements when a vessel is oper-
4 ating part-time as a fish tender vessel.

5 (C) An assessment of any other safety in-
6 formation as the Comptroller General deter-
7 mines appropriate.

8 (D) A list of all vessels that, as of the date
9 of the report—

10 (i) are covered under section
11 5102(b)(5) of title 46, United States Code;

12 (ii) are acting as part-time fish tender
13 vessels; and

14 (iii) are subject to any captain of the
15 port zone subject to the oversight of the
16 Commandant.

17 (3) CONSULTATION.—In preparing the report
18 required under paragraph (1), the Comptroller Gen-
19 eral shall consider consultation with, at a minimum,
20 the maritime industry, including—

21 (A) relevant Federal, State, and Tribal
22 maritime associations and groups; and

23 (B) relevant federally funded research in-
24 stitutions, nongovernmental organizations, and
25 academia.

1 (c) SAVINGS CLAUSE.—Nothing in this section shall
2 limit any authority available, as of the date of enactment
3 of this Act, to the captain of a port with respect to safety
4 measures or any other authority as necessary for the safe-
5 ty of covered fishing vessels.

6 (d) DEFINITION OF COVERED FISHING VESSEL.—In
7 this section, the term “covered fishing vessel” means a
8 vessel that operates exclusively in one, or both, of the
9 Thirteenth and Seventeenth Coast Guard Districts and
10 that—

11 (1) was constructed, under construction, or
12 under contract to be constructed as a fish tender
13 vessel before January 1, 1980;

14 (2) was converted for use as a fish tender vessel
15 before January 1, 2022, and—

16 (A) has a valid stability letter issued in ac-
17 cordance with regulations prescribed under
18 chapter 51 of title 46, United States Code; and

19 (B) the hull and internal structure of the
20 vessel has been verified as suitable for intended
21 service as examined by a marine surveyor of an
22 organization accepted by the Secretary two
23 times in the past five years with no interval of
24 more than three years between such examina-
25 tions; or

1 (3) operates part-time as a fish tender vessel
2 for a period of less than 180 days.

3 **SEC. 11326. ACTIONS BY NATIONAL MARINE FISHERIES**
4 **SERVICE TO INCREASE ENERGY PRODUC-**
5 **TION.**

6 (a) **IN GENERAL.**—The National Marine Fisheries
7 Service shall, immediately upon the enactment of this Act,
8 take action to address the outstanding backlog of letters
9 of authorization for the Gulf of Mexico.

10 (b) **SENSE OF CONGRESS.**—It is the sense of Con-
11 gress that the National Marine Fisheries Service should—

12 (1) take immediate action to issue a rule that
13 allows the Service to approve outstanding and future
14 applications for letters of authorization consistent
15 with the permitting activities of the Service; and

16 (2) on or after the effective date of such rule,
17 prioritize the consideration of applications in a man-
18 ner that is consistent with applicable Federal law.

19 **SEC. 11327. AQUATIC NUISANCE SPECIES TASK FORCE.**

20 (a) **RECREATIONAL VESSEL DEFINED.**—Section
21 1003 of the Nonindigenous Aquatic Nuisance Prevention
22 and Control Act of 1990 (16 U.S.C. 4702) is amended—

23 (1) by redesignating paragraphs (13) through
24 (17) as paragraphs (15) through (19), respectively;
25 and

1 (2) by inserting after paragraph (12) the fol-
2 lowing:

3 “(13) ‘State’ means each of the several States,
4 the District of Columbia, American Samoa, Guam,
5 Puerto Rico, the Northern Mariana Islands, and the
6 Virgin Islands of the United States;

7 “(14) ‘recreational vessel’ has the meaning
8 given that term in section 502 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1362);”.

10 (b) OBSERVERS.—Section 1201 of the Nonindigenous
11 Aquatic Nuisance Prevention and Control Act of 1990 (16
12 U.S.C. 4721) is amended by adding at the end the fol-
13 lowing:

14 “(g) OBSERVERS.—The chairpersons designated
15 under subsection (d) may invite representatives of non-
16 governmental entities to participate as observers of the
17 Task Force.”.

18 (c) AQUATIC NUISANCE SPECIES TASK FORCE.—
19 Section 1201(b) of the Nonindigenous Aquatic Nuisance
20 Prevention and Control Act of 1990 (16 U.S.C. 4721(b))
21 is amended—

22 (1) in paragraph (6) by striking “and” at the
23 end;

24 (2) by redesignating paragraph (7) as para-
25 graph (10); and

1 (3) by inserting after paragraph (6) the fol-
2 lowing:

3 “(7) the Director of the National Park Service;

4 “(8) the Director of the Bureau of Land Man-
5 agement;

6 “(9) the Commissioner of Reclamation; and”.

7 (d) AQUATIC NUISANCE SPECIES PROGRAM.—Sec-
8 tion 1202 of the Nonindigenous Aquatic Nuisance Preven-
9 tion and Control Act of 1990 (16 U.S.C. 4722) is amend-
10 ed—

11 (1) in subsection (e) by adding at the end the
12 following:

13 “(4) TECHNICAL ASSISTANCE AND REC-
14 COMMENDATIONS.—The Task Force may provide
15 technical assistance and recommendations for best
16 practices to an agency or entity engaged in vessel in-
17 spections or decontaminations for the purpose of—

18 “(A) effectively managing and controlling
19 the movement of aquatic nuisance species into,
20 within, or out of water of the United States;
21 and

22 “(B) inspecting recreational vessels in a
23 manner that minimizes disruptions to public ac-
24 cess for boating and recreation in non-contami-
25 nated vessels.

1 “(5) CONSULTATION AND INPUT.—In carrying
2 out paragraph (4), including the development of rec-
3 ommendations, the Task Force may consult with In-
4 dian Tribes and solicit input from—

5 “(A) State and Tribal fish and wildlife
6 management agencies;

7 “(B) other State and Tribal agencies that
8 manage fishery resources of the State or sus-
9 tain fishery habitat; and

10 “(C) relevant nongovernmental entities.”;

11 and

12 (2) in subsection (k) by adding at the end the
13 following:

14 “(3) Not later than 90 days after the date of
15 enactment of the Don Young Coast Guard Author-
16 ization Act of 2022, the Task Force shall submit a
17 report to Congress recommending legislative, pro-
18 grammatic, or regulatory changes to eliminate re-
19 maining gaps in authorities between members of the
20 Task Force to effectively manage and control the
21 movement of aquatic nuisance species.”.

22 (e) TECHNICAL CORRECTIONS AND CONFORMING
23 AMENDMENTS.—The Nonindigenous Aquatic Nuisance
24 Prevention and Control Act of 1990 (16 U.S.C. 4701 et
25 seq.) is further amended—

1 (1) in section 1002(b)(2) by inserting a comma
2 after “funded”;

3 (2) in section 1003 in paragraph (7) by striking
4 “Canandian” and inserting “Canadian”;

5 (3) in section 1203(a)—

6 (A) in paragraph (1)(F) by inserting
7 “and” after “research,”; and

8 (B) in paragraph (3) by striking “encour-
9 age” and inserting “encouraged”;

10 (4) in section 1204(b)(4) in the paragraph
11 heading by striking “ADMINISRATIVE” and inserting
12 “ADMINISTRATIVE”; and

13 (5) in section 1209 by striking “subsection (a)”
14 and inserting “section 1202(a)”.

15 **SEC. 11328. SAFETY STANDARDS.**

16 (a) IN GENERAL.—Section 4502 of title 46, United
17 States Code, is amended—

18 (1) in subsection (i)(4) by striking “each of fis-
19 cal years 2018 through 2021” and inserting “fiscal
20 year 2023”; and

21 (2) in subsection (j)(4) by striking “each of fis-
22 cal years 2018 through 2021” and inserting “fiscal
23 year 2023”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 9 of the Maritime Debris Act (33 U.S.C. 1958) is amend-
3 ed—

4 (1) in subsection (a) by striking “each of fiscal
5 years 2018 through 2022” and inserting “fiscal year
6 2023”; and

7 (2) in subsection (b) by striking “2702(1)” and
8 inserting “4902(1)”.

9 **Subtitle E—Illegal Fishing and**
10 **Forced Labor Prevention**

11 **SEC. 11329. DEFINITIONS.**

12 In this subtitle:

13 (1) **FORCED LABOR.**—The term “forced labor”
14 means any labor or service provided for or obtained
15 by any means described in section 1589(a) of title
16 18, United States Code.

17 (2) **HUMAN TRAFFICKING.**—The term “human
18 trafficking” has the meaning given the term “severe
19 forms of trafficking in persons” in section 103 of
20 the Trafficking Victims Protection Act of 2000 (22
21 U.S.C. 7102).

22 (3) **ILLEGAL, UNREPORTED, OR UNREGULATED**
23 **FISHING.**—The term “illegal, unreported, or unregu-
24 lated fishing” has the meaning given such term in
25 the implementing regulations or any subsequent reg-

1 ulations issued pursuant to section 609(e) of the
2 High Seas Driftnet Fishing Moratorium Protection
3 Act (16 U.S.C. 1826j(e)).

4 (4) OPPRESSIVE CHILD LABOR.—The term “op-
5 pressive child labor” has the meaning given such
6 term in section 3 of the Fair Labor Standards Act
7 of 1938 (29 U.S.C. 203).

8 (5) SEAFOOD.—The term “seafood” means all
9 marine animal and plant life meant for consumption
10 as food other than marine mammals and birds, in-
11 cluding fish, shellfish, shellfish products, and proc-
12 essed fish.

13 (6) SEAFOOD IMPORT MONITORING PROGRAM.—
14 The term “Seafood Import Monitoring Program”
15 means the Seafood Traceability Program established
16 in subpart Q of part 300 of title 50, Code of Federal
17 Regulations (or any successor regulation).

18 (7) SECRETARY.—The term “Secretary” means
19 the Secretary of Commerce, acting through the
20 Under Secretary of Commerce for Oceans and At-
21 mosphere.

1 **CHAPTER 1—COMBATING HUMAN TRAF-**
2 **FICKING THROUGH SEAFOOD IMPORT**
3 **MONITORING**

4 **SEC. 11330. ENHANCEMENT OF SEAFOOD IMPORT MONI-**
5 **TORING PROGRAM MESSAGE SET IN AUTO-**
6 **MATED COMMERCIAL ENVIRONMENT SYS-**
7 **TEM.**

8 The Secretary, in coordination with the Commis-
9 sioner of U.S. Customs and Border Protection, shall, not
10 later than 6 months after the date of enactment of this
11 Act, develop a strategy to improve the quality and
12 verifiability of already collected Seafood Import Moni-
13 toring Program Message Set data elements in the Auto-
14 mated Commercial Environment system. Such strategy
15 shall prioritize the use of enumerated data types, such as
16 checkboxes, dropdown menus, or radio buttons, and any
17 additional elements the Administrator of the National
18 Oceanic and Atmospheric Administration finds appro-
19 priate.

20 **SEC. 11331. DATA SHARING AND AGGREGATION.**

21 (a) INTERAGENCY WORKING GROUP ON ILLEGAL,
22 UNREPORTED, OR UNREGULATED FISHING.—Section
23 3551(c) of the Maritime SAFE Act (16 U.S.C. 8031(c))
24 is amended—

1 (1) by redesignating paragraphs (4) through
2 (13) as paragraphs (5) through (14), respectively;
3 and

4 (2) by inserting after paragraph (3) the fol-
5 lowing:

6 “(4) maximizing the utility of the import data
7 collected by the members of the Working Group by
8 harmonizing data standards and entry fields;”.

9 (b) **PROHIBITION ON AGGREGATED CATCH DATA**
10 **FOR CERTAIN SPECIES.**—Beginning not later than 1 year
11 after the date of enactment of this Act, for the purposes
12 of compliance with respect to Northern red snapper under
13 the Seafood Import Monitoring Program, the Secretary
14 may not allow an aggregated harvest report of such spe-
15 cies, regardless of vessel size.

16 **SEC. 11332. IMPORT AUDITS.**

17 (a) **AUDIT PROCEDURES.**—The Secretary shall, not
18 later than 1 year after the date of enactment of this Act,
19 implement procedures to audit information and supporting
20 records of sufficient numbers of imports of seafood and
21 seafood products subject to the Seafood Import Moni-
22 toring Program to support statistically robust conclusions
23 that the samples audited are representative of all seafood
24 imports covered by the Seafood Import Monitoring Pro-
25 gram with respect to a given year.

1 (b) EXPANSION OF MARINE FORENSICS LABORA-
2 TORY.—The Secretary shall, not later than 1 year after
3 the date of enactment of this Act, begin the process of
4 expanding the National Oceanic and Atmospheric Admin-
5 istration’s Marine Forensics Laboratory, including by es-
6 tablishing sufficient capacity for the development and de-
7 ployment of rapid, and follow-up, analysis of field-based
8 tests focused on identifying Seafood Import Monitoring
9 Program species, and prioritizing such species at high risk
10 of illegal, unreported, or unregulated fishing and seafood
11 fraud.

12 (c) ANNUAL REVISION.—In developing the proce-
13 dures required in subsection (a), the Secretary shall use
14 predictive analytics to inform whether to revise such pro-
15 cedures to prioritize for audit those imports originating
16 from nations—

17 (1) identified pursuant to section 609(a) or
18 610(a) of the High Seas Driftnet Fishing Morato-
19 rium Protection Act (16 U.S.C. 1826j(a) or
20 1826k(a)) that have not yet received a subsequent
21 positive certification pursuant to section 609(d) or
22 610(c) of such Act, respectively;

23 (2) identified by an appropriate regional fishery
24 management organization as being the flag state or
25 landing location of vessels identified by other nations

1 or regional fisheries management organizations as
2 engaging in illegal, unreported, or unregulated fish-
3 ing;

4 (3) identified as having human trafficking or
5 forced labor in any part of the seafood supply chain,
6 including on vessels flagged in such nation, and in-
7 cluding feed for cultured production, in the most re-
8 cent Trafficking in Persons Report issued by the
9 Department of State in accordance with the Traf-
10 ficking Victims Protection Act of 2000 (22 U.S.C.
11 7101 et seq.);

12 (4) identified as producing goods that contain
13 seafood using forced labor or oppressive child labor
14 in the most recent List of Goods Produced by Child
15 Labor or Forced Labor in accordance with the Traf-
16 ficking Victims Protection Act (22 U.S.C. 7101 et
17 seq.); and

18 (5) identified as at risk for human trafficking,
19 including forced labor, in their seafood catching and
20 processing industries by the report required under
21 section 3563 of the Maritime SAFE Act (Public
22 Law 116–92).

1 **SEC. 11333. AVAILABILITY OF FISHERIES INFORMATION.**

2 Section 402(b)(1) of the Magnuson-Stevens Fishery
3 Conservation and Management Act (16 U.S.C.
4 1881a(b)(1)) is amended—

5 (1) in subparagraph (G) by striking “or” after
6 the semicolon;

7 (2) in subparagraph (H) by striking the period
8 at the end of such subparagraph and inserting “;
9 or”; and

10 (3) by adding at the end the following:

11 “(I) to Federal agencies, to the extent nec-
12 cessary and appropriate, to administer Federal
13 programs established to combat illegal, unre-
14 ported, or unregulated fishing or forced labor
15 (as such terms are defined in section 11329 of
16 the Don Young Coast Guard Authorization Act
17 of 2022), which shall not include an authoriza-
18 tion for such agencies to release data to the
19 public unless such release is related to enforce-
20 ment.”.

21 **SEC. 11334. REPORT ON SEAFOOD IMPORT MONITORING**
22 **PROGRAM.**

23 (a) **REPORT TO CONGRESS AND PUBLIC AVAIL-**
24 **ABILITY OF REPORTS.**—The Secretary shall, not later
25 than 120 days after the end of each fiscal year, submit
26 to the Committee on Commerce, Science, and Transpor-

1 tation and the Committee on Finance of the Senate and
2 the Committee on Natural Resources and the Committee
3 on Financial Services of the House of Representatives a
4 report that summarizes the National Marine Fisheries
5 Service's efforts to prevent the importation of seafood har-
6 vested through illegal, unreported, or unregulated fishing,
7 particularly with respect to seafood harvested, produced,
8 processed, or manufactured by forced labor. Each such re-
9 port shall be made publicly available on the website of the
10 National Oceanic and Atmospheric Administration.

11 (b) CONTENTS.—Each report submitted under sub-
12 section (a) shall include—

13 (1) the volume and value of seafood species sub-
14 ject to the Seafood Import Monitoring Program, re-
15 ported by 10-digit Harmonized Tariff Schedule of
16 the United States codes, imported during the pre-
17 vious fiscal year;

18 (2) the enforcement activities and priorities of
19 the National Marine Fisheries Service with respect
20 to implementing the requirements under the Seafood
21 Import Monitoring Program;

22 (3) the percentage of import shipments subject
23 to the Seafood Import Monitoring Program selected
24 for inspection or the information or records sup-
25 porting entry selected for audit, as described in sec-

1 tion 300.324(d) of title 50, Code of Federal Regula-
2 tions;

3 (4) the number and types of instances of non-
4 compliance with the requirements of the Seafood Im-
5 port Monitoring Program;

6 (5) the number and types of instances of viola-
7 tions of State or Federal law discovered through the
8 Seafood Import Monitoring Program;

9 (6) the seafood species with respect to which
10 violations described in paragraphs (4) and (5) were
11 most prevalent;

12 (7) the location of catch or harvest with respect
13 to which violations described in paragraphs (4) and
14 (5) were most prevalent;

15 (8) the additional tools, such as high perform-
16 ance computing and associated costs, that the Sec-
17 retary needs to improve the efficacy of the Seafood
18 Import Monitoring Program; and

19 (9) such other information as the Secretary
20 considers appropriate with respect to monitoring and
21 enforcing compliance with the Seafood Import Moni-
22 toring Program.

23 **SEC. 11335. AUTHORIZATION OF APPROPRIATIONS.**

24 There is authorized to be appropriated to the Com-
25 missioner of U.S. Customs and Border Protection to carry

1 out enforcement actions pursuant to section 307 of the
2 Tariff Act of 1930 (19 U.S.C. 1307) \$20,000,000 for each
3 of fiscal years 2023 through 2027.

4 **CHAPTER 2—STRENGTHENING INTER-**
5 **NATIONAL FISHERIES MANAGEMENT**
6 **TO COMBAT HUMAN TRAFFICKING**

7 **SEC. 11336. DENIAL OF PORT PRIVILEGES.**

8 Section 101(a)(2) of the High Seas Driftnet Fish-
9 eries Enforcement Act (16 U.S.C. 1826a(a)(2)) is amend-
10 ed to read as follows:

11 “(2) DENIAL OF PORT PRIVILEGES.—The Sec-
12 retary of Homeland Security shall, in accordance
13 with international law—

14 “(A) withhold or revoke the clearance re-
15 quired by section 60105 of title 46, United
16 States Code, for any large-scale driftnet fishing
17 vessel of a nation that receives a negative cer-
18 tification under section 609(d) or 610(e) of the
19 High Seas Driftnet Fishing Moratorium Protec-
20 tion Act (16 U.S.C. 1826j(d) or 1826k(c)), or
21 fishing vessels of a nation that has been listed
22 pursuant to section 609(b) or section 610(a) of
23 such Act (16 U.S.C. 1826j(b) or 1826k(a)) in
24 2 or more consecutive reports for the same type
25 of fisheries activity, as described under section

1 607 of such Act (16 U.S.C. 1826h), until a
2 positive certification has been received;

3 “(B) withhold or revoke the clearance re-
4 quired by section 60105 of title 46, United
5 States Code, for fishing vessels of a nation that
6 has been listed pursuant to section 609(a) or
7 610(a) of the High Seas Driftnet Fishing Mor-
8 atorium Protection Act (16 U.S.C. 1826j(a) or
9 1826k(a)) in 2 or more consecutive reports as
10 described under section 607 of such Act (16
11 U.S.C. 1826h); and

12 “(C) deny entry of that vessel to any place
13 in the United States and to the navigable
14 waters of the United States, except for the pur-
15 poses of inspecting such vessel, conducting an
16 investigation, or taking other appropriate en-
17 forcement action.”.

18 **SEC. 11337. IDENTIFICATION AND CERTIFICATION CRI-**
19 **TERIA.**

20 (a) DENIAL OF PORT PRIVILEGES.—Section 609(a)
21 of the High Seas Driftnet Fishing Moratorium Protection
22 Act (16 U.S.C. 1826j(a)) is amended—

23 (1) by striking paragraph (2) and inserting the
24 following:

1 “(2) FOR ACTIONS OF A NATION.—The Sec-
2 retary shall identify, and list in such report, a nation
3 engaging in or endorsing illegal, unreported, or un-
4 regulated fishing. In determining which nations to
5 list in such report, the Secretary shall consider the
6 following:

7 “(A) Any nation that is violating, or has
8 violated at any point during the 3 years pre-
9 ceding the date of the determination, conserva-
10 tion and management measures, including catch
11 and other data reporting obligations and re-
12 quirements, required under an international
13 fishery management agreement to which the
14 United States is a party.

15 “(B) Any nation that is failing, or has
16 failed in the 3-year period preceding the date of
17 the determination, to effectively address or reg-
18 ulate illegal, unreported, or unregulated fishing
19 within its fleets in any areas where its vessels
20 are fishing.

21 “(C) Any nation that fails to discharge du-
22 ties incumbent upon it under international law
23 or practice as a flag, port, or coastal state to
24 take action to prevent, deter, and eliminate ille-
25 gal, unreported, or unregulated fishing.

1 “(D) Any nation that has been identified
2 as producing for export to the United States
3 seafood-related goods through forced labor or
4 oppressive child labor (as those terms are de-
5 fined in section 11329 of the Don Young Coast
6 Guard Authorization Act of 2022) in the most
7 recent List of Goods Produced by Child Labor
8 or Forced Labor in accordance with the Traf-
9 ficking Victims Protection Act of 2000 (22
10 U.S.C. 7101 et seq.)”; and

11 (2) by adding at the end the following:

12 “(4) TIMING.—The Secretary shall make an
13 identification under paragraph (1) or (2) at any
14 time that the Secretary has sufficient information to
15 make such identification.”.

16 (b) ILLEGAL, UNREPORTED, OR UNREGULATED CER-
17 TIFICATION DETERMINATION.—Section 609 of the High
18 Seas Driftnet Fishing Moratorium Protection Act (16
19 U.S.C. 1826j) is amended—

20 (1) in subsection (d) by striking paragraph (3)
21 and inserting the following:

22 “(3) EFFECT OF CERTIFICATION DETERMINA-
23 TION.—

24 “(A) EFFECT OF NEGATIVE CERTIFI-
25 CATION.—The provisions of subsection (a) and

1 paragraphs (3) and (4) of subsection (b) of sec-
2 tion 101 of the High Seas Driftnet Fisheries
3 Enforcement Act (16 U.S.C. 1826a(a) and
4 (b)(3) and (4)) shall apply to any nation that,
5 after being identified and notified under sub-
6 section (b) has failed to take the appropriate
7 corrective actions for which the Secretary has
8 issued a negative certification under this sub-
9 section.

10 “(B) EFFECT OF POSITIVE CERTIFI-
11 CATION.—The provisions of subsection (a) and
12 paragraphs (3) and (4) of subsection (b) of sec-
13 tion 101 of the High Seas Driftnet Fisheries
14 Enforcement Act (16 U.S.C. 1826a(a) and
15 (b)(3) and (4)) shall not apply to any nation
16 identified under subsection (a) for which the
17 Secretary has issued a positive certification
18 under this subsection.”;

19 (2) by redesignating subsections (e) and (f) as
20 subsections (f) and (g), respectively; and

21 (3) by inserting after subsection (d) the fol-
22 lowing:

23 “(e) RECORDKEEPING REQUIREMENTS.—The Sec-
24 retary shall ensure that seafood or seafood products au-
25 thorized for entry under this section are imported con-

1 sistent with the reporting and the recordkeeping require-
2 ments of the Seafood Import Monitoring Program de-
3 scribed in part 300.324(b) of title 50, Code of Federal
4 Regulations (or any successor regulation).”.

5 **SEC. 11338. EQUIVALENT CONSERVATION MEASURES.**

6 (a) IDENTIFICATION.—Section 610(a) of the High
7 Seas Driftnet Fishing Moratorium Protection Act (16
8 U.S.C. 1826k(a)) is amended to read as follows:

9 “(a) IDENTIFICATION.—

10 “(1) IN GENERAL.—The Secretary shall iden-
11 tify and list in the report under section 607—

12 “(A) a nation if—

13 “(i) any fishing vessel of that nation
14 is engaged, or has been engaged during the
15 3 years preceding the date of the deter-
16 mination, in fishing activities or practices
17 on the high seas or within the exclusive
18 economic zone of any nation, that have re-
19 sulted in bycatch of a protected living ma-
20 rine resource; and

21 “(ii) the vessel’s flag state has not
22 adopted, implemented, and enforced a reg-
23 ulatory program governing such fishing de-
24 signed to end or reduce such bycatch that
25 is comparable in effectiveness to the regu-

1 latory program of the United States, tak-
2 ing into account differing conditions; and

3 “(B) a nation if—

4 “(i) any fishing vessel of that nation
5 is engaged, or has engaged during the 3
6 years preceding the date of the determina-
7 tion, in fishing activities on the high seas
8 or within the exclusive economic zone of
9 another nation that target or incidentally
10 catch sharks; and

11 “(ii) the vessel’s flag state has not
12 adopted, implemented, and enforced a reg-
13 ulatory program to provide for the con-
14 servation of sharks, including measures to
15 prohibit removal of any of the fins of a
16 shark, including the tail, before landing the
17 shark in port, that is comparable to that of
18 the United States.

19 “(2) TIMING.—The Secretary shall make an
20 identification under paragraph (1) at any time that
21 the Secretary has sufficient information to make
22 such identification.”.

23 (b) CONSULTATION AND NEGOTIATION.—Section
24 610(b) of the High Seas Driftnet Fishing Moratorium

1 Protection Act (16 U.S.C. 1826k(b)) is amended to read
2 as follows:

3 “(b) CONSULTATION AND NEGOTIATION.—The Sec-
4 retary of State, acting in consultation with the Secretary,
5 shall—

6 “(1) notify, as soon as practicable, the Presi-
7 dent and nations that are engaged in, or that have
8 any fishing vessels engaged in, fishing activities or
9 practices described in subsection (a), about the pro-
10 visions of this Act;

11 “(2) initiate discussions as soon as practicable
12 with all foreign nations that are engaged in, or a
13 fishing vessel of which has engaged in, fishing activi-
14 ties described in subsection (a), for the purpose of
15 entering into bilateral and multilateral treaties with
16 such nations to protect such species and to address
17 any underlying failings or gaps that may have con-
18 tributed to identification under this Act;

19 “(3) seek agreements calling for international
20 restrictions on fishing activities or practices de-
21 scribed in subsection (a) through the United Na-
22 tions, the Committee on Fisheries of the Food and
23 Agriculture Organization of the United Nations, and
24 appropriate international fishery management bod-
25 ies; and

1 “(4) initiate the amendment of any existing
2 international treaty for the protection and conserva-
3 tion of such species to which the United States is a
4 party in order to make such treaty consistent with
5 the purposes and policies of this section.”.

6 (c) CONSERVATION CERTIFICATION PROCEDURE.—

7 Section 610(c) of the High Seas Driftnet Fishing Morato-
8 rium Protection Act (16 U.S.C. 1826k(c)) is amended—

9 (1) in paragraph (2) by inserting “the public
10 and” after “comment by”;

11 (2) in paragraph (4)—

12 (A) in subparagraph (A) by striking “and”
13 after the semicolon;

14 (B) in subparagraph (B) by striking the
15 period at the end and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(C) ensure that any such fish or fish
18 products authorized for entry under this section
19 are imported consistent with the reporting and
20 the recordkeeping requirements of the Seafood
21 Import Monitoring Program established in sub-
22 part Q of part 300 of title 50, Code of Federal
23 Regulations (or any successor regulation).”;

24 and

1 (3) in paragraph (5) by striking “(except to the
2 extent that such provisions apply to sport fishing
3 equipment or fish or fish products not caught by the
4 vessels engaged in illegal, unreported, or unregulated
5 fishing)”.

6 (d) DEFINITION OF PROTECTED LIVING MARINE RE-
7 SOURCE.—Section 610(e) of the High Seas Driftnet Fish-
8 ing Moratorium Protection Act (16 U.S.C. 1826k(e)) is
9 amended by striking paragraph (1) and inserting the fol-
10 lowing:

11 “(1) except as provided in paragraph (2),
12 means nontarget fish, sea turtles, or marine mam-
13 mals that are protected under United States law or
14 international agreement, including—

15 “(A) the Marine Mammal Protection Act
16 of 1972 (16 U.S.C. 1361 et seq.);

17 “(B) the Endangered Species Act of 1973
18 (16 U.S.C. 1531 et seq.);

19 “(C) the Shark Finning Prohibition Act
20 (16 U.S.C. 1822 note); and

21 “(D) the Convention on International
22 Trade in Endangered Species of Wild Fauna
23 and Flora, done at Washington March 3, 1973
24 (27 UST 1087; TIAS 8249); but”.

1 **SEC. 11339. CAPACITY BUILDING IN FOREIGN FISHERIES.**

2 (a) IN GENERAL.—The Secretary, in consultation
3 with the heads of other Federal agencies, as appropriate,
4 shall develop and carry out with partner governments and
5 civil society—

6 (1) multi-year international environmental co-
7 operation agreements and projects; and

8 (2) multi-year capacity-building projects for im-
9 plementing measures to address illegal, unreported,
10 or unregulated fishing, fraud, forced labor, bycatch,
11 and other conservation measures.

12 (b) CAPACITY BUILDING.—Section 3543(d) of the
13 Maritime SAFE Act (16 U.S.C. 8013(d)) is amended—

14 (1) in the matter preceding paragraph (1) by
15 striking “as appropriate,”; and

16 (2) in paragraph (3) by striking “as appro-
17 priate” and inserting “for all priority regions identi-
18 fied by the Working Group”.

19 (c) REPORTS.—Section 3553 of the Maritime SAFE
20 Act (16 U.S.C. 8033) is amended—

21 (1) in paragraph (7) by striking “and” after
22 the semicolon;

23 (2) in paragraph (8) by striking the period at
24 the end and inserting “; and”; and

25 (3) by adding at the end the following:

1 “(9) the status of work with global enforcement
2 partners.”.

3 **SEC. 11340. TRAINING OF UNITED STATES OBSERVERS.**

4 Section 403(b) of the Magnuson-Stevens Fishery
5 Conservation and Management Act (16 U.S.C. 1881b(b))
6 is amended—

7 (1) in paragraph (3) by striking “and” after
8 the semicolon;

9 (2) by redesignating paragraph (4) as para-
10 graph (5); and

11 (3) by inserting after paragraph (3) the fol-
12 lowing:

13 “(4) ensure that each observer has received
14 training to identify indicators of forced labor and
15 human trafficking (as such terms are defined in sec-
16 tion 11329 of the Don Young Coast Guard Author-
17 ization Act of 2022) and refer this information to
18 appropriate authorities; and”.

19 **SEC. 11341. REGULATIONS.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Secretary shall promulgate such regula-
22 tions as may be necessary to carry out this subtitle and
23 the amendments made by this subtitle.

1 **TITLE CXIV—SUPPORT FOR**
2 **COAST GUARD WORKFORCE**
3 **Subtitle A—Support for Coast**
4 **Guard Members and Families**

5 **SEC. 11401. COAST GUARD CHILD CARE IMPROVEMENTS.**

6 (a) FAMILY DISCOUNT FOR CHILD DEVELOPMENT
7 SERVICES.—Section 2922(b)(2) of title 14, United States
8 Code, is amended by adding at the end the following:

9 “(D) In the case of an active duty member with two
10 or more children attending a Coast Guard child develop-
11 ment center, the Commandant may modify the fees to be
12 charged for attendance for the second and any subsequent
13 child of such member by an amount that is 15 percent
14 less than the amount of the fee otherwise chargeable for
15 the attendance of the first such child enrolled at the cen-
16 ter, or another fee as the Commandant determines appro-
17 priate, consistent with multiple children.”.

18 (b) CHILD DEVELOPMENT CENTER STANDARDS AND
19 INSPECTIONS.—Section 2923(a) of title 14, United States
20 Code, is amended to read as follows:

21 “(a) STANDARDS.—The Commandant shall require
22 each Coast Guard child development center to meet stand-
23 ards of operation—

1 “(1) that the Commandant considers appro-
2 priate to ensure the health, safety, and welfare of
3 the children and employees at the center; and

4 “(2) necessary for accreditation by an appro-
5 priate national early childhood programs accrediting
6 entity.”.

7 (c) CHILD CARE SUBSIDY PROGRAM.—

8 (1) AUTHORIZATION.—

9 (A) IN GENERAL.—Subchapter II of chap-
10 ter 29 of title 14, United States Code, is
11 amended by adding at the end the following:

12 **“§ 2927. Child care subsidy program**

13 “(a) IN GENERAL.—

14 “(1) AUTHORITY.—The Commandant may op-
15 erate a child care subsidy program to provide finan-
16 cial assistance to eligible providers that provide child
17 care services or youth program services to members
18 of the Coast Guard, members of the Coast Guard
19 with dependents who are participating in the child
20 care subsidy program, and any other individual the
21 Commandant considers appropriate, if—

22 “(A) providing such financial assistance—

23 “(i) is in the best interests of the
24 Coast Guard; and

1 “(ii) enables supplementation or ex-
2 pansion of the provision of Coast Guard
3 child care services, while not supplanting
4 or replacing Coast Guard child care serv-
5 ices; and

6 “(B) the Commandant ensures, to the ex-
7 tent practicable, that the eligible provider is
8 able to comply, and does comply, with the regu-
9 lations, policies, and standards applicable to
10 Coast Guard child care services.

11 “(2) ELIGIBLE PROVIDERS.—A provider of
12 child care services or youth program services is eligi-
13 ble for financial assistance under this section if the
14 provider—

15 “(A) is licensed to provide such services
16 under applicable State and local law or meets
17 all applicable State and local health and safety
18 requirements if licensure is not required;

19 “(B) is either—

20 “(i) is a family home daycare; or

21 “(ii) is a provider of family child care
22 services that—

23 “(I) otherwise provides federally
24 funded or federally sponsored child
25 development services;

1 “(II) provides such services in a
2 child development center owned and
3 operated by a private, not-for-profit
4 organization;

5 “(III) provides a before-school or
6 after-school child care program in a
7 public school facility;

8 “(IV) conducts an otherwise fed-
9 erally funded or federally sponsored
10 school-age child care or youth services
11 program; or

12 “(V) conducts a school-age child
13 care or youth services program oper-
14 ated by a not-for-profit organization;
15 or

16 “(C) is a provider of another category of
17 child care services or youth program services
18 the Commandant considers appropriate for
19 meeting the needs of members or civilian em-
20 ployees of the Coast Guard.

21 “(3) FINANCIAL ASSISTANCE FOR IN-HOME
22 CHILD CARE.—

23 “(A) IN GENERAL.—The Commandant
24 may provide financial assistance to members of

1 the Coast Guard who pay for services provided
2 by in-home child care providers.

3 “(B) REQUIREMENTS.—In carrying out
4 such program, the Commandant shall establish
5 a policy and procedures to—

6 “(i) support the needs of families who
7 request services provided by in-home
8 childcare providers;

9 “(ii) provide the appropriate amount
10 of financial assistance to provide to fami-
11 lies described in paragraph, that is at min-
12 imum consistent with the program author-
13 ized in subsection (a)(1); and

14 “(iii) ensure the appropriate qualifica-
15 tions for such in-home child care provider,
16 which shall at minimum—

17 “(I) take into consideration
18 qualifications for available in-home
19 child care providers in the private sec-
20 tor; and

21 “(II) ensure that the qualifica-
22 tions the Commandant determines ap-
23 propriate under this paragraph are
24 comparable to the qualifications for a
25 provider of child care services in a

1 Coast Guard child development center
2 or family home day care.

3 “(b) DIRECT PAYMENT.—

4 “(1) IN GENERAL.—In carrying out a child care
5 subsidy program under subsection (a)(1), subject to
6 paragraph (3), the Commandant shall provide finan-
7 cial assistance under the program to an eligible
8 member or individual the Commandant considers ap-
9 propriate by direct payment to such eligible member
10 or individual through monthly pay, direct deposit, or
11 other direct form of payment.

12 “(2) POLICY.—Not later than 180 days after
13 the date of the enactment of this section, the Com-
14 mandant shall establish a policy to provide direct
15 payment as described in paragraph (1).

16 “(3) ELIGIBLE PROVIDER FUNDING CONTINU-
17 ATION.—With the approval of an eligible member or
18 an individual the Commandant considers appro-
19 priate, which shall include the written consent of
20 such member or individual, the Commandant may
21 continue to provide financial assistance under the
22 child care subsidy program directly to an eligible
23 provider on behalf of such member or individual.

24 “(4) RULE OF CONSTRUCTION.—Nothing in
25 this subsection may be construed to affect any pre-

1 existing reimbursement arrangement between the
2 Coast Guard and a qualified provider.”.

3 (B) CLERICAL AMENDMENT.—The analysis
4 for chapter 29 of title 14, United States Code,
5 is amended by inserting after the item relating
6 to section 2926 the following:

“2927. Child care subsidy program.”.

7 (2) EXPANSION OF CHILD CARE SUBSIDY PRO-
8 GRAM.—

9 (A) IN GENERAL.—The Commandant
10 shall—

11 (i) evaluate potential eligible uses for
12 the child care subsidy program established
13 under section 2927 of title 14, United
14 States Code (referred to in this paragraph
15 as the “program”);

16 (ii) expand the eligible uses of funds
17 for the program to accommodate the child
18 care needs of members of the Coast Guard
19 (including such members with nonstandard
20 work hours and surge or other deployment
21 cycles), including in-home care as de-
22 scribed in section 2927(a)(3) of title 14,
23 United States Code, and including by pro-
24 viding funds directly to such members in-
25 stead of care providers; and

1 (iii) streamline enrollment policies,
2 practices, paperwork, and requirements for
3 eligible child care providers to reduce bar-
4 riers for members to enroll in such pro-
5 viders.

6 (B) CONSIDERATIONS.—In evaluating po-
7 tential eligible uses under subparagraph (A),
8 the Commandant shall consider in-home child
9 care services, care services such as supple-
10 mental care for children with disabilities, and
11 any other child care delivery method the Com-
12 mandant considers appropriate.

13 (C) REQUIREMENTS.—In establishing ex-
14 panded eligible uses of funds for the program,
15 the Commandant shall ensure that such uses—

16 (i) are in the best interests of the
17 Coast Guard;

18 (ii) provide flexibility for members of
19 the Coast Guard, including such members
20 and employees with nonstandard work
21 hours; and

22 (iii) ensure a safe environment for de-
23 pendants of such members and employees.

24 (D) PUBLICATION.—Not later than 18
25 months after the date of the enactment of this

1 Act, the Commandant shall publish an updated
2 Commandant Instruction Manual (referred to
3 in this paragraph as the “manual”) that de-
4 scribes the expanded eligible uses of the pro-
5 gram.

6 (E) REPORT.—

7 (i) IN GENERAL.—Not later than 18
8 months after the date of the enactment of
9 this Act, the Commandant shall submit to
10 the Committee on Commerce, Science, and
11 Transportation of the Senate and the
12 Committee on Transportation and Infra-
13 structure of the House of Representatives
14 a report outlining the expansion of the pro-
15 gram.

16 (ii) ELEMENTS.—The report required
17 by clause (i) shall include the following:

18 (I) An analysis of the consider-
19 ations described in subparagraph (B).

20 (II) A description of the analysis
21 used to identify eligible uses that were
22 evaluated and incorporated into the
23 manual under subparagraph (D).

24 (III) A full analysis and justifica-
25 tion with respect to the forms of care

1 that were ultimately not included in
2 the manual.

3 (IV) Any recommendation with
4 respect to funding or additional au-
5 thorities necessary, including pro-
6 posals for legislative change, to meet
7 the current and anticipated future
8 child care subsidy demands of the
9 Coast Guard.

10 (V) A description of the steps
11 taken to streamline enrollment poli-
12 cies, practices, and requirements for
13 eligible child care providers in accord-
14 ance with paragraph (2)(A)(iii).

15 **SEC. 11402. ARMED FORCES ACCESS TO COAST GUARD**
16 **CHILD DEVELOPMENT SERVICES.**

17 Section 2922(a) of title 14, United States Code, is
18 amended to read as follows:

19 “(a)(1) The Commandant may make child develop-
20 ment services available, in such priority as the Com-
21 mandant considers to be appropriate and consistent with
22 readiness and resources and in the best interests of de-
23 pendants of members and civilian employees of the Coast
24 Guard, for—

1 “(A) members and civilian employees of the
2 Coast Guard;

3 “(B) surviving dependents of service members
4 who have died on active duty, if such dependents
5 were beneficiaries of a Coast Guard child develop-
6 ment service at the time of the death of such mem-
7 bers;

8 “(C) members of the armed forces (as defined
9 in section 101(a) of title 10); and

10 “(D) Federal civilian employees.

11 “(2) Child development service benefits provided
12 under the authority of this section shall be in addition to
13 benefits provided under other laws.”.

14 **SEC. 11403. CADET PREGNANCY POLICY IMPROVEMENTS.**

15 (a) **REGULATIONS REQUIRED.**—Not later than 18
16 months after the date of enactment of this Act, the Sec-
17 retary, in consultation with the Secretary of Defense, shall
18 prescribe regulations for the Coast Guard Academy con-
19 sistent with regulations required to be promulgated by sec-
20 tion 559(a) of the National Defense Authorization Act of
21 2022 (Public Law 117–81).

22 (b) **BRIEFING.**—Not later than 180 days after the
23 date of the enactment of this Act, the Secretary shall pro-
24 vide to the Committee on Commerce, Science, and Trans-
25 portation of the Senate and the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives
2 a briefing on the development of the regulations required
3 by subsection (a).

4 **SEC. 11404. COMBAT-RELATED SPECIAL COMPENSATION.**

5 (a) REPORT AND BRIEFING.—Not later than 90 days
6 after the date of enactment of this Act, and every 180
7 days thereafter until the date that is 5 years after the
8 date on which the initial report is submitted under this
9 subsection, the Commandant shall submit a report and
10 provide an in-person briefing to the Committee on Com-
11 merce, Science, and Transportation of the Senate and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives on the implementation of section
14 221 of the Coast Guard Authorization Act of 2016 (Public
15 Law 114–120; 10 U.S.C. 1413a note).

16 (b) ELEMENTS.—Each report and briefing required
17 by subsection (a) shall include the following:

18 (1) A description of methods to educate mem-
19 bers and retirees on the combat-related special com-
20 pensation program.

21 (2) Statistics regarding enrollment in such pro-
22 gram for members of the Coast Guard and Coast
23 Guard retirees.

24 (3) A summary of each of the following:

1 (A) Activities carried out relating to the
2 education of members of the Coast Guard par-
3 ticipating in the Transition Assistance Program
4 with respect to the combat-related special com-
5 pensation program.

6 (B) Activities carried out relating to the
7 education of members of the Coast Guard who
8 are engaged in missions in which they are sus-
9 ceptible to injuries that may result in qualifica-
10 tion for combat-related special compensation,
11 including flight school, the National Motor Life-
12 boat School, deployable special forces, and other
13 training programs as the Commandant con-
14 siders appropriate.

15 (C) Activities carried out relating to train-
16 ing physicians and physician assistants em-
17 ployed by the Coast Guard, or otherwise sta-
18 tioned in Coast Guard clinics, sickbays, or other
19 locations at which medical care is provided to
20 members of the Coast Guard, for the purpose
21 of ensuring, during medical examinations, ap-
22 propriate counseling and documentation of
23 symptoms, injuries, and the associated incident
24 that resulted in such injuries.

1 (D) Activities relating to the notification of
2 heath service officers with respect to the com-
3 bat-related special compensation program.

4 (4) The written guidance provided to members
5 of the Coast Guard regarding necessary record-
6 keeping to ensure eligibility for benefits under such
7 program.

8 (5) Any other matter relating to combat-related
9 special compensation the Commandant considers ap-
10 propriate.

11 (c) DISABILITY DUE TO CHEMICAL OR HAZARDOUS
12 MATERIAL EXPOSURE.—Section 221(a) of the Coast
13 Guard Authorization Act of 2016 (Public Law 114–120;
14 10 U.S.C. 1413a note) is amended—

15 (1) in paragraph (1) by striking “department
16 is” and inserting “department in”; and

17 (2) in paragraph (2)—

18 (A) in the matter preceding subparagraph

19 (A)—

20 (i) by striking “and hazardous” and
21 inserting “hazardous”; and

22 (ii) by inserting “, or a duty in which
23 chemical or other hazardous material expo-
24 sure has occurred (such as during marine

- 1 inspections or pollution response activi-
2 ties)” after “surfman)”); and
3 (B) in subparagraph (B)—
4 (i) by striking “paragraph (1) or para-
5 graph (2) of”; and
6 (ii) by striking “, including—” and all
7 that follows through “search and rescue;
8 or” and inserting “; or”.

9 **SEC. 11405. STUDY ON FOOD SECURITY.**

10 (a) STUDY.—

11 (1) IN GENERAL.—The Commandant shall con-
12 duct a study on food insecurity among members of
13 the Coast Guard.

14 (2) ELEMENTS.—The study required under
15 paragraph (1) shall include the following:

16 (A) An analysis of the impact of food
17 deserts on members of the Coast Guard and
18 their dependents who live in areas with high
19 costs of living, including areas with high-density
20 populations and rural areas.

21 (B) A comparison of—

22 (i) the current method used by the
23 Commandant to determine which areas are
24 considered to be high cost-of-living areas;

1 (ii) local-level indicators used by the
2 Bureau of Labor Statistics to determine a
3 cost of living that indicates buying power
4 and consumer spending in specific geo-
5 graphic areas; and

6 (iii) indicators of the cost of living
7 used by the Department of Agriculture in
8 market basket analyses and other meas-
9 ures of the local or regional cost of food.

10 (C) An assessment of the accuracy of the
11 method and indicators described in subpara-
12 graph (B) in quantifying high cost of living in
13 low-data and remote areas.

14 (D) An assessment of the manner in which
15 data accuracy and availability affect the accu-
16 racy of cost-of-living allowance calculations and
17 other benefits, as the Commandant considers
18 appropriate.

19 (E) Recommendations—

20 (i) to improve access to high-quality,
21 affordable food within a reasonable dis-
22 tance of Coast Guard units located in
23 areas identified as food deserts;

24 (ii) to reduce transit costs for mem-
25 bers of the Coast Guard and their depend-

1 ents who are required to travel to access
2 high-quality, affordable food; and

3 (iii) for improving the accuracy of the
4 calculations referred to in subparagraph
5 (D).

6 (F) The estimated costs of implementing
7 each recommendation made under subpara-
8 graph (E).

9 (b) PLAN.—

10 (1) IN GENERAL.—The Commandant shall de-
11 velop a detailed plan to implement the recommenda-
12 tions of the study conducted under subsection (a).

13 (2) REPORT.—Not later than 1 year after date
14 of the enactment of this Act, the Commandant shall
15 provide to the Committee on Commerce, Science,
16 and Transportation of the Senate and the Com-
17 mittee on Transportation and Infrastructure of the
18 House of Representatives a briefing on the plan re-
19 quired under paragraph (1), including the cost of
20 implementation, proposals for legislative change, and
21 any other result of the study the Commandant con-
22 siders appropriate.

23 (c) FOOD DESERT DEFINED.—In this section, the
24 term “food desert” means an area, as determined by the
25 Commandant, in which it is difficult, even with a vehicle

1 or an otherwise-available mode of transportation, to obtain
2 affordable, high-quality fresh food in the immediate area
3 in which members of the Coast Guard serve and reside.

4 **Subtitle B—Healthcare**

5 **SEC. 11406. DEVELOPMENT OF MEDICAL STAFFING STAND-** 6 **ARDS FOR COAST GUARD.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Commandant, in con-
9 sultation with the Defense Health Agency and any
10 healthcare expert the Commandant considers appropriate,
11 shall develop medical staffing standards for the Coast
12 Guard that are consistent with the recommendations of
13 the Comptroller General of the United States set forth in
14 the report titled “Coast Guard Health Care: Improve-
15 ments Needed for Determining Staffing Needs and Moni-
16 toring Access to Care” and published in February 2022.

17 (b) INCLUSIONS.—In developing the standards under
18 subsection (a), the Commandant shall address and take
19 into consideration the following:

20 (1) Current and future operations of healthcare
21 personnel in support of Department of Homeland
22 Security missions, including surge deployments for
23 incident response.

1 (2) Staffing standards for specialized providers,
2 including flight surgeons, dentists, behavioral health
3 specialists, and physical therapists.

4 (3) Staffing levels of medical, dental, and be-
5 havioral health providers for the Coast Guard who
6 are—

7 (A) members of the Coast Guard;

8 (B) assigned to the Coast Guard from the
9 Public Health Service;

10 (C) Federal civilian employees; or

11 (D) contractors hired by the Coast Guard
12 to fill vacancies.

13 (4) Staffing levels at medical facilities for Coast
14 Guard units in remote locations.

15 (5) Any discrepancy between medical staffing
16 standards of the Department of Defense and medical
17 staffing standards of the Coast Guard.

18 (c) REVIEW BY COMPTROLLER GENERAL.—Not later
19 than 90 days after the Commandant completes the staff-
20 ing standards required by subsection (a), the Com-
21 mandant shall submit the standards to the Comptroller
22 General, who shall review the standards and provide rec-
23 ommendations to the Commandant.

24 (d) REPORT TO CONGRESS.—Not later than 180 days
25 after developing the standards developed under subsection

1 (a), the Commandant shall submit to the Committee on
2 Commerce, Science, and Transportation of the Senate and
3 the Committee on Transportation and Infrastructure of
4 the House of Representatives a report on the standards
5 developed under subsection (a) and the recommendations
6 provided under subsection (c) that includes a plan and a
7 description of the resources and budgetary needs required
8 to implement the standards.

9 (e) MODIFICATION, IMPLEMENTATION, AND PERI-
10 ODIC UPDATES.—The Commandant shall—

11 (1) modify such standards, as necessary, based
12 on the recommendations under subsection (c);

13 (2) implement the standards; and

14 (3) review and update the standards not less
15 frequently than every 4 years.

16 **SEC. 11407. HEALTHCARE SYSTEM REVIEW AND STRATEGIC**
17 **PLAN.**

18 (a) IN GENERAL.—Not later than 270 days after the
19 completion of the studies conducted by the Comptroller
20 General of the United States under sections 8259 and
21 8260 of the William M. (Mac) Thornberry National De-
22 fense Authorization Act of Fiscal Year 2021 (Public Law
23 116–283; 134 Stat. 4679), the Commandant shall—

24 (1) conduct a comprehensive review of the
25 Coast Guard healthcare system; and

1 (2) develop a strategic plan for improvements
2 to, and the modernization of, such system to ensure
3 access to high-quality, timely healthcare for mem-
4 bers of the Coast Guard, their dependents, and ap-
5 plicable Coast Guard retirees.

6 (b) PLAN.—

7 (1) IN GENERAL.—The strategic plan developed
8 under subsection (a) shall seek to—

9 (A) maximize the medical readiness of
10 members of the Coast Guard;

11 (B) optimize delivery of healthcare bene-
12 fits;

13 (C) ensure high-quality training of Coast
14 Guard medical personnel; and

15 (D) prepare for the future needs of the
16 Coast Guard.

17 (2) ELEMENTS.—The plan shall address, at a
18 minimum, the following:

19 (A) Improving access to healthcare for
20 members of the Coast Guard, their dependents,
21 and applicable Coast Guard retirees.

22 (B) Quality of healthcare.

23 (C) The experience and satisfaction of
24 members of the Coast Guard and their depend-
25 ents with the Coast Guard healthcare system.

1 (D) The readiness of members of the Coast
2 Guard and Coast Guard medical personnel.

3 (c) REVIEW COMMITTEE.—

4 (1) ESTABLISHMENT.—The Commandant shall
5 establish a review committee to conduct a com-
6 prehensive analysis of the Coast Guard healthcare
7 system (referred to in this section as the “Review
8 Committee”).

9 (2) MEMBERSHIP.—The Review Committee
10 shall be composed of members selected by the Com-
11 mandant, including—

12 (A) 1 or more members of the uniformed
13 services (as defined in section 101 of title 10,
14 United States Code) or Federal employees, ei-
15 ther of which have expertise in—

16 (i) the medical, dental, pharmacy, or
17 behavioral health fields; or

18 (ii) any other field the Commandant
19 considers appropriate;

20 (B) 1 representative of the Defense Health
21 Agency; and

22 (C) 1 medical representative from each
23 Coast Guard district.

24 (3) CHAIRPERSON.—The chairperson of the Re-
25 view Committee shall be the Director of the Health,

1 Safety, and Work Life Directorate of the Coast
2 Guard.

3 (4) STAFF.—The Review Committee shall be
4 staffed by employees of the Coast Guard.

5 (5) REPORT TO COMMANDANT.—Not later than
6 1 year after the Review Committee is established,
7 the Review Committee shall submit to the Com-
8 mandant a report that—

9 (A) assesses, taking into consideration the
10 medical staffing standards developed under sec-
11 tion 11406, the recommended medical staffing
12 standards set forth in the Comptroller General
13 study required by section 8260 of the William
14 M. (Mac) Thornberry National Defense Author-
15 ization Act for Fiscal Year 2021 (Public Law
16 116–283; 134 Stat. 4679), and compares such
17 standards to the medical staffing standards of
18 the Department of Defense and the private sec-
19 tor;

20 (B) addresses improvements needed to en-
21 sure continuity of care for members of the
22 Coast Guard, including by evaluating the feasi-
23 bility of having a dedicated primary care man-
24 ager for each such member while the member is
25 stationed at a duty station;

1 (C) evaluates the effects of increased surge
2 deployments of medical personnel on staffing
3 needs at Coast Guard clinics;

4 (D) identifies ways to improve access to
5 care for members of the Coast Guard and their
6 dependents who are stationed in remote areas,
7 including methods to expand access to providers
8 in the available network;

9 (E) identifies ways the Coast Guard may
10 better use Department of Defense Military
11 Health System resources for members of the
12 Coast Guard, their dependents, and applicable
13 Coast Guard retirees;

14 (F) identifies barriers to participation in
15 the Coast Guard healthcare system and ways
16 the Coast Guard may better use patient feed-
17 back to improve quality of care at Coast Guard-
18 owned facilities, military treatment facilities,
19 and specialist referrals;

20 (G) includes recommendations to improve
21 the Coast Guard healthcare system; and

22 (H) any other matter the Commandant or
23 the Review Committee considers appropriate.

24 (6) TERMINATION.—The Review Committee
25 shall terminate on the date that is 1 year after the

1 date on which the Review Committee submits the re-
2 port required under paragraph (5).

3 (7) INAPPLICABILITY OF FEDERAL ADVISORY
4 COMMITTEE ACT.—The Federal Advisory Committee
5 Act (5 U.S.C. App.) shall not apply to the Review
6 Committee.

7 (d) REPORT TO CONGRESS.—Not later than 2 years
8 after the date of enactment of this Act, the Commandant
9 shall submit to the Committee on Commerce, Science, and
10 Transportation of the Senate and the Committee on
11 Transportation and Infrastructure of the House of Rep-
12 resentatives—

13 (1) the strategic plan for the Coast Guard med-
14 ical system required under subsection (a);

15 (2) the report of the Review Committee sub-
16 mitted to the Commandant under subsection (c)(5);
17 and

18 (3) a description of the manner in which the
19 Commandant plans to implement the recommenda-
20 tions of the Review Committee.

21 **SEC. 11408. DATA COLLECTION AND ACCESS TO CARE.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Commandant, in con-
24 sultation with the Defense Health Agency and any
25 healthcare expert the Commandant considers appropriate,

1 shall develop, and make publicly available, a policy to re-
2 quire the collection of data regarding access by members
3 of the Coast Guard and their dependents to medical, den-
4 tal, and behavioral healthcare as recommended by the
5 Comptroller General of the United States in the report
6 entitled “Coast Guard Health Care: Improvements Needed
7 for Determining Staffing Needs and Monitoring Access to
8 Care”, published in February 2022.

9 (b) ELEMENTS.—The policy required by subsection
10 (a) shall address the following:

11 (1) Methods to collect data on access to care
12 for—

13 (A) routine annual physical health assess-
14 ments;

15 (B) flight physicals for aviators or prospec-
16 tive aviators;

17 (C) sick call;

18 (D) injuries;

19 (E) dental health; and

20 (F) behavioral health conditions.

21 (2) Collection of data on access to care for re-
22 ferrals.

23 (3) Collection of data on access to care for
24 members of the Coast Guard stationed at remote

1 units, aboard Coast Guard cutters, and on deploy-
2 ments.

3 (4) Use of the electronic health record system
4 to improve data collection on access to care.

5 (5) Use of data for addressing the standards of
6 care, including time between requests for appoint-
7 ments and actual appointments, including appoint-
8 ments made with referral services.

9 (c) PUBLICATION AND REPORT TO CONGRESS.—Not
10 later than 90 days after the policy under subsection (a)
11 is completed, or any subsequent updates to such policy,
12 the Commandant shall—

13 (1) publish the policy on a publicly accessible
14 internet website of the Coast Guard; and

15 (2) submit to the Committee on Commerce,
16 Science, and Transportation of the Senate and the
17 Committee on Transportation and Infrastructure of
18 the House of Representatives a report on the policy
19 and the manner in which the Commandant plans to
20 address access-to-care deficiencies.

21 (d) PERIODIC UPDATES.—Not less frequently than
22 every 5 years, the Commandant shall review and update
23 the policy required under subsection (a).

24 **SEC. 11409. BEHAVIORAL HEALTH POLICY.**

25 (a) INTERIM BEHAVIORAL HEALTH POLICY.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Com-
3 mandant shall establish an interim behavioral health
4 policy for members of the Coast Guard that is in
5 parity with section 5.28 (relating to behavioral
6 health) of Department of Defense Instruction
7 6130.03, volume 2, “Medical Standards for Military
8 Service: Retention”.

9 (2) TERMINATION.—The interim policy estab-
10 lished under paragraph (1) shall remain in effect
11 until the date on which the Commandant issues a
12 permanent behavioral health policy for members of
13 the Coast Guard.

14 (b) PERMANENT POLICY.—In developing a perma-
15 nent policy with respect to retention and behavioral health,
16 the Commandant shall ensure that, to the extent prac-
17 ticable, the policy of the Coast Guard is in parity with
18 section 5.28 (relating to behavioral health) of Department
19 of Defense Instruction 6130.03, volume 2, “Medical
20 Standards for Military Service: Retention”.

1 **SEC. 11410. MEMBERS ASSERTING POST-TRAUMATIC**
2 **STRESS DISORDER OR TRAUMATIC BRAIN IN-**
3 **JURY.**

4 (a) IN GENERAL.—Subchapter I of chapter 25 of title
5 14, United States Code, is further amended by adding at
6 the end the following:

7 **“§ 2516. Members asserting post-traumatic stress dis-**
8 **order or traumatic brain injury**

9 “(a) MEDICAL EXAMINATION REQUIRED.—

10 “(1) IN GENERAL.—The Secretary shall ensure
11 that a member of the Coast Guard who has per-
12 formed Coast Guard operations or has been sexually
13 assaulted during the preceding 2-year period, and
14 who is diagnosed by an appropriate licensed or cer-
15 tified healthcare professional as experiencing post-
16 traumatic stress disorder or traumatic brain injury
17 or who otherwise alleges, based on the service of the
18 member or based on such sexual assault, the influ-
19 ence of such a condition, receives a medical examina-
20 tion to evaluate a diagnosis of post-traumatic stress
21 disorder or traumatic brain injury.

22 “(2) RESTRICTION ON ADMINISTRATIVE SEPA-
23 RATION.—A member described in paragraph (1)
24 shall not be administratively separated under condi-
25 tions other than honorable, including an administra-
26 tive separation in lieu of a court-martial, until the

1 results of the medical examination have been re-
2 viewed by appropriate authorities responsible for
3 evaluating, reviewing, and approving the separation
4 case, as determined by the Secretary.

5 “(3) POST-TRAUMATIC STRESS DISORDER.—In
6 a case involving post-traumatic stress disorder under
7 this subsection, a medical examination shall be—

8 “(A) performed by—

9 “(i) a board-certified or board-eligible
10 psychiatrist; or

11 “(ii) a licensed doctorate-level psychol-
12 ogist; or

13 “(B) performed under the close supervision
14 of—

15 “(i) a board-certified or board-eligible
16 psychiatrist; or

17 “(ii) a licensed doctorate-level psychol-
18 ogist, a doctorate-level mental health pro-
19 vider, a psychiatry resident, or a clinical or
20 counseling psychologist who has completed
21 a 1-year internship or residency.

22 “(4) TRAUMATIC BRAIN INJURY.—In a case in-
23 volving traumatic brain injury under this subsection,
24 a medical examination shall be performed by a

1 physiatrist, psychiatrist, neurosurgeon, or neurolo-
2 gist.

3 “(b) PURPOSE OF MEDICAL EXAMINATION.—The
4 medical examination required under subsection (a) shall
5 assess whether the effects of mental or neurocognitive dis-
6 orders, including post-traumatic stress disorder and trau-
7 matic brain injury, constitute matters in extenuation that
8 relate to the basis for administrative separation under con-
9 ditions other than honorable or the overall characteriza-
10 tion of the service of the member as other than honorable.

11 “(c) INAPPLICABILITY TO PROCEEDINGS UNDER
12 UNIFORM CODE OF MILITARY JUSTICE.—The medical ex-
13 amination and procedures required by this section do not
14 apply to courts-martial or other proceedings conducted
15 pursuant to the Uniform Code of Military Justice.

16 “(d) COAST GUARD OPERATIONS DEFINED.—In this
17 section, the term ‘Coast Guard operations’ has the mean-
18 ing given that term in section 888(a) of the Homeland
19 Security Act of 2002 (6 U.S.C. 468(a)).”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 25 of title 14, United States Code, is amended by in-
22 serting after the item relating to section 2515 (as added
23 by this Act) the following:

“2516. Members asserting post-traumatic stress disorder or traumatic brain in-
jury.”.

1 **SEC. 11411. IMPROVEMENTS TO PHYSICAL DISABILITY**
2 **EVALUATION SYSTEM AND TRANSITION PRO-**
3 **GRAM.**

4 (a) **TEMPORARY POLICY.**—Not later than 60 days
5 after the date of enactment of this Act, the Commandant
6 shall develop a temporary policy that—

7 (1) improves timeliness, communication, and
8 outcomes for members of the Coast Guard under-
9 going the Physical Disability Evaluation System, or
10 a related formal or informal process;

11 (2) affords maximum career transition benefits
12 to members of the Coast Guard determined by a
13 Medical Evaluation Board to be unfit for retention
14 in the Coast Guard; and

15 (3) maximizes the potential separation and ca-
16 reer transition benefits for members of the Coast
17 Guard undergoing the Physical Disability Evaluation
18 System, or a related formal or informal process.

19 (b) **ELEMENTS.**—The policy required under sub-
20 section (a) shall include the following:

21 (1) A requirement that any member of the
22 Coast Guard who is undergoing the Physical Dis-
23 ability Evaluation System, or a related formal or in-
24 formal process, shall be placed in a duty status that
25 allows the member the opportunity to attend nec-
26 essary medical appointments and other activities re-

1 lating to the Physical Disability Evaluation System,
2 including completion of any application of the De-
3 partment of Veterans Affairs and career transition
4 planning.

5 (2) In the case of a Medical Evaluation Board
6 report that is not completed not later than 120 days
7 after the date on which an evaluation by the Medical
8 Evaluation Board was initiated, the option for such
9 a member to enter permissive duty status.

10 (3) A requirement that the date of initiation of
11 an evaluation by a Medical Evaluation Board shall
12 include the date on which any verbal or written af-
13 firmation is made to the member, command, or med-
14 ical staff that the evaluation by the Medical Evalua-
15 tion Board has been initiated.

16 (4) An option for such member to seek an in-
17 ternship under the SkillBridge program established
18 under section 1143(e) of title 10, United States
19 Code, and outside employment aimed at improving
20 the transition of the member to civilian life, only if
21 such an internship or employment does not interfere
22 with necessary medical appointments required for
23 the member's physical disability evaluation.

24 (5) A requirement that not less than 21 days
25 notice shall be provided to such a member for any

1 such medical appointment, to the maximum extent
2 practicable, to ensure that the appointment timeline
3 is in the best interests of the immediate health of
4 the member.

5 (6) A requirement that the Coast Guard shall
6 provide such a member with a written separation
7 date upon the completion of a Medical Evaluation
8 Board report that finds the member unfit to con-
9 tinue active duty.

10 (7) To provide certainty to such a member with
11 respect to a separation date, a policy that ensures—

12 (A) that accountability measures are in
13 place with respect to Coast Guard delays
14 throughout the Physical Disability Evaluation
15 System, including—

16 (i) placement of the member in an ex-
17 cess leave status after 270 days have
18 elapsed since the date of initiation of an
19 evaluation by a Medical Evaluation Board
20 by any competent authority; and

21 (ii) a calculation of the costs to retain
22 the member on active duty, including the
23 pay, allowances, and other associated bene-
24 fits of the member, for the period begin-
25 ning on the date that is 90 days after the

1 date of initiation of an evaluation by a
2 Medical Evaluation Board by any com-
3 petent authority and ending on the date on
4 which the member is separated from the
5 Coast Guard; and

6 (B) the availability of administrative solu-
7 tions to any such delay.

8 (8) With respect to a member of the Coast
9 Guard on temporary limited duty status, an option
10 to remain in the member's current billet, to the max-
11 imum extent practicable, or to be transferred to a
12 different active-duty billet, so as to minimize any
13 negative impact on the member's career trajectory.

14 (9) A requirement that each respective com-
15 mand shall report to the Coast Guard Personnel
16 Service Center any delay of more than 21 days be-
17 tween each stage of the Physical Disability Evalua-
18 tion System for any such member, including between
19 stages of the processes, the Medical Evaluation
20 Board, the Informal Physical Evaluation Board, and
21 the Formal Physical Evaluation Board.

22 (10) A requirement that, not later than 7 days
23 after receipt of a report of a delay described in para-
24 graph (9), the Personnel Service Center shall take
25 corrective action, which shall ensure that the Coast

1 Guard exercises maximum discretion to continue the
2 Physical Disability Evaluation System of such a
3 member in a timely manner, unless such delay is
4 caused by the member.

5 (11) A requirement that—

6 (A) a member of the Coast Guard shall be
7 allowed to make a request for a reasonable
8 delay in the Physical Disability Evaluation Sys-
9 tem to obtain additional input and consultation
10 from a medical or legal professional; and

11 (B) any such request for delay shall be ap-
12 proved by the Commandant based on a showing
13 of good cause by the member.

14 (c) REPORT ON TEMPORARY POLICY.—Not later
15 than 60 days after the date of enactment of this Act, the
16 Commandant shall submit to the Committee on Com-
17 merce, Science, and Transportation of the Senate and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a copy of the policy developed
20 under subsection (a).

21 (d) PERMANENT POLICY.—Not later than 180 days
22 after the date of enactment of this Act, the Commandant
23 shall publish a Commandant Instruction making the policy
24 developed under subsection (a) a permanent policy of the
25 Coast Guard.

1 (e) BRIEFING.—Not later than 1 year after the date
2 of enactment of this Act, the Commandant shall provide
3 to the Committee on Commerce, Science, and Transpor-
4 tation of the Senate and the Committee on Transportation
5 and Infrastructure of the House of Representatives a
6 briefing on, and a copy of, the permanent policy.

7 (f) ANNUAL REPORT ON COSTS.—

8 (1) IN GENERAL.—Not less frequently than an-
9 nually, the Commandant shall submit to the Com-
10 mittee on Commerce, Science, and Transportation of
11 the Senate and the Committee on Transportation
12 and Infrastructure of the House of Representatives
13 a report that, for the preceding fiscal year—

14 (A) details the total aggregate service-wide
15 costs described in subsection (b)(7)(A)(ii) for
16 members of the Coast Guard whose Physical
17 Disability Evaluation System process has ex-
18 ceeded 90 days; and

19 (B) includes for each such member—

20 (i) an accounting of such costs; and

21 (ii) the number of days that elapsed
22 between the initiation and completion of
23 the Physical Disability Evaluation System
24 process.

1 (2) PERSONALLY IDENTIFIABLE INFORMA-
2 TION.—A report under paragraph (1) shall not in-
3 clude the personally identifiable information of any
4 member of the Coast Guard.

5 **SEC. 11412. EXPANSION OF ACCESS TO COUNSELING.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Commandant shall hire,
8 train, and deploy not fewer than an additional 5 behavioral
9 health specialists.

10 (b) REQUIREMENT.—Through the hiring process re-
11 quired under subsection (a), the Commandant shall ensure
12 that at least 35 percent of behavioral health specialists
13 employed by the Coast Guard have experience in behav-
14 ioral healthcare for the purpose of supporting members
15 of the Coast Guard with needs for perinatal mental health
16 care and counseling service for miscarriage, child loss, and
17 postpartum depression.

18 (c) ACCESSIBILITY.—The support provided by the be-
19 havioral health specialists described in subsection (a)—

20 (1) may include care delivered via telemedicine;
21 and

22 (2) shall be made widely available to members
23 of the Coast Guard.

1 **SEC. 11413. EXPANSION OF POSTGRADUATE OPPORTUNI-**
2 **TIES FOR MEMBERS OF COAST GUARD IN**
3 **MEDICAL AND RELATED FIELDS.**

4 (a) **IN GENERAL.**—The Commandant shall expand
5 opportunities for members of the Coast Guard to secure
6 postgraduate degrees in medical and related professional
7 disciplines for the purpose of supporting Coast Guard clin-
8 ics and operations.

9 (b) **APPLICATION OF LAW.**—Individuals who receive
10 assistance pursuant to subsection (a) shall be subject to
11 the service obligations required under section 2114 of title
12 10, United States Code.

13 (c) **MILITARY TRAINING STUDENT LOADS.**—Section
14 4904(b)(3) of title 14, United States Code, is amended
15 by striking “350” and inserting “385”.

16 **SEC. 11414. STUDY ON COAST GUARD MEDICAL FACILITIES**
17 **NEEDS.**

18 (a) **IN GENERAL.**—Not later than 270 days after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall commence a study on Coast
21 Guard medical facilities needs.

22 (b) **ELEMENTS.**—The study required by subsection
23 (a) shall include the following:

24 (1) A list of Coast Guard medical facilities, in-
25 cluding clinics, sickbays, and shipboard facilities.

1 (2) A summary of capital needs for Coast
2 Guard medical facilities, including construction and
3 repair.

4 (3) A summary of equipment upgrade backlogs
5 of Coast Guard medical facilities.

6 (4) An assessment of improvements to Coast
7 Guard medical facilities, including improvements to
8 information technology infrastructure, required to
9 enable the Coast Guard to fully use telemedicine and
10 implement other modernization initiatives.

11 (5) An evaluation of the process used by the
12 Coast Guard to identify, monitor, and construct
13 Coast Guard medical facilities.

14 (6) A description of the resources necessary to
15 fully address all Coast Guard medical facilities
16 needs.

17 (c) REPORT.—Not later than 1 year after com-
18 mencing the study required by subsection (a), the Comp-
19 troller General shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Senate and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives a report on the findings of the
23 study.

1 **SEC. 11415. STUDY ON COAST GUARD TELEMEDICINE PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall commence a study on the Coast
6 Guard telemedicine program.

7 (b) ELEMENTS.—The study required under sub-
8 section (a) shall include the following:

9 (1) An assessment of—

10 (A) the current capabilities and limitations
11 of the Coast Guard telemedicine program;

12 (B) the degree of integration of such pro-
13 gram with existing electronic health records;

14 (C) the capability and accessibility of such
15 program, as compared to the capability and ac-
16 cessibility of the telemedicine programs of the
17 Department of Defense and commercial medical
18 providers;

19 (D) the manner in which the Coast Guard
20 telemedicine program may be expanded to pro-
21 vide better clinical and behavioral medical serv-
22 ices to members of the Coast Guard, including
23 such members stationed at remote units or on-
24 board Coast Guard cutters at sea; and

25 (E) the costs savings associated with the
26 provision of—

- 1 (i) care through telemedicine; and
2 (ii) preventative care.

3 (2) An identification of barriers to full use or
4 expansion of such program.

5 (3) A description of the resources necessary to
6 expand such program to its full capability.

7 (c) REPORT.—Not later than 1 year after com-
8 mencing the study required by subsection (a), the Comp-
9 troller General shall submit to the Committee on Com-
10 merce, Science, and Transportation of the Senate and the
11 Committee on Transportation and Infrastructure of the
12 House of Representatives a report on the findings of the
13 study.

14 **Subtitle C—Housing**

15 **SEC. 11416. STUDY ON COAST GUARD HOUSING ACCESS,** 16 **COST, AND CHALLENGES.**

17 (a) IN GENERAL.—Not later than 90 days after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall commence a study on housing
20 access, cost, and associated challenges facing members of
21 the Coast Guard.

22 (b) ELEMENTS.—The study required under sub-
23 section (a) shall include the following:

- 24 (1) An assessment of—
25 (A) the extent to which—

1 (i) the Commandant has evaluated the
2 sufficiency, availability, and affordability of
3 housing options for members of the Coast
4 Guard and their dependents; and

5 (ii) the Coast Guard owns and leases
6 housing for members of the Coast Guard
7 and their dependents;

8 (B) the methods used by the Commandant
9 to manage housing data, and the manner in
10 which the Commandant uses such data—

11 (i) to inform Coast Guard housing
12 policy; and

13 (ii) to guide investments in Coast
14 Guard-owned housing capacity and other
15 investments in housing, such as long-term
16 leases and other housing options; and

17 (C) the process used by the Commandant
18 to gather and provide information used to cal-
19 culate housing allowances for members of the
20 Coast Guard and their dependents, including
21 whether the Commandant has established best
22 practices to manage low-data areas.

23 (2) An assessment as to whether the Depart-
24 ment of Defense basic allowance for housing is suffi-
25 cient for members of the Coast Guard.

1 (3) Recommendations for actions the Com-
2 mandant should take to improve the availability and
3 affordability of housing for members of the Coast
4 Guard and their dependents who are stationed in—

5 (A) remote units located in areas in which
6 members of the Coast Guard and their depend-
7 ents are eligible for TRICARE Prime Remote;
8 or

9 (B) units located in areas with a high
10 number of vacation rental properties.

11 (c) REPORT.—Not later than 1 year after com-
12 mencing the study required under subsection (a), the
13 Comptroller General shall submit to the Committee on
14 Commerce, Science, and Transportation of the Senate and
15 the Committee on Transportation and Infrastructure of
16 the House of Representatives a report on the findings of
17 the study.

18 (d) STRATEGY.—Not later than 180 days after the
19 submission of the report required under subsection (c), the
20 Commandant shall publish a Coast Guard housing strat-
21 egy that addresses the findings set forth in the report.
22 Such strategy shall, at a minimum—

23 (1) address housing inventory shortages and af-
24 fordability; and

1 (2) include a Coast Guard-owned housing infra-
2 structure investment prioritization plan.

3 **SEC. 11417. AUDIT OF CERTAIN MILITARY HOUSING CONDI-**
4 **TIONS OF ENLISTED MEMBERS OF COAST**
5 **GUARD IN KEY WEST, FLORIDA.**

6 (a) IN GENERAL.—Not later than 30 days after the
7 date of enactment of this Act, the Commandant, in coordi-
8 nation with the Secretary of the Navy, shall commence
9 an audit to assess—

10 (1) the conditions of housing units of enlisted
11 members of the Coast Guard located at Naval Air
12 Station Key West Sigsbee Park Annex;

13 (2) the percentage of such units that are con-
14 sidered unsafe or unhealthy housing units for en-
15 listed members of the Coast Guard and their fami-
16 lies;

17 (3) the process used by enlisted members of the
18 Coast Guard and their families to report housing
19 concerns;

20 (4) the extent to which enlisted members of the
21 Coast Guard and their families experience unsafe or
22 unhealthy housing units, relocate, receive a per
23 diem, or expend similar expenses as a direct result
24 of displacement that are not covered by a landlord,
25 insurance, or claims process;

1 (5) the feasibility of providing reimbursement
2 for uncovered expenses described in paragraph (4);
3 and

4 (6) what resources are needed to provide appro-
5 priate and safe housing for enlisted members of the
6 Coast Guard and their families in Key West, Flor-
7 ida.

8 (b) REPORT.—Not later than 120 days after the date
9 of enactment of this section , the Commandant shall sub-
10 mit to the appropriate committees of Congress a report
11 on the results of the audit.

12 (c) DEFINITIONS.—In this section:

13 (1) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Committee on Commerce, Science,
17 and Transportation and the Committee on
18 Homeland Security and Governmental Affairs
19 of the Senate; and

20 (B) the Committee on Transportation and
21 Infrastructure and the Committee on Homeland
22 Security of the House of Representatives.

23 (2) UNSAFE OR UNHEALTHY HOUSING UNIT.—
24 The term “unsafe or unhealthy housing unit” means
25 a unit of housing unit in which is present, at levels

1 exceeding relevant governmental health or housing
2 standards or guidelines, at least 1 of the following
3 hazards:

4 (A) Physiological hazards, including the
5 following:

- 6 (i) Dampness or microbial growth.
- 7 (ii) Lead-based paint.
- 8 (iii) Asbestos or manmade fibers.
- 9 (iv) Ionizing radiation.
- 10 (v) Biocides.
- 11 (vi) Carbon monoxide.
- 12 (vii) Volatile organic compounds.
- 13 (viii) Infectious agents.
- 14 (ix) Fine particulate matter.

15 (B) Psychological hazards, including the
16 following:

- 17 (i) Ease of access by unlawful intrud-
18 ers.
- 19 (ii) Lighting issues.
- 20 (iii) Poor ventilation.
- 21 (iv) Safety hazards.
- 22 (v) Other hazards similar to the haz-
23 ards specified in clauses (i) through (iv).

1 **SEC. 11418. STUDY ON COAST GUARD HOUSING AUTHORI-**
2 **TIES AND PRIVATIZED HOUSING.**

3 (a) STUDY.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Comp-
6 troller General of the United States shall commence
7 a study that—

8 (A) evaluates the authorities of the Coast
9 Guard relating to construction, operation, and
10 maintenance of housing provided to members of
11 the Coast Guard and their dependents; and

12 (B) assesses other options to meet Coast
13 Guard housing needs in rural and urban hous-
14 ing markets, including public-private partner-
15 ships, long-term lease agreements, privately
16 owned housing, and any other housing option
17 the Comptroller General identifies.

18 (2) ELEMENTS.—The study required under
19 paragraph (1) shall include the following:

20 (A) A review of authorities, regulations,
21 and policies available to the Secretary with re-
22 spect to construction, maintenance, and oper-
23 ation of housing for members of the Coast
24 Guard and their dependents, including unac-
25 companied member housing, that considers—

1 (i) housing that is owned and man-
2 aged by the Coast Guard;

3 (ii) long-term leasing or extended-
4 rental housing;

5 (iii) public-private partnerships or
6 other privatized housing options for which
7 the Secretary may enter into 1 or more
8 contracts with a private entity to build,
9 maintain, and manage privatized housing
10 for members of the Coast Guard and their
11 dependents;

12 (iv) on-installation and off-installation
13 housing options, and the availability of,
14 and authorities relating to, such options;
15 and

16 (v) housing availability near Coast
17 Guard units, readiness needs, and safety.

18 (B) A review of the housing-related au-
19 thorities, regulations, and policies available to
20 the Secretary of Defense, and an identification
21 of the differences between such authorities af-
22 farded to the Secretary of Defense and the
23 housing-related authorities, regulations, and
24 policies afforded to the Secretary.

1 (C) A description of lessons learned, or
2 recommendations for, the Coast Guard based
3 on the use of private housing by the Depart-
4 ment of Defense, including the recommenda-
5 tions set forth in the report of the Government
6 Accountability Office titled “Privatized Military
7 Housing: Update on DOD’s Efforts to Address
8 Oversight Challenges” (GAO–22–105866),
9 issued in March 2022.

10 (D) An assessment of the extent to which
11 the Secretary uses the authorities provided in
12 subchapter IV of chapter 169 of title 10,
13 United States Code.

14 (E) An analysis of immediate and long-
15 term costs associated with housing owned and
16 operated by the Coast Guard, as compared to
17 opportunities for long-term leases, private hous-
18 ing, and other public-private partnerships in
19 urban and remote locations.

20 (b) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Comptroller General shall
22 submit to the appropriate committees of Congress a report
23 on the results of the study conducted under subsection (a).

24 (c) BRIEFING.—Not later than 180 days after the
25 date on which the report required under subsection (b)

1 is submitted, the Commandant or the Secretary shall pro-
2 vide a briefing to the appropriate committees of Congress
3 on—

4 (1) the actions the Commandant has, or has
5 not, taken with respect to the results of the study;

6 (2) a plan for addressing areas identified in the
7 report that present opportunities for improving the
8 housing options available to members of the Coast
9 Guard and their dependents; and

10 (3) the need for, or potential manner of use of,
11 any authorities the Coast Guard does not have with
12 respect to housing, as compared to the Department
13 of Defense.

14 (d) APPROPRIATE COMMITTEES OF CONGRESS.—In
15 this section, the term “appropriate committees of Con-
16 gress” means the Committee on Commerce, Science, and
17 Transportation of the Senate and the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives.

20 **SEC. 11419. STRATEGY TO IMPROVE QUALITY OF LIFE AT**
21 **REMOTE UNITS.**

22 (a) IN GENERAL.—Not more than 180 days after the
23 date of enactment of this Act, the Commandant shall de-
24 velop a strategy to improve the quality of life for members

1 of the Coast Guard and their dependents who are sta-
2 tioned in remote units.

3 (b) ELEMENTS.—The strategy developed under sub-
4 section (a) shall address the following:

5 (1) Methods to improve the availability or af-
6 fordability of housing options for such members and
7 their dependents through—

8 (A) Coast Guard-owned housing; or

9 (B) Coast Guard-facilitated housing.

10 (2) A review of whether current methods for de-
11 termining the amount of basic housing allowances
12 received by such members of the Coast Guard accu-
13 rately reflect the costs of privately owned or pri-
14 vately rented housing in such areas.

15 (3) Methods to improve access by such mem-
16 bers and their dependents to—

17 (A) medical, dental, and pediatric care;

18 and

19 (B) behavioral health care that is covered
20 under the TRICARE program (as defined in
21 section 1072 of title 10, United States Code).

22 (4) Methods to increase access to child care
23 services in such areas, including recommendations
24 for increasing child care capacity and opportunities

1 for care within the Coast Guard and in the private
2 sector.

3 (5) Methods to improve non-Coast Guard net-
4 work internet access at remote units—

5 (A) to improve communications between
6 members of the Coast Guard on active duty
7 who are assigned or attached to a remote unit
8 and the family members of such members who
9 are not located in the same location as such
10 member; and

11 (B) for other purposes such as education
12 and training.

13 (6) Methods to support spouses and other de-
14 pendents of members serving in such areas who face
15 challenges specific to remote locations.

16 (7) Any other matter the Commandant con-
17 siders appropriate.

18 (c) BRIEFING.—Not later than 180 days after the
19 strategy developed under subsection (a) is completed, the
20 Commandant shall provide to the Committee on Com-
21 merce, Science, and Transportation of the Senate and the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives a briefing on the strategy.

24 (d) REMOTE UNIT DEFINED.—In this section, the
25 term “remote unit” means a unit located in an area in

1 which members of the Coast Guard and their dependents
2 are eligible for TRICARE Prime Remote.

3 **Subtitle D—Other Matters**

4 **SEC. 11420. REPORT ON AVAILABILITY OF EMERGENCY**

5 **SUPPLIES FOR COAST GUARD PERSONNEL.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Comptroller General
8 of the United States shall submit to the Committee on
9 Commerce, Science, and Transportation of the Senate and
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives a report on the availability
12 of appropriate emergency supplies at Coast Guard units.

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

15 (1) An assessment of the extent to which—

16 (A) the Commandant ensures that Coast
17 Guard units assess risks and plan accordingly
18 to obtain and maintain appropriate emergency
19 supplies; and

20 (B) Coast Guard units have emergency
21 food and water supplies available according to
22 local emergency preparedness needs.

23 (2) A description of any challenge the Com-
24 mandant faces in planning for and maintaining ade-

1 quate emergency supplies for Coast Guard per-
2 sonnel.

3 (c) PUBLICATION.—Not later than 90 days after the
4 date of submission of the report required by subsection
5 (a), the Commandant shall publish a strategy and rec-
6 ommendations in response to the report that includes—

7 (1) a plan for improving emergency prepared-
8 ness and emergency supplies for Coast Guard units;
9 and

10 (2) a process for periodic review and engage-
11 ment with Coast Guard units to ensure emerging
12 emergency response supply needs are achieved and
13 maintained.

14 **SEC. 11421. FLEET MIX ANALYSIS AND SHORE INFRASTRUC-**
15 **TURE INVESTMENT PLAN.**

16 (a) FLEET MIX ANALYSIS.—

17 (1) IN GENERAL.—The Commandant shall con-
18 duct an updated fleet mix analysis that provides for
19 a fleet mix sufficient, as determined by the Com-
20 mandant—

21 (A) to carry out—

22 (i) the missions of the Coast Guard;

23 and

24 (ii) emerging mission requirements;

25 and

1 (B) to address—

2 (i) national security threats; and

3 (ii) the global deployment of the Coast

4 Guard to counter great power competitors.

5 (2) REPORT.—Not later than 1 year after the
6 date of enactment of this Act, the Commandant
7 shall submit to Congress a report on the results of
8 the updated fleet mix analysis required under para-
9 graph (1).

10 (b) SHORE INFRASTRUCTURE INVESTMENT PLAN.—

11 (1) IN GENERAL.—The Commandant shall de-
12 velop an updated shore infrastructure investment
13 plan that includes—

14 (A) the construction of additional facilities
15 to accommodate the updated fleet mix described
16 in subsection (a)(1);

17 (B) improvements necessary to ensure that
18 existing facilities meet requirements and remain
19 operational for the lifespan of such fleet mix,
20 including necessary improvements to informa-
21 tion technology infrastructure;

22 (C) a timeline for the construction and im-
23 provement of the facilities described in subpara-
24 graphs (A) and (B); and

1 (D) a cost estimate for construction and
2 life-cycle support of such facilities, including for
3 necessary personnel.

4 (2) REPORT.—Not later than 1 year after the
5 date on which the report under subsection (a)(2) is
6 submitted, the Commandant shall submit to Con-
7 gress a report on the plan required under paragraph
8 (1).

9 **TITLE CXV—MARITIME**
10 **Subtitle A—Vessel Safety**

11 **SEC. 11501. RESPONSES TO SAFETY RECOMMENDATIONS.**

12 (a) IN GENERAL.—Chapter 7 of title 14, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 721. Responses to safety recommendations**

16 “(a) IN GENERAL.—Not later than 90 days after the
17 National Transportation Safety Board submits to the
18 Commandant a recommendation, and supporting justifica-
19 tion for such recommendation, relating to transportation
20 safety, the Commandant shall submit to the National
21 Transportation Safety Board a written response to the
22 recommendation, including whether the Commandant—

23 “(1) concurs with the recommendation;

24 “(2) partially concurs with the recommendation;

25 or

1 “(3) does not concur with the recommendation.

2 “(b) EXPLANATION OF CONCURRENCE.—The Com-
3 mandant shall include in a response submitted under sub-
4 section (a)—

5 “(1) with respect to a recommendation with
6 which the Commandant concurs or partially concurs,
7 an explanation of the actions the Commandant in-
8 tends to take to implement such recommendation or
9 part of such recommendation; and

10 “(2) with respect to a recommendation with
11 which the Commandant does not concur, the reasons
12 the Commandant does not concur.

13 “(c) FAILURE TO RESPOND.—If the National Trans-
14 portation Safety Board has not received the written re-
15 sponse required under subsection (a) by the end of the
16 time period described in such subsection, the National
17 Transportation Safety Board shall notify the Committee
18 on Commerce, Science, and Transportation of the Senate
19 and the Committee on Transportation and Infrastructure
20 of the House of Representatives that such response has
21 not been received.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 7 of title 14, United States Code, is amended by add-
24 ing at the end the following:

“721. Responses to safety recommendations.”.

1 **SEC. 11502. REQUIREMENTS FOR DUKW AMPHIBIOUS PAS-**
2 **SENGER VESSELS.**

3 (a) RULEMAKING REQUIRED.—

4 (1) IN GENERAL.—Not later than 6 months
5 after the date of enactment of this Act, the Com-
6 mandant shall initiate a rulemaking to establish ad-
7 ditional safety standards for DUKW amphibious
8 passenger vessels.

9 (2) DEADLINE FOR REGULATIONS.—The regu-
10 lations issued under paragraph (1) shall take effect
11 not later than 18 months after the Commandant
12 promulgates a final rule pursuant to such para-
13 graph.

14 (b) REQUIREMENTS.—The regulations required
15 under subsection (a) shall include the following:

16 (1) A requirement that operators of DUKW
17 amphibious passenger vessels provide reserve buoy-
18 ancy for such vessels through passive means, includ-
19 ing watertight compartmentalization, built-in flota-
20 tion, or such other means as determined appropriate
21 by the Commandant, in order to ensure that such
22 vessels remain afloat and upright in the event of
23 flooding, including when carrying a full complement
24 of passengers and crew.

25 (2) An identification, in consultation with the
26 Under Secretary of Commerce for Oceans and At-

1 mosphere, of limiting environmental conditions, such
2 as weather, in which DUKW amphibious passenger
3 vessels may safely operate and a requirement that
4 such limiting conditions be described in the certifi-
5 cate of inspection of each DUKW amphibious pas-
6 senger vessel.

7 (3) Requirements that an operator of a DUKW
8 amphibious passenger vessel—

9 (A) proceed to the nearest harbor or safe
10 refuge in any case in which a watch or warning
11 is issued for wind speeds exceeding the wind
12 speed equivalent used to certify the stability of
13 such DUKW amphibious passenger vessel; and

14 (B) maintain and monitor a weather mon-
15 itor radio receiver at the operator station of the
16 vessel that is automatically activated by the
17 warning alarm device of the National Weather
18 Service.

19 (4) A requirement that—

20 (A) operators of DUKW amphibious pas-
21 senger vessels inform passengers that seat belts
22 may not be worn during waterborne operations;

23 (B) before the commencement of water-
24 borne operations, a crew member shall visually

1 check that the seatbelt of each passenger is un-
2 buckled; and

3 (C) operators or crew maintain a log re-
4 cording the actions described in subparagraphs
5 (A) and (B).

6 (5) A requirement for annual training for oper-
7 ators and crew of DUKW amphibious passenger ves-
8 sels, including—

9 (A) training for personal flotation and seat
10 belt requirements, verifying the integrity of the
11 vessel at the onset of each waterborne depart-
12 ure, identification of weather hazards, and use
13 of National Weather Service resources prior to
14 operation; and

15 (B) training for crew to respond to emer-
16 gency situations, including flooding, engine
17 compartment fires, man-overboard situations,
18 and in water emergency egress procedures.

19 (c) CONSIDERATION.—In issuing the regulations re-
20 quired under subsection (a), the Commandant shall con-
21 sider whether personal flotation devices should be required
22 for the duration of the waterborne transit of a DUKW
23 amphibious passenger vessel.

24 (d) WAIVER.—The Commandant may waive the re-
25 serve buoyancy requirements described in subsection

1 (b)(1) for a DUKW amphibious passenger vessel if the
2 Commandant certifies in writing, using the best available
3 science, to the appropriate congressional committees that
4 such requirement is not practicable or technically or prac-
5 tically achievable for such vessel.

6 (e) NOTICE TO PASSENGERS.—A DUKW amphibious
7 passenger vessel that receives a waiver under subsection
8 (d) shall provide a prominently displayed notice on its
9 website, ticket counter, and each ticket for passengers that
10 the vessel is exempt from meeting Coast Guard safety
11 compliance standards concerning reserve buoyancy.

12 (f) INTERIM REQUIREMENTS.—Prior to issuing final
13 regulations pursuant to subsection (a) and not later than
14 180 days after the date of enactment of this Act, the Com-
15 mandant shall require that operators of DUKW amphib-
16 ious passenger vessels implement the following require-
17 ments:

18 (1) Remove the canopies and any window cov-
19 erings of such vessels for waterborne operations, or
20 install in such vessels a canopy that does not restrict
21 horizontal or vertical escape by passengers in the
22 event of flooding or sinking.

23 (2) If a canopy and window coverings are re-
24 moved from any such vessel pursuant to paragraph
25 (1), require that all passengers wear a personal flo-

1 tation device approved by the Coast Guard before
2 the onset of waterborne operations of such vessel.

3 (3) Reengineer such vessels to permanently
4 close all unnecessary access plugs and reduce all
5 through-hull penetrations to the minimum number
6 and size necessary for operation.

7 (4) Install in such vessels independently pow-
8 ered electric bilge pumps that are capable of
9 dewatering such vessels at the volume of the largest
10 remaining penetration in order to supplement an op-
11 erable Higgins pump or a dewatering pump of equiv-
12 alent or greater capacity.

13 (5) Install in such vessels not fewer than 4
14 independently powered bilge alarms.

15 (6) Conduct an in-water inspection of any such
16 vessel after each time a through-hull penetration of
17 such vessel has been removed or uncovered.

18 (7) Verify through an in-water inspection the
19 watertight integrity of any such vessel at the outset
20 of each waterborne departure of such vessel.

21 (8) Install underwater LED lights that activate
22 automatically in an emergency.

23 (9) Otherwise comply with any other provisions
24 of relevant Coast Guard guidance or instructions in

1 the inspection, configuration, and operation of such
2 vessels.

3 (g) IMPLEMENTATION.—The Commandant shall im-
4 plement the interim requirements under subsection (f)
5 without regard to chapters 5 and 6 of title 5, United
6 States Code, and Executive Order Nos. 12866 and 13563
7 (5 U.S.C. 601 note).

8 (h) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committee Transportation and
12 Infrastructure of the House of Representatives and
13 the Committee on Commerce, Science, and Trans-
14 portation of the Senate.

15 (2) DUKW AMPHIBIOUS PASSENGER VESSEL.—
16 The term “DUKW amphibious passenger vessel”
17 means a vessel that uses, modifies, or is derived
18 from the GMC DUKW–353 design, and which is op-
19 erating as a small passenger vessel in waters subject
20 to the jurisdiction of the United States, as defined
21 in section 2.38 of title 33, Code of Federal Regula-
22 tions (or a successor regulation).

1 **SEC. 11503. EXONERATION AND LIMITATION OF LIABILITY**
2 **FOR SMALL PASSENGER VESSELS.**

3 (a) RESTRUCTURING.—Chapter 305 of title 46,
4 United States Code, is amended—

5 (1) by inserting before section 30501 the fol-
6 lowing:

7 **“Subchapter I—General Provisions”;**

8 (2) by inserting before section 30503 the fol-
9 lowing:

10 **“Subchapter II—Exoneration and Limitation**
11 **of Liability”;**

12 and

13 (3) by redesignating sections 30503 through
14 30512 as sections 30521 through 30530, respec-
15 tively.

16 (b) DEFINITIONS.—Section 30501 of title 46, United
17 States Code, is amended to read as follows:

18 **“§ 30501. Definitions**

19 “In this chapter:

20 “(1) COVERED SMALL PASSENGER VESSEL.—

21 The term ‘covered small passenger vessel’—

22 “(A) means a small passenger vessel, as
23 defined in section 2101, that is—

24 “(i) not a wing-in-ground craft; and

25 “(ii) carrying—

1 “(I) not more than 49 passengers
2 on an overnight domestic voyage; and

3 “(II) not more than 150 pas-
4 sengers on any voyage that is not an
5 overnight domestic voyage; and

6 “(B) includes any wooden vessel con-
7 structed prior to March 11, 1996, carrying at
8 least 1 passenger for hire.

9 “(2) OWNER.—The term ‘owner’ includes a
10 charterer that mans, supplies, and navigates a vessel
11 at the charterer’s own expense or by the charterer’s
12 own procurement.”.

13 (c) APPLICABILITY.—Section 30502 of title 46,
14 United States Code, is amended to read as follows:

15 **“§ 30502. Application**

16 “(a) IN GENERAL.—Except as otherwise provided,
17 this chapter (except section 30521) applies to seagoing
18 vessels and vessels used on lakes or rivers or in inland
19 navigation, including canal boats, barges, and lighters.

20 “(b) EXCEPTION.—This chapter (except for section
21 30526) shall not apply to covered small passenger ves-
22 sels.”.

23 (d) PROVISIONS REQUIRING NOTICE OF CLAIM OR
24 LIMITING TIME FOR BRINGING ACTION.—Section

1 30526(b) of title 46, United States Code, as redesignated
2 by subsection (a), is amended—

3 (1) in paragraph (1)—

4 (A) by inserting “, in the case of seagoing
5 vessels,” after “personal injury or death”; and

6 (B) by inserting “, or in the case of cov-
7 ered small passenger vessels, to less than two
8 years after the date of the injury or death”
9 after “date of the injury or death”; and

10 (2) in paragraph (2)—

11 (A) by inserting “, in the case of seagoing
12 vessels,” after “personal injury or death”; and

13 (B) by inserting “, or in the case of cov-
14 ered small passenger vessels, to less than two
15 years after the date of the injury or death”
16 after “date of the injury or death”.

17 (e) CHAPTER ANALYSIS.—The analysis for chapter
18 305 of title 46, United States Code, is amended—

19 (1) by inserting before the item relating to sec-
20 tion 30501 the following:

“SUBCHAPTER I—GENERAL PROVISIONS”;

21 (2) by inserting after the item relating to sec-
22 tion 30502 the following:

“SUBCHAPTER II—EXONERATION AND LIMITATION OF LIABILITY”;

1 (3) by striking the item relating to section
2 30501 and inserting the following:

“30501. Definitions.”;

3 and

4 (4) by redesignating the items relating to sec-
5 tions 30503 through 30512 as items relating to sec-
6 tions 30521 through 30530, respectively.

7 (f) CONFORMING AMENDMENTS.—Title 46, United
8 States Code, is further amended—

9 (1) in section 14305(a)(5) by striking “section
10 30506” and inserting “section 30524”;

11 (2) in section 30523(a), as redesignated by sub-
12 section (a), by striking “section 30506” and insert-
13 ing “section 30524”;

14 (3) in section 30524(b), as redesignated by sub-
15 section (a), by striking “section 30505” and insert-
16 ing “section 30523”; and

17 (4) in section 30525, as redesignated by sub-
18 section (a)—

19 (A) in the matter preceding paragraph (1)
20 by striking “sections 30505 and 30506” and in-
21 serting “sections 30523 and 30524”;

22 (B) in paragraph (1) by striking “section
23 30505” and inserting “section 30523”; and

24 (C) in paragraph (2) by striking “section
25 30506(b)” and inserting “section 30524(b)”.

1 **SEC. 11504. AT-SEA RECOVERY OPERATIONS PILOT PRO-**
2 **GRAM.**

3 (a) **IN GENERAL.**—The Secretary shall conduct a
4 pilot program to evaluate the potential use of remotely
5 controlled or autonomous operation and monitoring of cer-
6 tain vessels for the purposes of—

7 (1) better understanding the complexities of
8 such at-sea operations and potential risks to naviga-
9 tion safety, vessel security, maritime workers, the
10 public, and the environment;

11 (2) gathering observational and performance
12 data from monitoring the use of remotely-controlled
13 or autonomous vessels; and

14 (3) assessing and evaluating regulatory require-
15 ments necessary to guide the development of future
16 occurrences of such operations and monitoring ac-
17 tivities.

18 (b) **DURATION AND EFFECTIVE DATE.**—The dura-
19 tion of the pilot program established under this section
20 shall be not more than 5 years beginning on the date on
21 which the pilot program is established, which shall be not
22 later than 180 days after the date of enactment of this
23 Act.

24 (c) **AUTHORIZED ACTIVITIES.**—The activities author-
25 ized under this section include—

1 (1) remote over-the-horizon monitoring oper-
2 ations related to the active at-sea recovery of
3 spaceflight components on an unmanned vessel or
4 platform;

5 (2) procedures for the unaccompanied operation
6 and monitoring of an unmanned spaceflight recovery
7 vessel or platform; and

8 (3) unmanned vessel transits and testing oper-
9 ations without a physical tow line related to space
10 launch and recovery operations, except within 12
11 nautical miles of a port.

12 (d) INTERIM AUTHORITY.—In recognition of poten-
13 tial risks to navigation safety, vessel security, maritime
14 workers, the public, and the environment, and the unique
15 circumstances requiring the use of remotely operated or
16 autonomous vessels, the Secretary, in the pilot program
17 established under subsection (a), may—

18 (1) allow remotely controlled or autonomous
19 vessel operations to proceed consistent to the extent
20 practicable under the proposed title 33, United
21 States Code, and 46, United States Code, including
22 navigation and manning laws and regulations;

23 (2) modify or waive applicable regulations and
24 guidance as the Secretary considers appropriate to—

1 (A) allow remote and autonomous vessel
2 at-sea operations and activities to occur while
3 ensuring navigation safety; and

4 (B) ensure the reliable, safe, and secure
5 operation of remotely-controlled or autonomous
6 vessels; and

7 (3) require each remotely operated or autono-
8 mous vessel to be at all times under the supervision
9 of 1 or more individuals—

10 (A) holding a merchant mariner credential
11 which is suitable to the satisfaction of the Coast
12 Guard; and

13 (B) who shall practice due regard for the
14 safety of navigation of the autonomous vessel,
15 to include collision avoidance.

16 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
17 tion shall be construed to authorize the Secretary to—

18 (1) permit foreign vessels to participate in the
19 pilot program established under subsection (a);

20 (2) waive or modify applicable laws and regula-
21 tions under the proposed title 33, United States
22 Code, and title 46, United States Code, except to the
23 extent authorized under subsection (d)(2);

1 (3) waive or modify applicable laws and regula-
2 tions under titles 49 and 51 of the United States
3 Code; or

4 (4) waive or modify any regulations arising
5 under international conventions.

6 (f) SAVINGS PROVISION.—Nothing in this section
7 may be construed to authorize the employment in the
8 coastwise trade of a vessel or platform that does not meet
9 the requirements of sections 12112, 55102, 55103, and
10 55111 of title 46, United States Code.

11 (g) AUTHORITY UNAFFECTED.—Nothing in this sec-
12 tion shall be construed to affect, impinge, or alter any au-
13 thority of the Secretary of Transportation under titles 49
14 and 51, United States Code.

15 (h) BRIEFINGS.—The Secretary or the designee of
16 the Secretary shall brief the Committee on Commerce,
17 Science, and Transportation of the Senate and the Com-
18 mittee on Transportation and Infrastructure and the
19 Committee on Science, Space, and Technology of the
20 House of Representatives on the program established
21 under subsection (a) on a quarterly basis.

22 (i) REPORT.—Not later than 180 days after the expi-
23 ration of the pilot program established under subsection
24 (a), the Secretary shall submit to the Committee on Com-
25 merce, Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure and the
2 Committee on Science, Space, and Technology of the
3 House of Representatives a final report regarding an as-
4 sessment of the execution of the pilot program and impli-
5 cations for maintaining navigation safety, the safety of
6 maritime workers, and the preservation of the environ-
7 ment.

8 (j) GAO REPORT.—

9 (1) IN GENERAL.—Not later than 18 months
10 after the date of enactment of this section, the
11 Comptroller General of the United States shall sub-
12 mit to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of
15 Representatives a report on the state of autonomous
16 and remote technologies in the operation of ship-
17 board equipment and the safe and secure navigation
18 of vessels in Federal waters of the United States.

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

21 (A) An assessment of commercially avail-
22 able autonomous and remote technologies in the
23 operation of shipboard equipment and the safe
24 and secure navigation of vessels during the 10

1 years immediately preceding the date of the re-
2 port.

3 (B) An analysis of the safety, physical se-
4 curity, cybersecurity, and collision avoidance
5 risks and benefits associated with autonomous
6 and remote technologies in the operation of
7 shipboard equipment and the safe and secure
8 navigation of vessels, including environmental
9 considerations.

10 (C) An assessment of the impact of such
11 autonomous and remote technologies, and all
12 associated technologies, on labor, including—

13 (i) roles for credentialed and
14 noncredentialed workers regarding such
15 autonomous, remote, and associated tech-
16 nologies; and

17 (ii) training and workforce develop-
18 ment needs associated with such tech-
19 nologies.

20 (D) An assessment and evaluation of regu-
21 latory requirements necessary to guide the de-
22 velopment of future autonomous, remote, and
23 associated technologies in the operation of ship-
24 board equipment and safe and secure naviga-
25 tion of vessels.

1 (E) An assessment of the extent to which
2 such technologies are being used in other coun-
3 tries and how such countries have regulated
4 such technologies.

5 (F) Recommendations regarding authoriza-
6 tion, infrastructure, and other requirements
7 necessary for the implementation of such tech-
8 nologies in the United States.

9 (3) CONSULTATION.—The report required
10 under paragraph (1) shall include, at a minimum,
11 consultation with the maritime industry including—

12 (A) vessel operators, including commercial
13 carriers, entities engaged in exploring for, de-
14 veloping, or producing resources, including non-
15 mineral energy resources in its offshore areas,
16 and supporting entities in the maritime indus-
17 try;

18 (B) shipboard personnel impacted by any
19 change to autonomous vessel operations, in
20 order to assess the various benefits and risks
21 associated with the implementation of autono-
22 mous, remote, and associated technologies in
23 the operation of shipboard equipment and safe
24 and secure navigation of vessels and the impact

1 such technologies would have on maritime jobs
2 and maritime manpower;

3 (C) relevant federally funded research in-
4 stitutions, non-governmental organizations, and
5 academia; and

6 (D) the commercial space industry.

7 (k) **MERCHANT MARINER CREDENTIAL DEFINED.**—

8 In this section, the term “merchant mariner credential”
9 means a merchant mariner license, certificate, or docu-
10 ment that the Secretary is authorized to issue pursuant
11 to title 46, United States Code.

12 **SEC. 11505. HISTORIC WOOD SAILING VESSELS.**

13 (a) **REPORT ON HISTORIC WOOD SAILING VES-**
14 **SELS.**—

15 (1) **IN GENERAL.**—Not later than 1 year after
16 the date of enactment of this Act, the Comptroller
17 General of the United States shall submit to the
18 Committee on Commerce, Science, and Transpor-
19 tation of the Senate and the Committee on Trans-
20 portation and Infrastructure of the House of Rep-
21 resentatives a report evaluating the practicability of
22 the application of section 3306(n)(3)(A)(v) of title
23 46, United States Code, to historic wood sailing ves-
24 sels.

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

3 (A) An assessment of the compliance, as of
4 the date on which the report is submitted under
5 paragraph (1), of historic wood sailing vessels
6 with section 3306(n)(3)(A)(v) of title 46,
7 United States Code.

8 (B) An assessment of the safety record of
9 historic wood sailing vessels.

10 (C) An assessment of any risk that modi-
11 fying the requirements under such section
12 would have on the safety of passengers and
13 crew of historic wood sailing vessels.

14 (D) An evaluation of the economic prac-
15 ticability of requiring the compliance of historic
16 wood sailing vessels with such section and
17 whether such compliance would meaningfully
18 improve safety of passengers and crew in a
19 manner that is both feasible and economically
20 practicable.

21 (E) Any recommendations to improve safe-
22 ty in addition to, or in lieu of, applying such
23 section to historic wood sailing vessels.

24 (F) Any other recommendations as the
25 Comptroller General determines are appropriate

1 with respect to the applicability of such section
2 to historic wood sailing vessels.

3 (G) An assessment to determine if historic
4 wood sailing vessels could be provided an ex-
5 emption to such section and the changes to leg-
6 islative or rulemaking requirements, including
7 modifications to section 177.500(q) of title 46,
8 Code of Federal Regulations (as in effect on the
9 date of enactment of this Act), that are nec-
10 essary to provide the Commandant the author-
11 ity to make such exemption or to otherwise pro-
12 vide for such exemption.

13 (b) CONSULTATION.—In completing the report re-
14 quired under subsection (a), the Comptroller General may
15 consult with—

- 16 (1) the National Transportation Safety Board;
- 17 (2) the Coast Guard; and
- 18 (3) the maritime industry, including relevant
19 federally funded research institutions, nongovern-
20 mental organizations, and academia.

21 (c) WAIVER FOR COVERED HISTORIC VESSELS.—
22 The captain of a port may waive the requirements of sec-
23 tion 3306(n)(3)(A)(v) of title 46, United States Code, with
24 respect to covered historic vessels for not more than 2

1 years after the date on which the report required under
2 subsection (a) is submitted.

3 (d) WAIVER FOR OTHER HISTORIC WOOD SAILING
4 VESSELS.—

5 (1) IN GENERAL.—The captain of a port may,
6 upon the request of the owner or operator of a his-
7 toric wood sailing vessel that is not a covered his-
8 toric vessel, waive the requirements of section
9 3306(n)(3)(A)(v) of title 46, United States Code,
10 with respect to the historic wood sailing vessel for
11 not more than 2 years after date on which the re-
12 port required under subsection (a) is submitted, if
13 the captain of the port—

14 (A) determines that it is technically infea-
15 sible for the historic wood sailing vessel to com-
16 ply with the requirements described in section
17 3306(n)(3)(A)(v) of title 46, United States
18 Code, due to its age; and

19 (B) approves the alternative arrangements
20 proposed for the historic wood sailing vessel in
21 accordance with paragraph (2).

22 (2) REQUEST AND ALTERNATIVE ARRANGE-
23 MENTS.—An owner or operator of a historic wood
24 sailing vessel requesting a waiver under paragraph
25 (1) shall submit such a request to the captain of a

1 port that includes the alternative arrangements the
2 owner or operator will take to ensure an equivalent
3 level of safety, to the maximum extent practicable,
4 to the requirements under section 3306(n)(3)(A)(v)
5 of title 46, United States Code.

6 (e) SAVINGS CLAUSE.—Nothing in this section shall
7 limit any authority available, as of the date of enactment
8 of this Act, to the captain of a port with respect to safety
9 measures or any other authority as necessary for the safe-
10 ty of historic wood sailing vessels.

11 (f) NOTICE TO PASSENGERS.—Any vessel that re-
12 ceives a waiver under subsection (c) or subsection (d)
13 shall, beginning on the date on which the requirements
14 under section 3306(n)(3)(v) of title 46, United States
15 Code, take effect, provide a prominently displayed notice
16 on its website, ticket counter, and each ticket for a pas-
17 senger that the vessel is exempt from meeting the Coast
18 Guard safety compliance standards concerning egress as
19 described under such section.

20 (g) DEFINITIONS.—In this section:

21 (1) COVERED HISTORIC VESSELS.—The term
22 “covered historic vessels” means each of the fol-
23 lowing:

24 (A) Adventuress (Official Number
25 210877).

- 1 (B) American Eagle (Official Number
2 229913).
- 3 (C) Angelique (Official Number 623562).
- 4 (D) Heritage (Official Number 649561).
- 5 (E) J & E Riggan (Official Number
6 226422).
- 7 (F) Ladona (Official Number 222228).
- 8 (G) Lady Washington (Official Number
9 944970).
- 10 (H) Lettie G. Howard (Official Number
11 222838).
- 12 (I) Lewis R. French (Official Number
13 015801).
- 14 (J) Mary Day (Official Number 288714).
- 15 (K) Stephen Taber (Official Number
16 115409).
- 17 (L) Victory Chimes (Official Number
18 136784).
- 19 (M) Grace Bailey (Official Number
20 085754).
- 21 (N) Mercantile (Official Number 214388).
- 22 (O) Mistress (Official Number 509004).
- 23 (P) Wendameen (Official Number
24 210173).

1 (2) HISTORIC WOOD SAILING VESSEL.—The
2 term “historic wood sailing vessel” means a covered
3 small passenger vessel, as defined in section
4 3306(n)(5) of title 46, United States Code, that—

5 (A) has overnight passenger accommoda-
6 tions;

7 (B) is a wood sailing vessel;

8 (C) has a hull constructed of wood;

9 (D) is principally equipped for propulsion
10 by sail, even if the vessel has an auxiliary
11 means of production;

12 (E) has no fewer than three masts; and

13 (F) was constructed before 1986.

14 **SEC. 11506. CERTIFICATES OF NUMBERS FOR UNDOCU-**
15 **MENTED VESSELS.**

16 Section 12304(a) of title 46, United States Code, is
17 amended—

18 (1) by striking “shall be pocketsized,”; and

19 (2) by inserting “in hard copy or digital form.

20 Any certificate issued in hard copy under this sec-
21 tion shall be pocketsized. The certificate shall be”
22 after “and may be”.

1 **SEC. 11507. COMPTROLLER GENERAL REVIEW AND REPORT**
2 **ON COAST GUARD OVERSIGHT OF THIRD-**
3 **PARTY ORGANIZATIONS.**

4 (a) IN GENERAL.—Not later than 1 year after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall initiate a review that assesses
7 the oversight of the Coast Guard of third-party organiza-
8 tions.

9 (b) ELEMENTS.—In carrying out the review required
10 under subsection (a), the Comptroller General shall ana-
11 lyze the following:

12 (1) Coast Guard use of third-party organiza-
13 tions in the prevention mission of the Coast Guard
14 and the extent to which the Coast Guard plans to
15 increase such use to enhance prevention mission per-
16 formance, including resource use and specialized ex-
17 pertise.

18 (2) The extent to which the Coast Guard has
19 assessed the potential risks and benefits of using
20 third-party organizations to support prevention mis-
21 sion activities.

22 (3) The extent to which the Coast Guard pro-
23 vides oversight of third-party organizations author-
24 ized to support prevention mission activities.

25 (c) REPORT.—Not later than 1 year after initiating
26 the review required under subsection (a), the Comptroller

1 General shall submit to the Committee on Commerce,
2 Science, and Transportation of the Senate and the Com-
3 mittee on Transportation and Infrastructure of the House
4 of Representatives the results of such review.

5 **SEC. 11508. ARTICULATED TUG-BARGE MANNING.**

6 (a) IN GENERAL.—Notwithstanding the watch set-
7 ting requirements set forth in section 8104 of title 46,
8 United States Code, the Secretary shall authorize an Offi-
9 cer in Charge, Marine Inspection to issue an amended cer-
10 tificate of inspection that does not require engine room
11 watch setting to inspected towing vessels certificated prior
12 to July 19, 2022, forming part of an articulated tug-barge
13 unit, provided that such vessels are equipped with engi-
14 neering control and monitoring systems of a type accepted
15 for no engine room watch setting under a previously ap-
16 proved minimum safe manning document or certificate of
17 inspection for articulated tug-barge units.

18 (b) DEFINITIONS.—In this section:

19 (1) CERTIFICATE OF INSPECTION.—The term
20 “certificate of inspection” means a certificate of in-
21 spection under subchapter M of chapter I of title 46,
22 Code of Federal Regulations.

23 (2) INSPECTED TOWING VESSEL.—The term
24 “inspected towing vessel” means a vessel issued a
25 certificate of inspection.

1 **SEC. 11509. FISHING VESSEL SAFETY.**

2 (a) IN GENERAL.—Chapter 45 of title 46, United
3 States Code, is amended—

4 (1) in section 4502(f)(2) by striking “certain
5 vessels described in subsection (b) if requested by
6 the owner or operator; and” and inserting the fol-
7 lowing: “vessels described in subsection (b) if—

8 “(A) requested by an owner or operator; or

9 “(B) the vessel is—

10 “(i) at least 50 feet overall in length;

11 “(ii) built before July 1, 2013; and

12 “(iii) 25 years of age or older; and”;

13 (2) in section 4503(b) by striking “Except as
14 provided in section 4503a, subsection (a)” and in-
15 serting “Subsection (a)”; and

16 (3) by repealing section 4503a.

17 (b) ALTERNATIVE SAFETY COMPLIANCE AGREE-
18 MENTS.—Nothing in this section or the amendments made
19 by this section shall be construed to affect or apply to any
20 alternative compliance and safety agreement entered into
21 by the Coast Guard that is in effect on the date of enact-
22 ment of this Act.

23 (c) CONFORMING AMENDMENTS.—The analysis for
24 chapter 45 of title 46, United States Code, is amended
25 by striking the item relating to section 4503a.

1 **SEC. 11510. EXEMPTIONS FOR CERTAIN PASSENGER VES-**
2 **SELS.**

3 Notwithstanding any other provision of law, require-
4 ments authorized under sections 3508 and 3509 of title
5 46, United States Code, shall not apply to any passenger
6 vessel, as defined in section 2101 of such title —

7 (1) that carries in excess of 250 passengers;

8 (2) that is, or was, in operation exclusively
9 within the inland rivers and internal waters of the
10 United States on voyages inside the Boundary Line,
11 as defined in section 103 of such title, on or before
12 July 27, 2030; and

13 (3) the operators or charterers of which oper-
14 ated any documented vessels with a coastwise en-
15 dorsement prior to January 1, 2024.

16 **Subtitle B—Merchant Mariner**
17 **Credentialing**

18 **SEC. 11511. MODERNIZING MERCHANT MARINER**
19 **CREDENTIALING SYSTEM.**

20 (a) REPORT.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Commandant
23 shall submit to the Committees on Commerce,
24 Science, and Transportation and Appropriations of
25 the Senate, and the Committees on Transportation
26 and Infrastructure and Appropriations of the House

1 of Representatives, a report on the financial, human,
2 and information technology infrastructure resources
3 needed to establish an electronic merchant mariner
4 licensing and documentation system.

5 (2) LEGISLATIVE AND REGULATORY SUGGES-
6 TIONS.—In preparing the report described in para-
7 graph (1), the Commandant—

8 (A) shall include recommendations for any
9 legislative or administrative actions as the Com-
10 mandant determines necessary to establish the
11 electronic merchant mariner licensing and docu-
12 mentation system described in paragraph (1) as
13 soon as possible; and

14 (B) may include findings, conclusions, or
15 recommendations from the study conducted
16 under subsection (b).

17 (b) STUDY.—

18 (1) IN GENERAL.—In preparing the report re-
19 quired under subsection (a), the Commandant and
20 the Administrator of the Maritime Administration,
21 in coordination with the Commander of the United
22 States Transportation Command, shall conduct a
23 study on the feasibility of developing and maintain-
24 ing a database as part of an electronic merchant
25 mariner licensing and documentation system that—

1 (A) contains records with respect to each
2 credentialed mariner, including credential valid-
3 ity, drug and alcohol testing results, and infor-
4 mation on any final adjudicated agency action
5 involving a credentialed mariner or regarding
6 any involvement in a marine casualty; and

7 (B) maintains such records in a manner
8 that allows data to be readily accessed by the
9 Federal Government for the purpose of assess-
10 ing workforce needs and for the purpose of the
11 economic and national security of the United
12 States.

13 (2) CONTENTS.—The study required under
14 paragraph (1) shall—

15 (A) include an assessment of the resources,
16 including information technology, and authori-
17 ties necessary to develop and maintain the data-
18 base described in such paragraph;

19 (B) specifically address ways to protect the
20 privacy interests of any individual whose infor-
21 mation may be contained within such database,
22 which shall include limiting access to the data-
23 base or having access to the database be mon-
24 itored by, or accessed through, a member of the
25 Coast Guard; and

1 (C) address the feasibility of incorporating
2 in such database a reporting mechanism to
3 alert the Administrator of the Maritime Admin-
4 istration each time a mariner's credential is re-
5 instated upon completion of a period of suspen-
6 sion as the result of a suspension and revoca-
7 tion proceeding under section 7702 of title 46,
8 United States Code, with details about the vio-
9 lation that led to such suspension.

10 (c) **ELECTRONIC MERCHANT MARINER LICENSING**
11 **AND DOCUMENTATION SYSTEM.**—Notwithstanding any
12 other provision of law, not later than 2 years after the
13 date of enactment of this Act, the Secretary shall imple-
14 ment an electronic merchant mariner licensing and docu-
15 mentation system.

16 **SEC. 11512. ASSESSMENT REGARDING APPLICATION PROC-**
17 **ESS FOR MERCHANT MARINER CREDEN-**
18 **TIALS.**

19 (a) **IN GENERAL.**—The Secretary shall conduct an
20 assessment to determine the resources, including per-
21 sonnel and computing resources, required to reduce the
22 amount of time necessary to process an application for a
23 merchant mariner credential to not more than 2 weeks
24 after the date of receipt of such application.

1 (b) BRIEFING REQUIRED.—Not later than 180 days
2 after the date of enactment of this Act, the Secretary shall
3 provide a briefing to the Committee on Commerce,
4 Science, and Transportation of the Senate and the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives with the results of the assessment re-
7 quired under subsection (a).

8 **SEC. 11513. GAO REPORT.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall prepare and submit a report
12 to Congress that evaluates the processes of the National
13 Maritime Center for processing and approving merchant
14 mariner credentials, as of the date of enactment of this
15 Act.

16 (b) CONTENTS.—In preparing the report required
17 under subsection (a), the Comptroller General shall—

18 (1) analyze the effectiveness of the merchant
19 mariner credentialing process, as of the date of en-
20 actment of this Act;

21 (2) analyze the backlogs relating to the mer-
22 chant mariner credentialing process and the reasons
23 for such backlogs; and

24 (3) provide recommendations for improving and
25 expediting the merchant mariner credentialing proc-

1 ess, including funding needed to support improved
2 processing times.

3 **SEC. 11514. MILITARY TO MARINERS ACT OF 2022.**

4 (a) **SHORT TITLE.**—This section may be cited as the
5 “Military to Mariners Act of 2022”.

6 (b) **MODIFICATION OF SEA SERVICE REQUIREMENTS**
7 **FOR MERCHANT MARINER CREDENTIALS FOR VETERANS**
8 **AND MEMBERS OF THE UNIFORMED SERVICES.**—

9 (1) **REVIEW AND REGULATIONS.**—Notwith-
10 standing any other provision of law, not later than
11 2 years after the date of enactment of this Act, the
12 Secretary shall—

13 (A) review and examine—

14 (i) the timeframes and impediments
15 for veterans and members of the uniformed
16 services to receive a merchant mariner cre-
17 dential;

18 (ii) the classifications of sea service
19 acquired through training and service as a
20 member of the Uniformed Services and
21 level of equivalence such service has with
22 respect to sea service on merchant vessels;
23 and

24 (iii) the amount of sea service, includ-
25 ing percent of the total time onboard for

1 purposes of equivalent underway service,
2 that will be accepted as required experience
3 for all endorsements for applicants for a
4 merchant mariner credential who are vet-
5 erans or members of the Uniformed Serv-
6 ices; and

7 (B) issue new regulations to—

8 (i) streamline, ensure the accuracy of,
9 and expedite the transfer, review and ac-
10 ceptance of information pertaining to
11 training and sea time for applicants for a
12 merchant mariner credential who are vet-
13 erans or members of the Uniformed Serv-
14 ices;

15 (ii) increase the acceptable percent-
16 ages of time equivalent to sea service for
17 such applicants pursuant to findings of the
18 review and examination conducted under
19 subparagraph (A); and

20 (iii) reduce burdens and create a
21 means of alternative compliance to dem-
22 onstrate instructor competency for Stand-
23 ards of Training, Certification and
24 Watchkeeping for Seafarers courses.

1 (2) CONSULTATION.—In carrying out para-
2 graph (2), the Secretary shall consult with the Na-
3 tional Merchant Marine Personnel Advisory Com-
4 mittee and shall take into account the present and
5 future needs of the United States Merchant Marine
6 labor workforce.

7 (3) REPORT.—Not later than 180 days after
8 the date of enactment of this Act, the United States
9 Committee on the Marine Transportation System
10 shall submit to the Committees on Commerce,
11 Science, and Transportation and Armed Services of
12 the Senate and the Committees on Transportation
13 and Infrastructure and Armed Services of the House
14 of Representatives, a report that contains an update
15 on the activities carried out to implement—

16 (A) the July 2020 report by the Com-
17 mittee on the Marine Transportation System to
18 the White House Office of Trade and Manufac-
19 turing Policy on the implementation of Execu-
20 tive Order 13860 (84 Fed. Reg. 8407; relating
21 to supporting the transition of active duty
22 servicemembers and military veterans into the
23 Merchant Marine); and

1 (B) section 3511 of the National Defense
2 Authorization Act for Fiscal Year 2020 (46
3 U.S.C. 3702 note).

4 (c) ASSESSMENT OF SKILLBRIDGE FOR EMPLOY-
5 MENT AS A MERCHANT MARINER.—The Secretary, in col-
6 laboration with the Secretary of Defense, shall assess the
7 use of the SkillBridge program of the Department of De-
8 fense as a means for transitioning active duty sea service
9 personnel to employment as merchant mariners.

10 **SEC. 11515. DEFINITIONS.**

11 In this subtitle:

12 (1) CREDENTIALLED MARINER.—The term
13 “credentialed mariner” means an individual with a
14 merchant mariner credential.

15 (2) MERCHANT MARINER CREDENTIAL.—The
16 term “merchant mariner credential” has the mean-
17 ing given such term in section 7510(d) of title 46,
18 United States Code.

19 (3) UNIFORMED SERVICES.—The term “uni-
20 formed services” has the meaning given the term
21 “uniformed services” in section 2101 of title 5,
22 United States Code.

1 **Subtitle C—Other Matters**

2 **SEC. 11516. NONOPERATING INDIVIDUAL.**

3 Section 8313(b) of the William M. (Mac) Thornberry
4 National Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283) is amended by striking “the date
6 that is 2 years after the date of the enactment of this
7 Act” and inserting “January 1, 2025”.

8 **SEC. 11517. OCEANOGRAPHIC RESEARCH VESSELS.**

9 (a) **REPORT REQUIRED.**—Not later than 180 days
10 after the date of enactment of this Act, the Secretary of
11 Transportation, in consultation with the Secretary, shall
12 submit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the Com-
14 mittee on Commerce, Science, and Transportation of the
15 Senate a report detailing the total number of vessels
16 known or estimated to operate or to have operated under
17 section 50503 of title 46, United States Code, during each
18 of the past 10 fiscal years.

19 (b) **CONTENTS.**—The report required under sub-
20 section (a) shall include the following elements:

21 (1) The total number of foreign-flagged vessels
22 known or estimated to operate or to have operated
23 as oceanographic research vessels (as such term is
24 defined in section 2101 of title 46, United States
25 Code) during each of the past 10 fiscal years.

1 (2) The total number of United States-flagged
2 vessels known or estimated to operate or to have op-
3 erated as oceanographic research vessels (as such
4 term is defined section 2101 of title 46, United
5 States Code) during each of the past 10 fiscal years.

6 **SEC. 11518. PORT ACCESS ROUTES BRIEFING.**

7 (a) ATLANTIC COAST PORT ACCESS ROUTE.—Not
8 later than 30 days after the date of enactment of this Act,
9 and not less than every 30 days thereafter until the re-
10 quirements of section 70003 of title 46, United States
11 Code, are fully executed with respect to the Atlantic Coast
12 Port Access Route, the Secretary shall brief the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives and the Committee on Commerce,
15 Science, and Transportation of the Senate on any progress
16 made to execute such requirements.

17 (b) OTHER COAST PORT ACCESS ROUTES.—Not
18 later than 180 days after the date of enactment of this
19 Act, and not less than every 180 days thereafter until the
20 requirements of section 70003 of title 46, United States
21 Code, are fully executed with respect to each of the Alas-
22 kan Arctic, Gulf of Mexico and Pacific Coast port access
23 route studies, the Secretary shall brief the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives and the Committee on Commerce, Science,

1 and Transportation of the Senate on the status of each
2 study and the implementation of any recommendations
3 made in each such study.

4 **SEC. 11519. DEFINITION OF STATELESS VESSEL.**

5 Section 70502(d)(1) of title 46, United States Code,
6 is amended—

7 (1) in subparagraph (B) by striking “and”
8 after the semicolon;

9 (2) in subparagraph (C) by striking the period
10 at the end and inserting “; and”; and

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(D) a vessel aboard which no individual,
14 on request of an officer of the United States
15 authorized to enforce applicable provisions of
16 United States law, claims to be the master or
17 is identified as the individual in charge, and
18 that has no other claim of nationality or reg-
19 istry under paragraph (1) or (2) of subsection
20 (e).”.

21 **SEC. 11520. LIMITATION ON RECOVERY FOR CERTAIN INJU-**
22 **RIES INCURRED IN AQUACULTURE ACTIVI-**
23 **TIES.**

24 (a) IN GENERAL.—Section 30104 of title 46, United
25 States Code, is amended—

1 (1) by inserting “(a) IN GENERAL.—” before
2 the first sentence; and

3 (2) by adding at the end the following:

4 “(b) LIMITATION ON RECOVERY BY AQUACULTURE
5 WORKERS.—

6 “(1) IN GENERAL.—For purposes of subsection
7 (a), the term ‘seaman’ does not include an individual
8 who—

9 “(A) is an aquaculture worker if State
10 workers’ compensation is available to such indi-
11 vidual; and

12 “(B) was, at the time of injury, engaged in
13 aquaculture in a place where such individual
14 had lawful access.

15 “(2) AQUACULTURE WORKER DEFINED.—In
16 this subsection, the term ‘aquaculture worker’ means
17 an individual who—

18 “(A) is employed by a commercial enter-
19 prise that is involved in the controlled cultiva-
20 tion and harvest of aquatic plants and animals,
21 including—

22 “(i) the cleaning, processing, or can-
23 ning of fish and fish products;

24 “(ii) the cultivation and harvesting of
25 shellfish; and

1 “(iii) the controlled growing and har-
2 vesting of other aquatic species;

3 “(B) does not hold a license issued under
4 section 7101(e); and

5 “(C) is not required to hold a merchant
6 mariner credential under part F of subtitle II.”.

7 (b) **APPLICABILITY.**—The amendments made by this
8 section shall apply to an injury incurred on or after the
9 date of enactment of this Act.

10 **SEC. 11521. REPORT ON SECURING VESSELS AND CARGO.**

11 (a) **IN GENERAL.**—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall conduct a study that assesses
14 the efforts of the Coast Guard with respect to securing
15 vessels and maritime cargo bound for the United States
16 from national security related risks and threats.

17 (b) **ELEMENTS.**—In conducting the study under sub-
18 section (a), the Comptroller General shall assess the fol-
19 lowing:

20 (1) Programs of the Coast Guard to secure ves-
21 sels and maritime cargo bound for the United States
22 from national security related risks and threats and
23 the extent to which such programs cover the critical
24 components of the global supply chain.

1 tional Defense Authorization Act for Fiscal Year 2021
2 (Public Law 116–283).

3 **SEC. 11523. LAND CONVEYANCE, SHARPE ARMY DEPOT,**
4 **LATHROP, CALIFORNIA.**

5 Not later than 1 year after the date of enactment
6 of this Act, the Administrator of the Maritime Administra-
7 tion shall complete the land conveyance required under
8 section 2833 of the William M. (Mac) Thornberry Na-
9 tional Defense Authorization Act for Fiscal Year 2021
10 (Public Law 116–283).

11 **SEC. 11524. PROHIBITION ON ENTRY AND OPERATION.**

12 (a) PROHIBITION.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this section, during the period in which Ex-
15 ecutive Order 14065 (87 Fed. Reg. 10293, relating
16 to blocking certain Russian property or trans-
17 actions), or any successor Executive Order is in ef-
18 fect, no vessel described in subsection (b) may enter
19 or operate in the navigable waters of the United
20 States or transfer cargo in any port or place under
21 the jurisdiction of the United States.

22 (2) LIMITATIONS ON APPLICATION.—

23 (A) IN GENERAL.—The prohibition under
24 paragraph (1) shall not apply with respect to a

1 vessel described in subsection (b) if the Sec-
2 retary of State determines that—

3 (i) the vessel is owned or operated by
4 a Russian national or operated by the gov-
5 ernment of the Russian Federation; and

6 (ii) it is in the national security inter-
7 est not to apply the prohibition to such
8 vessel.

9 (B) NOTICE.—Not later than 15 days
10 after making a determination under subpara-
11 graph (A), the Secretary of State shall submit
12 to the Committee on Foreign Affairs and the
13 Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the
15 Committee on Foreign Relations and the Com-
16 mittee on Commerce, Science, and Transpor-
17 tation of the Senate written notice of the deter-
18 mination and the basis upon which the deter-
19 mination was made.

20 (C) PUBLICATION.—The Secretary of
21 State shall publish a notice in the Federal Reg-
22 ister of each determination made under sub-
23 paragraph (A).

24 (3) SAVINGS CLAUSE.—The prohibition under
25 paragraph (1) shall not apply with respect to vessels

1 engaged in passage permitted under international
2 law.

3 (b) VESSELS DESCRIBED.—A vessel referred to in
4 subsection (a) is a vessel owned or operated by a Russian
5 national or operated by the government of the Russian
6 Federation.

7 (c) INFORMATION AND PUBLICATION.—The Sec-
8 retary, with the concurrence of the Secretary of State,
9 shall—

10 (1) maintain timely information on the registra-
11 tions of all foreign vessels owned or operated by or
12 on behalf of the Government of the Russian Federa-
13 tion, a Russian national, or a entity organized under
14 the laws of the Russian Federation or any jurisdic-
15 tion within the Russian Federation; and

16 (2) periodically publish in the Federal Register
17 a list of the vessels described in paragraph (1).

18 (d) NOTIFICATION OF GOVERNMENTS.—

19 (1) IN GENERAL.—The Secretary of State shall
20 notify each government, the agents or instrumental-
21 ities of which are maintaining a registration of a for-
22 eign vessel that is included on a list published under
23 subsection (c)(2), not later than 30 days after such
24 publication, that all vessels registered under such
25 government's authority are subject to subsection (a).

1 (2) ADDITIONAL NOTIFICATION.—In the case of
2 a government that continues to maintain a registra-
3 tion for a vessel that is included on such list after
4 receiving an initial notification under paragraph (1),
5 the Secretary shall issue an additional notification to
6 such government not later than 120 days after the
7 publication of a list under subsection (c)(2).

8 (e) NOTIFICATION OF VESSELS.—Upon receiving a
9 notice of arrival under section 70001(a)(5) of title 46,
10 United States Code, from a vessel described in subsection
11 (b), the Secretary shall notify the master of such vessel
12 that the vessel may not enter or operate in the navigable
13 waters of the United States or transfer cargo in any port
14 or place under the jurisdiction of the United States, un-
15 less—

16 (1) the Secretary of State has made a deter-
17 mination under subsection (a)(2); or

18 (2) the Secretary allows provisional entry of the
19 vessel, or transfer of cargo from the vessel, under
20 subsection (f).

21 (f) PROVISIONAL ENTRY OR CARGO TRANSFER.—
22 Notwithstanding any other provision of this section, the
23 Secretary may allow provisional entry of, or transfer of
24 cargo from, a vessel, if such entry or transfer is necessary
25 for the safety of the vessel or persons aboard.

1 **SEC. 11525. FLOATING DRY DOCKS.**

2 Section 55122(a) of title 46, United States Code, is
3 amended—

4 (1) in paragraph (1)(C)—

5 (A) by striking “2015; and” and inserting
6 “2015; or”;

7 (B) by striking “(C) was” and inserting
8 the following:

9 “(C)(i) was”; and

10 (C) by adding at the end the following:

11 “(ii) had a letter of intent for purchase by
12 such shipyard or affiliate signed prior to such
13 date of enactment; and”; and

14 (2) in paragraph (2) by inserting “or, in the
15 case of a dry dock described in paragraph (1)(C)(ii),
16 occurs between Honolulu, Hawaii, and Pearl Har-
17 bor, Hawaii” before the period at the end.

18 **SEC. 11526. UPDATED REQUIREMENTS FOR FISHING CREW**
19 **AGREEMENTS.**

20 Section 10601(b) of title 46, United States Code, is
21 amended—

22 (1) in paragraph (2) by striking “and” after
23 the semicolon;

24 (2) by redesignating paragraph (3) as para-
25 graph (4); and

1 (3) by inserting after paragraph (2) the fol-
2 lowing:

3 “(3) in the case of a seaman employed on a ves-
4 sel that is a catcher processor or fish processing ves-
5 sel that employs more than 25 crewmembers, include
6 a requirement that each crewmember shall be served
7 not less than three meals a day that—

8 “(A) total not less than 3,100 calories; and

9 “(B) include adequate water and minerals
10 in accordance with the United States Rec-
11 ommended Daily Allowances; and”.

12 **TITLE CXVI—SEXUAL ASSAULT**
13 **AND SEXUAL HARASSMENT**
14 **PREVENTION AND RESPONSE**

15 **SEC. 11601. DEFINITIONS.**

16 (a) IN GENERAL.—Section 2101 of title 46, United
17 States Code, is amended—

18 (1) by redesignating paragraphs (45) through
19 (54) as paragraphs (47) through (56), respectively;
20 and

21 (2) by inserting after paragraph (44) the fol-
22 lowing:

23 “(45) ‘sexual assault’ means any form of abuse
24 or contact as defined in chapter 109A of title 18, or

1 a substantially similar offense under State, local, or
2 Tribal law.

3 “(46) ‘sexual harassment’ means—

4 “(A) conduct that—

5 “(i) involves unwelcome sexual ad-
6 vances, requests for sexual favors, or delib-
7 erate or repeated offensive comments or
8 gestures of a sexual nature if any—

9 “(I) submission to such conduct
10 is made either explicitly or implicitly a
11 term or condition of employment, pay,
12 career, benefits, or entitlements of the
13 individual;

14 “(II) submission to, or rejection,
15 of such conduct by an individual is
16 used as a basis for decisions affecting
17 that individual’s job, pay, career, ben-
18 efits, or entitlements;

19 “(III) such conduct has the pur-
20 pose or effect of unreasonably inter-
21 fering with an individual’s work per-
22 formance or creates an intimidating,
23 hostile, or offensive work environment;
24 or

1 “(IV) conduct may have been by
2 an individual’s supervisor, a super-
3 visor in another area, a co-worker, or
4 another credentialed mariner; and

5 “(ii) is so severe or pervasive that a
6 reasonable person would perceive, and the
7 victim does perceive, the environment as
8 hostile or offensive;

9 “(B) any use or condonation associated
10 with first-hand or personal knowledge, by any
11 individual in a supervisory or command posi-
12 tion, of any form of sexual behavior to control,
13 influence, or affect the career, pay, benefits, en-
14 titlements, or employment of a subordinate; and

15 “(C) any intentional or repeated unwel-
16 come verbal comment or gesture of a sexual na-
17 ture towards or about an individual by the indi-
18 vidual’s supervisor, a supervisor in another
19 area, a coworker, or another credentialed mar-
20 iner.”.

21 (b) REPORT.—The Commandant shall submit to the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate a report
25 describing any changes the Commandant may propose to

1 the definitions added by the amendments in subsection
2 (a).

3 (c) CONFORMING AMENDMENTS.—

4 (1) AUTHORITY TO EXEMPT CERTAIN VES-
5 SELS.—Section 2113(3) of title 46, United States
6 Code, is amended by striking “section 2101(51)(A)”
7 and inserting “section 2101(53)(A)”.

8 (2) UNINSPECTED PASSENGER VESSELS.—Sec-
9 tion 4105 of title 46, United States Code, is amend-
10 ed—

11 (A) in subsections (b)(1) and (c) by strik-
12 ing “section 2101(51)” each place it appears
13 and inserting “section 2101”; and

14 (B) in subsection (d) by striking “section
15 2101(51)(A)” and inserting “section
16 2101(53)(A)”.

17 (3) GENERAL AUTHORITY.—Section
18 1131(a)(1)(E) of title 49, United States Code, is
19 amended by striking “section 2101(46)” and insert-
20 ing “section 116”.

21 **SEC. 11602. CONVICTED SEX OFFENDER AS GROUNDS FOR**
22 **DENIAL.**

23 (a) IN GENERAL.—Chapter 75 of title 46, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 7511. Convicted sex offender as grounds for denial**

2 “(a) SEXUAL ABUSE.—A license, certificate of reg-
3 istry, or merchant mariner’s document authorized to be
4 issued under this part shall be denied to an individual who
5 has been convicted of a sexual offense prohibited under—

6 “(1) chapter 109A of title 18, except for sub-
7 section (b) of section 2244 of title 18; or

8 “(2) a substantially similar offense under State,
9 local, or Tribal law.

10 “(b) ABUSIVE SEXUAL CONTACT.—A license, certifi-
11 cate of registry, or merchant mariner’s document author-
12 ized to be issued under this part may be denied to an indi-
13 vidual who within 5 years before applying for the license,
14 certificate, or document, has been convicted of a sexual
15 offense prohibited under subsection (b) of section 2244 of
16 title 18, or a substantially similar offense under State,
17 local, or Tribal law.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 75 of title 46, United States Code, is amended by add-
20 ing at the end the following:

“7511. Convicted sex offender as grounds for denial.”.

1 “(1) IN GENERAL.—In this section, the term
2 ‘official finding’ means—

3 “(A) a legal proceeding or agency finding
4 or decision that determines the individual com-
5 mitted sexual harassment or sexual assault in
6 violation of any Federal, State, local, or Tribal
7 law or regulation; or

8 “(B) a determination after an investigation
9 by the Coast Guard that, by a preponderance of
10 the evidence, the individual committed sexual
11 harassment or sexual assault if the investiga-
12 tion affords appropriate due process rights to
13 the subject of the investigation.

14 “(2) ADMINISTRATIVE LAW JUDGE REVIEW.—

15 “(A) COAST GUARD INVESTIGATION.—A
16 determination under paragraph (1)(B) shall be
17 reviewed and affirmed by an administrative law
18 judge within the same proceeding as any sus-
19 pension or revocation of a license, certificate of
20 registry, or merchant mariner’s document under
21 subsection (a) or (b).

22 “(B) LEGAL PROCEEDING.—A determina-
23 tion under paragraph (1)(A) that an individual
24 committed sexual harassment or sexual assault

1 is conclusive in suspension and revocation pro-
2 ceedings.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 77 of title 46, United States Code, is amended by in-
5 serting after the item relating to section 7704 the fol-
6 lowing:

“7704a. Sexual harassment or sexual assault as grounds for suspension or rev-
ocation.”.

7 **SEC. 11604. ACCOMMODATION; NOTICES.**

8 Section 11101 of title 46, United States Code, is
9 amended—

10 (1) in subsection (a)(3) by striking “and” at
11 the end;

12 (2) in subsection (a)(4) by striking the period
13 at the end and inserting “; and”;

14 (3) in subsection (a) by adding at the end the
15 following:

16 “(5) each crew berthing area shall be equipped
17 with information regarding—

18 “(A) vessel owner or company policies pro-
19 hibiting sexual assault and sexual harassment,
20 retaliation, and drug and alcohol usage; and

21 “(B) procedures and resources to report
22 crimes, including sexual assault and sexual har-
23 assment, including information—

1 “(i) on the telephone number, website
2 address, and email address for reporting
3 allegations of sexual assault and sexual
4 harassment to the Coast Guard;

5 “(ii) on vessel owner or company pro-
6 cedures to report violations of company
7 policy and access resources;

8 “(iii) on resources provided by outside
9 organizations such as sexual assault hot-
10 lines and counseling;

11 “(iv) on the retention period for sur-
12 veillance video recording after an incident
13 of sexual harassment or sexual assault is
14 reported; and

15 “(v) additional items specified in reg-
16 ulations issued by, and at the discretion of,
17 the Secretary of the department in which
18 the Coast Guard is operating.”; and

19 (4) in subsection (d) by adding at the end the
20 following: “In each washing space in a visible loca-
21 tion there shall be information regarding procedures
22 and resources to report crimes upon the vessel, in-
23 cluding sexual assault and sexual harassment, and
24 vessel owner or company policies prohibiting sexual

1 assault and sexual harassment, retaliation, and drug
2 and alcohol usage.”.

3 **SEC. 11605. PROTECTION AGAINST DISCRIMINATION.**

4 Section 2114(a) of title 46, United States Code, is
5 amended—

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraphs (B)
8 through (G) as subparagraphs (C) through (H),
9 respectively; and

10 (B) by inserting after subparagraph (A)
11 the following:

12 “(B) the seaman in good faith has reported or
13 is about to report to the vessel owner, Coast Guard
14 or other appropriate Federal agency or department
15 sexual harassment or sexual assault against the sea-
16 man or knowledge of sexual harassment or sexual
17 assault against another seaman;”; and

18 (2) in paragraphs (2) and (3) by striking
19 “paragraph (1)(B)” and inserting “paragraph
20 (1)(C)”.

21 **SEC. 11606. ALCOHOL AT SEA.**

22 (a) IN GENERAL.—The Commandant shall seek to
23 enter into an agreement with the National Academy of
24 Sciences not later than 1 year after the date of enactment
25 of this Act under which the National Academy of Sciences

1 shall prepare an assessment to determine safe levels of al-
2cohol consumption and possession by crew members
3 aboard vessels of the United States engaged in commercial
4 service, except when such possession is associated with the
5 commercial sale to individuals aboard the vessel who are
6 not crew members.

7 (b) ASSESSMENT.—The assessment prepared pursu-
8 ant to subsection (a) shall—

9 (1) take into account the safety and security of
10 every individual on the vessel;

11 (2) take into account reported incidences of sex-
12 ual harassment or sexual assault, as defined in sec-
13 tion 2101 of title 46, United States Code; and

14 (3) provide any appropriate recommendations
15 for any changes to laws, regulations, or employer
16 policies.

17 (c) SUBMISSION.—Upon completion of the assess-
18 ment under this section, the National Academy of Sciences
19 shall submit to the Committee on Commerce, Science, and
20 Transportation of the Senate, the Committee on Trans-
21 portation and Infrastructure of the House of Representa-
22 tives, the Commandant, and the Secretary the assessment
23 prepared pursuant to subsection (a).

24 (d) REGULATIONS.—The Commandant—

1 (1) shall, not later than 180 days after receiv-
2 ing the submission of the assessment under sub-
3 section (c), review the changes to regulations rec-
4 ommended in such assessment; and

5 (2) taking into account the safety and security
6 of every individual on vessels of the United States
7 engaged in commercial service, may issue regulations
8 relating to alcohol consumption on such vessels.

9 (e) SAVINGS CLAUSE.—To the extent the Com-
10 mandant issues regulations establishing safe levels of alco-
11 hol consumption in accordance with subsection (d), the
12 Commandant may not issue regulations which prohibit—

13 (1) the owner or operator of a vessel from im-
14 posing additional restrictions on the consumption of
15 alcohol, including the prohibition of the consumption
16 of alcohol on such vessels; and

17 (2) possession of alcohol associated with the
18 commercial sale to individuals aboard the vessel who
19 are not crew members.

20 (f) REPORT REQUIRED.—If, by the date that is 2
21 years after the receipt of the assessment under subsection
22 (c), the Commandant does not issue regulations under
23 subsection (d), the Commandant shall provide a report by
24 such date to the committees described in subsection (c)—

1 (1) containing the rationale for not issuing such
2 regulations; and

3 (2) providing other recommendations as nec-
4 essary to ensure safety at sea.

5 **SEC. 11607. SURVEILLANCE REQUIREMENTS.**

6 (a) IN GENERAL.—Part B of subtitle II of title 46,
7 United States Code, is amended by adding at the end the
8 following:

9 **“CHAPTER 49—OCEANGOING NON-**
10 **PASSENGER COMMERCIAL VESSELS**

“Sec.
“4901. Surveillance requirements.

11 **“§ 4901. Surveillance requirements**

12 “(a) IN GENERAL.—A vessel engaged in commercial
13 service that does not carry passengers, shall maintain a
14 video surveillance system.

15 “(b) APPLICABILITY.—The requirements in this sec-
16 tion shall apply to—

17 “(1) documented vessels with overnight accom-
18 modations for at least 10 individuals on board that
19 are—

20 “(A) on a voyage of at least 600 miles and
21 crosses seaward of the Boundary Line; or

22 “(B) at least 24 meters (79 feet) in overall
23 length and required to have a load line under
24 chapter 51;

1 “(2) documented vessels of at least 500 gross
2 tons as measured under section 14502, or an alter-
3 nate tonnage measured under section 14302 as pre-
4 scribed by the Secretary under section 14104 on an
5 international voyage; and

6 “(3) vessels with overnight accommodations for
7 at least 10 individuals on board that are operating
8 for no less than 72 hours on waters superjacent to
9 the outer Continental Shelf (as defined in section
10 2(a) of the Outer Continental Shelf Lands Act (43
11 U.S.C. 1331(a)).

12 “(c) PLACEMENT OF VIDEO AND AUDIO SURVEIL-
13 LANCE EQUIPMENT.—

14 “(1) IN GENERAL.—The owner of a vessel to
15 which this section applies shall install video and
16 audio surveillance equipment aboard the vessel not
17 later than 2 years after enactment of the Don
18 Young Coast Guard Authorization Act of 2022, or
19 during the next scheduled drydock, whichever is
20 later.

21 “(2) LOCATIONS.—Video and audio surveillance
22 equipment shall be placed in passageways on to
23 which doors from staterooms open. Such equipment
24 shall be placed in a manner ensuring the visibility of
25 every door in each such passageway.

1 “(d) NOTICE OF VIDEO AND AUDIO SURVEIL-
2 LANCE.—The owner of a vessel to which this section ap-
3 plies shall provide clear and conspicuous signs on board
4 the vessel notifying the crew of the presence of video and
5 audio surveillance equipment.

6 “(e) ACCESS TO VIDEO AND AUDIO RECORDS.—The
7 owner of a vessel to which this section applies shall ensure
8 that access to records of video and audio surveillance is
9 not used as part of a labor action against a crew member
10 or employment dispute unless used in a criminal or civil
11 action.

12 “(f) RETENTION REQUIREMENTS.—The owner of a
13 vessel to which this section applies shall retain all records
14 of audio and video surveillance for not less than 1 year
15 after the footage is obtained. Any video and audio surveil-
16 lance found to be associated with an alleged incident
17 should be preserved for not less than 5 years from the
18 date of the alleged incident.

19 “(g) PERSONNEL TRAINING.—A vessel owner or em-
20 ployer of a seafarer shall provide training for all individ-
21 uals employed by the owner or employer for the purpose
22 of responding to incidents of sexual assault or sexual har-
23 assment, including—

24 “(1) such training to ensure the individuals—

1 “(A) retain audio and visual records and
2 other evidence objectively; and

3 “(B) act impartially without influence from
4 the company or others; and

5 “(2) training on applicable Federal, State, Trib-
6 al, and local laws and regulations regarding sexual
7 assault and sexual harassment investigations and re-
8 porting requirements.

9 “(g) DEFINITION OF OWNER.—In this section, the
10 term ‘owner’ means the owner, charterer, managing oper-
11 ator, master, or other individual in charge of a vessel.

12 “(h) EXEMPTION.—Fishing vessels, fish processing
13 vessels, and fish tender vessels are exempt from this sec-
14 tion.”.

15 (b) CLERICAL AMENDMENT.—The table of chapters
16 for subtitle II of title 46, United States Code, is amended
17 by adding after the item related to chapter 47 the fol-
18 lowing:

“49. Oceangoing Non-Passenger Commercial Vessels 4901”.

19 **SEC. 11608. MASTER KEY CONTROL.**

20 (a) IN GENERAL.—Chapter 31 of title 46, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 3106. Master key control system**

24 “(a) IN GENERAL.—The owner of a vessel subject to
25 inspection under section 3301 shall—

1 “(1) ensure that such vessel is equipped with a
2 vessel master key control system, manual or elec-
3 tronic, which provides controlled access to all copies
4 of the vessel’s master key of which access shall only
5 be available to the individuals described in para-
6 graph (2);

7 “(2) establish a list of all crew, identified by po-
8 sition, allowed to access and use the master key and
9 maintain such list upon the vessel, within owner
10 records and included in the vessel safety manage-
11 ment system;

12 “(3) record in a log book information on all ac-
13 cess and use of the vessel’s master key, including—

14 “(A) dates and times of access;

15 “(B) the room or location accessed; and

16 “(C) the name and rank of the crew mem-
17 ber that used the master key; and

18 “(4) make the list under paragraph (2) and the
19 log book under paragraph (3) available upon request
20 to any agent of the Federal Bureau of Investigation,
21 any member of the Coast Guard, and any law en-
22 forcement officer performing official duties in the
23 course and scope of an investigation.

24 “(b) PROHIBITED USE.—Crew not included on the
25 list described in subsection (a)(2) shall not have access

1 to or use the master key unless in an emergency and shall
2 immediately notify the master and owner of the vessel fol-
3 lowing use of such key.

4 “(c) REQUIREMENTS FOR LOG BOOK.—The log book
5 described in subsection (a)(3) and required to be included
6 in a safety management system under section
7 3203(a)(6)—

8 “(1) may be electronic; and

9 “(2) shall be located in a centralized location
10 that is readily accessible to law enforcement per-
11 sonnel.

12 “(d) PENALTY.—Any crew member who uses the
13 master key without having been granted access pursuant
14 to subsection (a)(2) shall be liable to the United States
15 Government for a civil penalty of not more than \$1,000
16 and may be subject to suspension or revocation under sec-
17 tion 7703.

18 “(e) EXEMPTION.—This section shall not apply to
19 vessels subject to section 3507(f).”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 31 of title 46, United States Code, is amended by add-
22 ing at the end the following:

“3106. Master key control system.”.

1 **SEC. 11609. REQUIREMENT TO REPORT SEXUAL ASSAULT**
2 **AND HARASSMENT.**

3 Section 10104 of title 46, United States Code, is
4 amended by striking subsections (a) and (b) and inserting
5 the following:

6 “(a) **MANDATORY REPORTING BY RESPONSIBLE EN-**
7 **TITY OF A VESSEL.—**

8 “(1) **IN GENERAL.—**The responsible entity of a
9 vessel shall report to the Commandant any com-
10 plaint or incident of harassment, sexual harassment,
11 or sexual assault in violation of employer policy or
12 law, of which such entity is made aware.

13 “(2) **PENALTY.—**A responsible entity of a ves-
14 sel who knowingly fails to report in compliance with
15 paragraph (1) is liable to the United States Govern-
16 ment for a civil penalty of not more than \$50,000.

17 “(b) **REPORTING PROCEDURES.—**

18 “(1) **RESPONSIBLE ENTITY OF A VESSEL RE-**
19 **PORTING.—**A report required under subsection (a)
20 shall be made immediately after the responsible enti-
21 ty of a vessel gains knowledge of a sexual assault or
22 sexual harassment incident by the fastest tele-
23 communication channel available to—

24 “(A) a single entity in the Coast Guard
25 designated by the Commandant to receive such
26 reports; and

1 “(B) the appropriate officer or agency of
2 the government of the country in whose waters
3 the incident occurs.

4 “(2) CONTENTS.—Such shall include, to the
5 best of the knowledge of the individual making the
6 report—

7 “(A) the name, official position or role in
8 relation to the vessel, and contact information
9 of such individual;

10 “(B) the name and official number of the
11 documented vessel;

12 “(C) the time and date of the incident;

13 “(D) the geographic position or location of
14 the vessel when the incident occurred; and

15 “(E) a brief description of the alleged sexual
16 harassment or sexual assault being re-
17 ported.

18 “(3) RECEIVING REPORTS; COLLECTION OF IN-
19 FORMATION.—

20 “(A) RECEIVING REPORTS.—With respect
21 to reports submitted under subsection (a), the
22 Commandant—

23 “(i) may establish additional reporting
24 procedures, including procedures for re-
25 ceiving reports through—

1 “(I) a single telephone number
2 that is continuously manned at all
3 times; and

4 “(II) a single email address that
5 is continuously monitored; and

6 “(ii) shall use procedures that include
7 preserving evidence in such reports and
8 providing emergency service referrals.

9 “(B) COLLECTION OF INFORMATION.—
10 After receipt of the report made under sub-
11 section (a), the Coast Guard shall collect infor-
12 mation related to the identity of each alleged
13 victim, alleged perpetrator, and any witnesses
14 identified in the report through means designed
15 to protect, to the extent practicable, the per-
16 sonal identifiable information of such individ-
17 uals.

18 “(c) SUBPOENA AUTHORITY.—

19 “(1) IN GENERAL.—The Commandant may
20 compel the testimony of witnesses and the produc-
21 tion of any evidence by subpoena to determine com-
22 pliance with this section.

23 “(2) JURISDICTIONAL LIMITS.—The jurisdic-
24 tional limits of a subpoena issued under this section
25 are the same as, and are enforceable in the same

1 manner as, subpoenas issued under chapter 63 of
2 this title.

3 “(d) COMPANY AFTER-ACTION SUMMARY.—

4 “(1) A responsible entity of a vessel that makes
5 a report under subsection (a) shall—

6 “(A) submit to the Commandant a docu-
7 ment with detailed information to describe the
8 actions taken by such entity after becoming
9 aware of the sexual assault or sexual harass-
10 ment incident, including the results of any in-
11 vestigation into the complaint or incident and
12 any action taken against the offending indi-
13 vidual; and

14 “(B) make such submission not later than
15 10 days after such entity made the report
16 under subsection (a).

17 “(2) CIVIL PENALTY.—A responsible entity of a
18 vessel that fails to comply with paragraph (1) is lia-
19 ble to the United States Government for a civil pen-
20 alty of \$25,000 and \$500 shall be added for each
21 day of noncompliance, except that the total amount
22 of a penalty with respect to a complaint or incident
23 shall not exceed \$50,000 per violation.

24 “(e) INVESTIGATORY AUDIT.—The Commandant
25 shall periodically perform an audit or other systematic re-

1 view of the submissions made under this section to deter-
2 mine if there were any failures to comply with the require-
3 ments of this section.

4 “(f) APPLICABILITY; REGULATIONS.—

5 “(1) REGULATIONS.— The Secretary may issue
6 regulations to implement the requirements of this
7 section.

8 “(2) INTERIM REPORTS.—Any report required
9 to be made to the Commandant under this section
10 shall be made to the Coast Guard National Com-
11 mand Center, until regulations implementing the
12 procedures required by this section are issued.

13 “(g) DEFINITION OF RESPONSIBLE ENTITY OF A
14 VESSEL.—In this section, the term ‘responsible entity of
15 a vessel’ means—

16 “(1) the owner, master, or managing operator
17 of a documented vessel engaged in commercial serv-
18 ice; or

19 “(2) the employer of a seafarer on such a ves-
20 sel.”.

21 **SEC. 11610. SAFETY MANAGEMENT SYSTEM.**

22 (a) SAFETY MANAGEMENT SYSTEM.—Section 3203
23 of title 46, United States Code, is amended—

24 (1) in subsection (a)—

1 (A) by redesignating paragraphs (5) and
2 (6) as paragraphs (7) and (8); and

3 (B) by inserting after paragraph (4) the
4 following:

5 “(5) with respect to sexual harassment and sex-
6 ual assault, procedures for, and annual training re-
7 quirements for all responsible persons and vessels to
8 which this chapter applies on—

9 “(A) prevention;

10 “(B) bystander intervention;

11 “(C) reporting;

12 “(D) response; and

13 “(E) investigation;

14 “(6) the list required under section 3106(a)(2)
15 and the log book required under section
16 3106(a)(3);”;

17 (2) by redesignating subsections (b) and (c) as
18 subsections (d) and (e), respectively; and

19 (3) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) PROCEDURES AND TRAINING REQUIRE-
22 MENTS.—In prescribing regulations for the procedures
23 and training requirements described in subsection (a)(5),
24 such procedures and requirements shall be consistent with

1 the requirements to report sexual harassment or sexual
2 assault under section 10104.

3 “(c) AUDITS.—

4 “(1) CERTIFICATES.—

5 “(A) SUSPENSION.—During an audit of a
6 safety management system of a vessel required
7 under section 10104(e), the Secretary may sus-
8 pend the Safety Management Certificate issued
9 for the vessel under section 3205 and issue a
10 separate Safety Management Certificate for the
11 vessel to be in effect for a 3-month period be-
12 ginning on the date of the issuance of such sep-
13 arate certificate.

14 “(B) REVOCATION.—At the conclusion of
15 an audit of a safety management system re-
16 quired under section 10104(e), the Secretary
17 shall revoke the Safety Management Certificate
18 issued for the vessel under section 3205 if the
19 Secretary determines—

20 “(i) that the holder of the Safety
21 Management Certificate knowingly, or re-
22 peatedly, failed to comply with section
23 10104; or

1 “(ii) other failure of the safety man-
2 agement system resulted in the failure to
3 comply with such section.

4 “(2) DOCUMENTS OF COMPLIANCE.—

5 “(A) IN GENERAL.—Following an audit of
6 the safety management system of a vessel re-
7 quired under section 10104(e), the Secretary
8 may audit the safety management system of the
9 responsible person for the vessel.

10 “(B) SUSPENSION.—During an audit
11 under subparagraph (A), the Secretary may
12 suspend the Document of Compliance issued to
13 the responsible person under section 3205 and
14 issue a separate Document of Compliance to
15 such person to be in effect for a 3-month period
16 beginning on the date of the issuance of such
17 separate document.

18 “(C) REVOCATION.—At the conclusion of
19 an assessment or an audit of a safety manage-
20 ment system under subparagraph (A), the Sec-
21 retary shall revoke the Document of Compliance
22 issued to the responsible person if the Secretary
23 determines—

1 “(i) that the holder of the Document
2 of Compliance knowingly, or repeatedly,
3 failed to comply with section 10104; or

4 “(ii) that other failure of the safety
5 management system resulted in the failure
6 to comply with such section.”.

7 (b) VERIFICATION OF COMPLIANCE.—Section
8 3205(c)(1) of title 46, United States Code, is amended
9 by inserting “, or upon discovery from other sources of
10 information acquired by the Coast Guard, including a dis-
11 covery made during an audit or systematic review con-
12 ducted under section 10104(e) of a failure of a responsible
13 person or vessel to comply with a requirement of a safety
14 management system for which a Safety Management Cer-
15 tificate and a Document of compliance has been issued
16 under this section, including a failure to comply with regu-
17 lations prescribed under section 3203(a)(7) and (8),”
18 after “periodically”.

19 **SEC. 11611. REPORTS TO CONGRESS.**

20 (a) IN GENERAL.—Chapter 101 of title 46, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 10105. Reports to Congress**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of the Don Young Coast Guard Author-

1 ization Act of 2022, and on an annual basis thereafter,
2 the Commandant shall submit to the Committee on Com-
3 merce, Science, and Transportation of the Senate and the
4 Committee on Transportation and Infrastructure of the
5 House of Representatives a report that includes—

6 “(1) the number of reports received under sec-
7 tion 10104;

8 “(2) the number of penalties issued under such
9 section;

10 “(3) the number of open investigations under
11 such section, completed investigations under such
12 section, and the outcomes of such open or completed
13 investigations;

14 “(4) the number of assessments or audits con-
15 ducted under section 3203 and the outcome of those
16 assessments or audits;

17 “(5) a statistical analysis of compliance with
18 the safety management system criteria under section
19 3203;

20 “(6) the number of credentials denied or re-
21 voked due to sexual harassment, sexual assault, or
22 related offenses; and

23 “(7) recommendations to support efforts of the
24 Coast Guard to improve investigations and oversight
25 of sexual harassment and sexual assault in the mari-

1 time sector, including funding requirements and leg-
2 islative change proposals necessary to ensure compli-
3 ance with title CXVI of the Don Young Coast Guard
4 Authorization Act of 2022 and the amendments
5 made by such title.

6 “(b) PRIVACY.—In collecting the information re-
7 quired under subsection (a), the Commandant shall collect
8 such information in a manner that protects the privacy
9 rights of individuals who are subjects of such informa-
10 tion.”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 101 of title 46, United States Code, is amended by
13 adding at the end the following:

“10105. Reports to Congress.”.

14 **TITLE CXVII—NATIONAL OCE-**
15 **ANIC AND ATMOSPHERIC AD-**
16 **MINISTRATION**

17 **Subtitle A—National Oceanic and**
18 **Atmospheric Administration**
19 **Commissioned Officer Corps**

20 **SEC. 11701. DEFINITIONS.**

21 Section 212(b) of the National Oceanic and Atmos-
22 pheric Administration Commissioned Officer Corps Act of
23 2002 (33 U.S.C. 3002(b)) is amended by adding at the
24 end the following:

1 “(8) UNDER SECRETARY.—The term ‘Under
2 Secretary’ means the Under Secretary of Commerce
3 for Oceans and Atmosphere.”.

4 **SEC. 11702. REQUIREMENT FOR APPOINTMENTS.**

5 Section 221(c) of the National Oceanic and Atmos-
6 pheric Administration Commissioned Officer Corps Act of
7 2002 (33 U.S.C. 3021(c)) is amended by striking “may
8 not be given” and inserting the following: “may—

9 “(1) be given only to an individual who is a cit-
10 izen of the United States; and

11 “(2) not be given.”.

12 **SEC. 11703. REPEAL OF REQUIREMENT TO PROMOTE EN-**
13 **SIGNS AFTER 3 YEARS OF SERVICE.**

14 (a) IN GENERAL.—Section 223 of the National Oce-
15 anic and Atmospheric Administration Commissioned Offi-
16 cer Corps Act of 2002 (33 U.S.C. 3023) is amended to
17 read as follows:

18 **“SEC. 223. SEPARATION OF ENSIGNS FOUND NOT FULLY**
19 **QUALIFIED.**

20 “If an officer in the permanent grade of ensign is
21 at any time found not fully qualified, the officer’s commis-
22 sion shall be revoked and the officer shall be separated
23 from the commissioned service.”.

24 (b) CLERICAL AMENDMENT.—The table of contents
25 in section 1 of the Act entitled “An Act to reauthorize

1 the Hydrographic Services Improvement Act of 1998, and
2 for other purposes” (Public Law 107–372) is amended by
3 striking the item relating to section 223 and inserting the
4 following:

“Sec. 223. Separation of ensigns found not fully qualified.”.

5 **SEC. 11704. AUTHORITY TO PROVIDE AWARDS AND DECO-**
6 **RATIONS.**

7 (a) IN GENERAL.—Subtitle A of the National Oce-
8 anic and Atmospheric Administration Commissioned Offi-
9 cer Corps Act of 2002 (33 U.S.C. 3001 et seq.) is amend-
10 ed by adding at the end the following:

11 **“SEC. 220. AWARDS AND DECORATIONS.**

12 “The Under Secretary may provide ribbons, medals,
13 badges, trophies, and similar devices to members of the
14 commissioned officer corps of the Administration and to
15 members of other uniformed services for service and
16 achievement in support of the missions of the Administra-
17 tion.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 in section 1 of the Act entitled “An Act to reauthorize
20 the Hydrographic Services Improvement Act of 1998, and
21 for other purposes” (Public Law 107–372) is amended by
22 inserting after the item relating to section 219 the fol-
23 lowing:

“Sec. 220. Awards and decorations.”.

1 **SEC. 11705. RETIREMENT AND SEPARATION.**

2 (a) INVOLUNTARY RETIREMENT OR SEPARATION.—

3 Section 241(a)(1) of the National Oceanic and Atmos-
4 pheric Administration Commissioned Officer Corps Act of
5 2002 (33 U.S.C. 3041(a)(1)) is amended to read as fol-
6 lows:

7 “(1) an officer in the permanent grade of cap-
8 tain or commander may—

9 “(A) except as provided by subparagraph
10 (B), be transferred to the retired list; or

11 “(B) if the officer is not qualified for re-
12 tirement, be separated from service; and”.

13 (b) RETIREMENT FOR AGE.—Section 243(a) of that
14 Act (33 U.S.C. 3043(a)) is amended by striking “be re-
15 tired” and inserting “be retired or separated (as specified
16 in section 1251(e) of title 10, United States Code)”.

17 (c) RETIREMENT OR SEPARATION BASED ON YEARS
18 OF CREDITABLE SERVICE.—Section 261(a) of that Act
19 (33 U.S.C. 3071(a)) is amended—

20 (1) by redesignating paragraphs (17) through
21 (26) as paragraphs (18) through (27), respectively;
22 and

23 (2) by inserting after paragraph (16) the fol-
24 lowing:

25 “(17) Section 1251(e), relating to retirement or
26 separation based on years of creditable service.”.

1 **SEC. 11706. IMPROVING PROFESSIONAL MARINER STAFF-**
2 **ING.**

3 (a) IN GENERAL.—Subtitle E of the National Oce-
4 anic and Atmospheric Administration Commissioned Offi-
5 cer Corps Act of 2002 (33 U.S.C. 3071 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 269B. SHORE LEAVE FOR PROFESSIONAL MARINERS.**

8 “(a) IN GENERAL.—The Under Secretary may pre-
9 scribe regulations relating to shore leave for professional
10 mariners without regard to the requirements of section
11 6305 of title 5, United States Code.

12 “(b) REQUIREMENTS.—The regulations prescribed
13 under subsection (a) shall—

14 “(1) require that a professional mariner serving
15 aboard an ocean-going vessel be granted a leave of
16 absence of 4 days per pay period; and

17 “(2) provide that a professional mariner serving
18 in a temporary promotion position aboard a vessel
19 may be paid the difference between such mariner’s
20 temporary and permanent rates of pay for leave ac-
21 crued while serving in the temporary promotion posi-
22 tion.

23 “(c) PROFESSIONAL MARINER DEFINED.—In this
24 section, the term ‘professional mariner’ means an indi-
25 vidual employed on a vessel of the Administration who has

1 the necessary expertise to serve in the engineering, deck,
2 steward, electronic technician, or survey department.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1 of the Act entitled “An Act to reauthorize
5 the Hydrographic Services Improvement Act of 1998, and
6 for other purposes” (Public Law 107–372) is amended by
7 inserting after the item relating to section 269A the fol-
8 lowing:

“Sec. 269B. Shore leave for professional mariners.”.

9 **SEC. 11707. LEGAL ASSISTANCE.**

10 Section 1044(a)(3) of title 10, United States Code,
11 is amended by inserting “or the commissioned officer
12 corps of the National Oceanic and Atmospheric Adminis-
13 tration” after “Public Health Service”.

14 **SEC. 11708. ACQUISITION OF AIRCRAFT FOR AGENCY AIR,**
15 **ATMOSPHERE, AND WEATHER RECONNAIS-**
16 **SANCE AND RESEARCH MISSION.**

17 (a) INCREASED FLEET CAPACITY.—

18 (1) IN GENERAL.—The Under Secretary of
19 Commerce for Oceans and Atmosphere shall acquire
20 adequate aircraft platforms with the necessary ob-
21 servation and modification requirements—

22 (A) to meet agency-wide air reconnaissance
23 and research mission requirements, particularly
24 with respect to hurricanes and tropical cyclones,
25 and also for atmospheric chemistry, climate, air

1 quality for public health, full-season fire weath-
2 er research and operations, full-season atmos-
3 pheric river air reconnaissance observations,
4 and other mission areas; and

5 (B) to ensure data and information col-
6 lected by the aircraft are made available to all
7 users for research and operations purposes.

8 (2) CONTRACTS.—In carrying out paragraph
9 (1), the Under Secretary shall negotiate and enter
10 into 1 or more contracts or other agreements, to the
11 extent practicable and necessary, with 1 or more
12 governmental or nongovernmental entities.

13 (b) ACQUISITION OF AIRCRAFT TO REPLACE WP-3D
14 AIRCRAFT.—Subject to the availability of appropriations,
15 the Under Secretary may enter into a contract for the ac-
16 quisition of up to 6 aircraft to replace the WP-3D aircraft
17 that provides for—

18 (1) the first newly acquired aircraft to be fully
19 operational before the retirement of the last WP-3D
20 aircraft operated by the National Oceanic and At-
21 mospheric Administration; and

22 (2) the second newly acquired aircraft to be
23 fully operational not later than 1 year after the first
24 such aircraft is required to be fully operational
25 under subparagraph (A).

1 (c) ACQUISITION OF AIRCRAFT TO REPLACE END OF
2 LIFE-CYCLE AIRCRAFT.—Subject to the availability of ap-
3 propriations, the Under Secretary shall maintain the abil-
4 ity of the National Oceanic and Atmospheric Administra-
5 tion to meet agency air reconnaissance and research mis-
6 sion requirements by acquiring new aircraft prior to the
7 end of the service life of the aircraft being replaced with
8 sufficient lead time that the replacement aircraft is fully
9 operation prior to the retirement of the aircraft it is re-
10 placing.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—For fis-
12 cal year 2023, there is authorized to be appropriated to
13 the Under Secretary \$800,000,000 for the acquisition of
14 aircraft under this section.

15 **SEC. 11709. REPORT ON PROFESSIONAL MARINER STAFF-**
16 **ING MODELS.**

17 (a) IN GENERAL.—Not later than 18 months after
18 the date of the enactment of this Act, the Comptroller
19 General of the United States shall submit to the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate and the Committee on Transportation and Infra-
22 structure and the Committee on Natural Resources of the
23 House of Representatives a report on staffing issues relat-
24 ing to professional mariners within the Office of Marine

1 and Aviation Operations of the National Oceanic and At-
2 mospheric Administration.

3 (b) ELEMENTS.—In conducting the report required
4 under subsection (a), the Comptroller General shall con-
5 sider—

6 (1) the challenges the Office of Marine and
7 Aviation Operations faces in recruiting and retaining
8 qualified professional mariners;

9 (2) workforce planning efforts to address such
10 challenges; and

11 (3) other models or approaches that exist, or
12 are under consideration, to provide incentives for the
13 retention of qualified professional mariners.

14 (c) PROFESSIONAL MARINER DEFINED.—In this sec-
15 tion, the term “professional mariner” means an individual
16 employed on a vessel of the National Oceanic and Atmos-
17 pheric Administration who has the necessary expertise to
18 serve in the engineering, deck, steward, or survey depart-
19 ment.

20 **Subtitle B—Other Matters**

21 **SEC. 11710. CONVEYANCE OF CERTAIN PROPERTY OF NA-** 22 **TIONAL OCEANIC AND ATMOSPHERIC ADMIN-** 23 **ISTRATION IN JUNEAU, ALASKA.**

24 (a) DEFINITIONS.—In this section:

1 (1) CITY.—The term “City” means the City
2 and Borough of Juneau, Alaska.

3 (2) MASTER PLAN.—The term “Master Plan”
4 means the Juneau Small Cruise Ship Infrastructure
5 Master Plan released by the Docks and Harbors
6 Board and Port of Juneau for the City and dated
7 March 2021.

8 (3) PROPERTY.—The term “Property” means
9 the parcel of real property consisting of approxi-
10 mately 2.4 acres, including tidelands, owned by the
11 United States and under administrative custody and
12 control of the National Oceanic and Atmospheric
13 Administration and located at 250 Egan Drive, Ju-
14 neau, Alaska, including any improvements thereon
15 that are not authorized or required by another provi-
16 sion of law to be conveyed to a specific individual or
17 entity.

18 (4) SECRETARY.—The term “Secretary” means
19 the Secretary of Commerce, acting through the
20 Under Secretary of Commerce for Oceans and At-
21 mosphere and the Administrator of the National
22 Oceanic and Atmospheric Administration.

23 (b) CONVEYANCE AUTHORIZED.—

24 (1) IN GENERAL.—The Secretary may convey,
25 at fair market value, all right, title, and interest of

1 the United States in and to the Property, subject to
2 the restrictions in subsections (b)(2) and (c) and the
3 requirements of this section.

4 (2) RESTRICTION.—The Secretary may not
5 take action under this section until the Commandant
6 notifies the Secretary in writing that the Coast
7 Guard does not have an interest in acquiring the
8 property, or a period of 180 calendar days expires
9 following the date of enactment of this section.

10 (3) NOTIFICATION EXPIRATION.—If, the Sec-
11 retary has not received notification under paragraph
12 (2) at the end of the 180 calendar day period, the
13 Secretary and the Commandant shall notify the
14 Committee on Transportation and Infrastructure
15 and the Committee on Appropriations of the House
16 of Representatives and the Committee on Commerce,
17 Science, and Transportation and the Committee on
18 Appropriations of the Senate in writing that no noti-
19 fication has been received.

20 (4) TERMINATION OF AUTHORITY.—The au-
21 thority provided under paragraph (1) shall terminate
22 on the date that is 3 years after the date of the en-
23 actment of this Act.

24 (c) TRANSFER OF PROPERTY TO COAST GUARD.—

1 (1) IN GENERAL.—If not later than 180 cal-
2 endar days after the date of enactment of this Act
3 the Commandant notifies the Secretary that the
4 Coast Guard has an interest in the Property, the
5 Secretary shall transfer the Property to the Coast
6 Guard.

7 (2) TRANSFER.—Any transfer performed pur-
8 suant to this subsection shall—

9 (A) occur not later than 1 year of any
10 written notification required under paragraph
11 (1);

12 (B) include within the transfer from the
13 Department of Commerce to the Coast Guard
14 all legal obligations attached to ownership or
15 administrative control of the Property, interest
16 therein, or improvements thereto, including en-
17 vironmental compliance and restoration liabil-
18 ities and historical preservation liabilities and
19 responsibilities;

20 (C) be at no cost to the Department of
21 Commerce, to include all land survey costs;

22 (D) not affect or limit any remaining real
23 property interests held by the Department of
24 Commerce on any real property subject to such
25 transfer; and

1 (E) be accompanied by a memorandum of
2 agreement between the Coast Guard and the
3 Department of Commerce to require the Com-
4 mandant to allow—

5 (i) future access to, and use of, the
6 Property, including use of available pier
7 space, to accommodate the reasonable ex-
8 pectations of the Secretary for future oper-
9 ational and logistical needs in southeast
10 Alaska; and

11 (ii) continued access to, and use of,
12 existing facilities on the Property, includ-
13 ing a warehouse and machine shop, unless
14 the Commandant determines that the
15 Property on which the facilities are located
16 is needed to support polar operations, at
17 which time the Coast Guard shall provide
18 the Department of Commerce access to
19 and use of comparable space in reasonable
20 proximity to the existing facilities.

21 (d) RIGHT OF FIRST REFUSAL.—If the Coast Guard
22 does not transfer the Property under subsection (c), the
23 City shall have the right of first refusal with respect to
24 the purchase, at fair market value, of the Property.

1 (e) SURVEY.—The exact acreage and legal descrip-
2 tion of the Property shall be determined by a survey satis-
3 factory to the Secretary.

4 (f) CONDITION; QUITCLAIM DEED.—If the Property
5 is conveyed under subsection (b)(1), the Property shall be
6 conveyed—

7 (1) in an “as is, where is” condition; and

8 (2) via a quitclaim deed.

9 (g) FAIR MARKET VALUE.—

10 (1) IN GENERAL.—The fair market value of the
11 Property shall be—

12 (A) determined by an appraisal that—

13 (i) is conducted by an independent ap-
14 praiser selected by the Secretary; and

15 (ii) meets the requirements of para-
16 graph (2); and

17 (B) adjusted, at the Secretary’s discretion,
18 based on the factors described in paragraph (3).

19 (2) APPRAISAL REQUIREMENTS.—An appraisal
20 conducted under paragraph (1)(A) shall be con-
21 ducted in accordance with nationally recognized ap-
22 praisal standards, including the Uniform Standards
23 of Professional Appraisal Practice.

24 (3) FACTORS.—The factors described in this
25 paragraph are—

1 (A) matters of equity and fairness;

2 (B) actions taken by the City regarding
3 the Property, if the City exercises the right of
4 first refusal under subsection (d), including—

5 (i) comprehensive waterfront plan-
6 ning, site development, and other redevelop-
7 ment activities supported by the City in
8 proximity to the Property in furtherance of
9 the Master Plan;

10 (ii) in-kind contributions made to fa-
11 cilitate and support use of the Property by
12 governmental agencies; and

13 (iii) any maintenance expenses, capital
14 improvement, or emergency expenditures
15 made necessary to ensure public safety and
16 access to and from the Property; and

17 (C) such other factors as the Secretary
18 considers appropriate.

19 (h) COSTS OF CONVEYANCE.—If the City exercises
20 the right of first refusal under subsection (d), all reason-
21 able and necessary costs, including real estate transaction
22 and environmental documentation costs, associated with
23 the conveyance of the Property to the City under this sec-
24 tion may be shared equitably by the Secretary and the
25 City, as determined by the Secretary, including with the

1 City providing in-kind contributions for any or all of such
2 costs.

3 (i) PROCEEDS.—Any proceeds from a conveyance of
4 the Property under subsection (b)(1) shall—

5 (1) be credited as discretionary offsetting collec-
6 tions to the applicable appropriations accounts or
7 funds of the National Oceanic and Atmospheric Ad-
8 ministration that exists as of the date of enactment
9 of this Act; and

10 (2) be used to cover costs associated with the
11 conveyance of the Property, related relocation ef-
12 forts, and other facility and infrastructure projects
13 in Alaska and shall be made available for such pur-
14 poses only to the extent and in the amounts provided
15 in advance in appropriations Acts.

16 (j) MEMORANDUM OF AGREEMENT.—If the City ex-
17 ercises the right of first refusal under subsection (d), be-
18 fore finalizing a conveyance to the City under this section,
19 the Secretary and the City shall enter into a memorandum
20 of agreement to establish the terms under which the Sec-
21 retary shall have future access to, and use of, the Property
22 to accommodate the reasonable expectations of the Sec-
23 retary for future operational and logistical needs in south-
24 east Alaska.

1 (k) RESERVATION OR EASEMENT FOR ACCESS AND
2 USE.—The conveyance authorized under subsection (b)(1)
3 shall be subject to a reservation providing, or an easement
4 granting, the Secretary, at no cost to the United States,
5 a right to access and use the Property that—

6 (1) is compatible with the Master Plan; and

7 (2) authorizes future operational access and use
8 by other Federal, State, and local government agen-
9 cies that have customarily used the Property.

10 (l) LIABILITY.—In the event that the Property is con-
11 veyed to the City of Juneau the following shall apply:

12 (1) AFTER CONVEYANCE.—An individual or en-
13 tity to which a conveyance is made under this sec-
14 tion shall hold the United States harmless from any
15 liability with respect to activities carried out on or
16 after the date and time of the conveyance of the
17 Property.

18 (2) BEFORE CONVEYANCE.—The United States
19 shall remain responsible for any liability the United
20 States incurred with respect to activities carried out
21 by the United States on the Property before the date
22 and time of the conveyance of the Property.

23 (m) ADDITIONAL TERMS AND CONDITIONS.—The
24 Secretary may require such additional terms and condi-
25 tions in connection with a conveyance under this section

1 as the Secretary considers appropriate and reasonable to
2 protect the interests of the United States.

3 (n) ENVIRONMENTAL COMPLIANCE.—Nothing in this
4 section shall be construed to affect or limit the application
5 of or obligation to comply with any applicable environ-
6 mental law, including—

7 (1) the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.); or

9 (2) section 120(h) of the Comprehensive Envi-
10 ronmental Response, Compensation, and Liability
11 Act of 1980 (42 U.S.C. 9620(h)).

12 (o) CONVEYANCE NOT A MAJOR FEDERAL AC-
13 TION.—A conveyance under this section shall not be con-
14 sidered a major Federal action for purposes of section
15 102(2) of the National Environmental Policy Act of 1969
16 (42 U.S.C. 4332(2)).

17 **TITLE CXVIII—TECHNICAL, CON-**
18 **FORMING, AND CLARIFYING**
19 **AMENDMENTS**

20 **SEC. 11801. TERMS AND VACANCIES.**

21 (a) IN GENERAL.—Section 46101(b) of title 46,
22 United States Code, is amended by—

23 (1) in paragraph (2)—

24 (A) by striking “one year” and inserting
25 “2 years”; and

1 (B) by striking “2 terms” and inserting “3
2 terms”; and

3 (2) in paragraph (3)—

4 (A) by striking “of the individual being
5 succeeded” and inserting “to which such indi-
6 vidual is appointed”;

7 (B) by striking “2 terms” and inserting “3
8 terms”; and

9 (C) by striking “the predecessor of that”
10 and inserting “such”.

11 (b) **APPLICABILITY.**—The amendments made by this
12 section shall not apply to Commissioners to whom section
13 403(b) of the Howard Coble Coast Guard and Maritime
14 Transportation Act of 2014 (Public Law 113–281) ap-
15 plies.

16 **SEC. 11802. PASSENGER VESSEL SECURITY AND SAFETY RE-**
17 **QUIREMENTS.**

18 Section 3507(k)(1) of title 46, United States Code,
19 is amended—

20 (1) in subparagraph (A) by striking “at least
21 250” and inserting “250 or more”; and

22 (2) by striking subparagraph (B) and inserting
23 the following:

24 “(B) has overnight accommodations for
25 250 or more passengers; and”.

1 **SEC. 11803. TECHNICAL CORRECTIONS.**

2 (a) Section 319(b) of title 14, United States Code,
3 is amended by striking “section 331 of the FAA Mod-
4 ernization and Reform Act of 2012 (49 U.S.C. 40101
5 note)” and inserting “section 44801 of title 49”.

6 (b) Section 1156(c) of title 14, United States Code,
7 is amended by striking “section 331 of the FAA Mod-
8 ernization and Reform Act of 2012 (49 U.S.C. 40101
9 note)” and inserting “section 44801 of title 49”.

10 **SEC. 11804. TRANSPORTATION WORKER IDENTIFICATION**
11 **CREDENTIAL TECHNICAL AMENDMENTS.**

12 (a) IN GENERAL.—Section 70105 of title 46, United
13 States Code, is amended—

14 (1) in the section heading by striking “**secu-**
15 **riety cards**” and inserting “**worker identifica-**
16 **tion credentials**”;

17 (2) by striking “transportation security card”
18 each place it appears and inserting “transportation
19 worker identification credential”;

20 (3) by striking “transportation security cards”
21 each place it appears and inserting “transportation
22 worker identification credentials”;

23 (4) by striking “card” each place it appears
24 and inserting “credential”;

25 (5) in the heading for subsection (b) by striking
26 “CARDS” and inserting “CREDENTIALS”;

1 (6) in subsection (g) by striking “Assistant Sec-
2 retary of Homeland Security for” and inserting “Ad-
3 ministrator of”;

4 (7) by striking subsection (i) and redesignating
5 subsections (j) and (k) as subsections (i) and (j), re-
6 spectively;

7 (8) by striking subsection (l) and redesignating
8 subsections (m) through (q) as subsections (k)
9 through (o), respectively;

10 (9) in subsection (j), as so redesignated—

11 (A) in the subsection heading by striking
12 “SECURITY CARD” and inserting “WORKER
13 IDENTIFICATION CREDENTIAL”; and

14 (B) in the heading for paragraph (2) by
15 striking “SECURITY CARDS” and inserting
16 “WORKER IDENTIFICATION CREDENTIAL”;

17 (10) in subsection (k)(1), as so redesignated, by
18 striking “subsection (k)(3)” and inserting “sub-
19 section (j)(3)”;

20 (11) by striking paragraph (4) of subsection
21 (k), as so redesignated; and

22 (12) in subsection (o), as so redesignated—

23 (A) in the subsection heading by striking
24 “SECURITY CARD” and inserting “WORKER
25 IDENTIFICATION CREDENTIAL”;

- 1 (B) in paragraph (1)—
2 (i) by striking “subsection (k)(3)” and
3 inserting “subsection (j)(3)”; and
4 (ii) by striking “This plan shall” and
5 inserting “Such receipt and activation
6 shall”; and
7 (C) in paragraph (2) by striking “on-site
8 activation capability” and inserting “on-site re-
9 ceipt and activation of transportation worker
10 identification credentials”.

11 (b) CLERICAL AMENDMENT.—The analysis for chap-
12 ter 701 of title 46, United States Code, is amended by
13 striking the item related to section 70105 and inserting
14 the following:

“70105. Transportation worker identification credentials.”.

15 (c) LIMITATION ON IMPLEMENTATION.—The Sec-
16 retary may not implement the rule entitled “Transpor-
17 tation Worker Identification Credential (TWIC)—Reader
18 Requirements” (81 Fed. Reg. 57651) for covered facilities
19 before May 8, 2026.

20 (d) COVERED FACILITIES DEFINED.—In this section,
21 the term “covered facilities” means—

- 22 (1) facilities that handle Certain Dangerous
23 Cargoes in bulk and transfer such cargoes from or
24 to a vessel;

1 (2) facilities that handle Certain Dangerous
2 Cargoes in bulk, but do not transfer it from or to
3 a vessel; and

4 (3) facilities that receive vessels carrying Cer-
5 tain Dangerous Cargoes in bulk but, during the ves-
6 sel-to-facility interface, do not transfer it from or to
7 the vessel.

8 **SEC. 11805. REINSTATEMENT.**

9 (a) REINSTATEMENT.—The text of section 12(a) of
10 the Act of June 21, 1940 (33 U.S.C. 522(a)), popularly
11 known as the “Truman-Hobbs Act”, is—

12 (1) reinstated as it appeared on the day before
13 the date of the enactment of section 8507(b) of the
14 William M. (Mac) Thornberry National Defense Au-
15 thorization Act for Fiscal Year 2021 (Public Law
16 116–283; 134 Stat. 4754); and

17 (2) redesignated as the sole text of section 12
18 of the Act of June 21, 1940 (33 U.S.C. 522).

19 (b) EFFECTIVE DATE.—The provision reinstated
20 under subsection (a) shall be treated as if such section
21 8507(b) had never taken effect.

22 (c) CONFORMING AMENDMENT.—The provision rein-
23 stated under subsection (a) is amended by striking “, ex-
24 cept to the extent provided in this section”.

1 **SEC. 11806. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation for this
6 Act”, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

10 **SEC. 11807. TECHNICAL AMENDMENT.**

11 (a) IN GENERAL.—Section 6304 of title 46, United
12 States Code, is amended—

13 (1) by striking “subpena” and inserting “sub-
14 poena” each place it appears; and

15 (2) in subsection (d) by striking “subpenas”
16 and inserting “subpoenas”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 63 of title 46, United States Code, is amended by
19 striking the item relating to section 6304 and inserting
20 the following:

“6304. Subpoena authority.”.

21 **SEC. 11808. LIGHTHOUSE SERVICE AMENDMENTS.**

22 (a) REPEALS.—The following provisions are repealed:

23 (1) Sections 1, 2, and 3 of the Act of March
24 6, 1896 (33 U.S.C. 474).

1 (2) Section 4 of the Act of June 17, 1910 (33
2 U.S.C. 711; 721).

3 (3) The first sentence of section 2 of the Act
4 of July 27, 1912 (33 U.S.C. 712).

5 (4) Section 10 of the Act of June 17, 1910 (33
6 U.S.C. 713).

7 (5) Section 6 of the Act of June 17, 1910 (33
8 U.S.C. 714).

9 (6) Section 5 of the Act of June 17, 1910 (33
10 U.S.C. 715).

11 (7) Section 4679 of the Revised Statutes.

12 (8) Section 4 of the Act of May 14, 1908 (33
13 U.S.C. 737).

14 (9) The first sentence of the sixteenth para-
15 graph of the section entitled “Coast Guard” under
16 the heading “Treasury Department” of the Act of
17 June 5, 1920 (33 U.S.C. 738).

18 (10) Section 7 of the Act of June 20, 1918 (33
19 U.S.C. 744).

20 (11) Section 2 of the Act of May 13, 1938 (33
21 U.S.C. 748a).

22 (12) The Act of June 15, 1938 (33 U.S.C.
23 752b).

24 (13) The last proviso of the second paragraph
25 of the section entitled “Lighthouse Service” under

1 the heading “Department of Commerce” of the Act
2 of November 4, 1918 (33 U.S.C. 763).

3 (14) Section 7 of the Act of June 6, 1940 (33
4 U.S.C. 763a–2).

5 (15) The last paragraph of the section entitled
6 “Lighthouse Service” under the heading “Depart-
7 ment of Commerce” of the Act of March 4, 1921
8 (33 U.S.C. 764).

9 (16) Sections 1 and 2 of the Act of March 4,
10 1925 (33 U.S.C. 765; 766).

11 (17) Section 5 of the Act of August 19, 1950
12 (33 U.S.C. 775).

13 (18) Subchapter III of chapter 25 of title 14,
14 United States Code, and the items relating to such
15 subchapter in the analysis for chapter 25 of such
16 title.

17 (b) OPERATION OF REPEALS.—The repeals under
18 paragraphs (5) and (6) of subsection (a) shall not affect
19 the operation of section 103 of title 14, United States
20 Code.

21 (c) TRANSFER.—Chapter 313 of the Act of Sep-
22 tember 15, 1922 is transferred to appear at the end of
23 subchapter III of chapter 5 of title 14, United States
24 Code, redesignated as section 548 of such title, and
25 amended—

1 (1) by striking “That hereafter the Commis-
2 sioner of Lighthouses” and insert “The Com-
3 mandant of the Coast Guard”; and

4 (2) by striking “Lighthouse Service” and in-
5 serting “Coast Guard”.

